

Sec. 2. NEW SECTION. 904A.4C VICE CHAIRPERSON OF THE BOARD OF PAROLE.

The vice chairperson of the board of parole shall be appointed from the membership of the board of parole by the governor. The vice chairperson shall serve at the pleasure of the governor and shall have such responsibilities and duties as are determined by the chairperson. The vice chairperson shall act as the chairperson in the absence or disability of the chairperson or in the event of a vacancy in that office, until such time as a new chairperson is appointed by the governor.

Sec. 3. Section 904A.6, Code 1999, is amended to read as follows:

904A.6 SALARIES AND EXPENSES.

Each member, except the chairperson and the vice chairperson, of the board shall be paid per diem as determined by the general assembly. The chairperson and vice chairperson of the board shall be paid a salary as determined by the general assembly. Each member of the board and all employees are entitled to receive, in addition to their per diem or salary, their necessary maintenance and travel expenses while engaged in official business.

Sec. 4. 1998 Iowa Acts, chapter 1197, section 13, is amended to read as follows:

SEC. 13. EFFECTIVE DATES — REPEALS.

1. This division and Division I of this Act, being deemed of immediate importance, take effect upon enactment.

2. Division I of this Act is repealed June 30, ~~2000~~ 2002.

3. Division II of this Act takes effect July 1, ~~2000~~ 2002.

Sec. 5. EFFECTIVE DATE. This Act, being deemed of immediate importance, takes effect upon enactment.

Approved May 9, 2000

CHAPTER 1178

PURCHASE OR CONDEMNATION OF PROPERTY BY UTILITIES

S.F. 2327

AN ACT relating to certain procedures for the purchase or condemnation of interest in private property by a utility subject to the jurisdiction of the Iowa utilities board.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 6B.2A, subsection 3, as enacted by 2000 Iowa Acts, House File 2528,¹ section 3, is amended to read as follows:

3. If the acquiring agency is a person required to obtain a franchise under chapter 478, compliance with section 478.2 shall satisfy the ~~notice~~ requirements of this section. If the acquiring agency is a person required to obtain a permit under chapter 479, compliance with section 479.5 shall satisfy the ~~notice~~ requirements of this section.

Approved May 10, 2000

¹ Chapter 1179 herein

CHAPTER 1179

CONDEMNATION OF PROPERTY — MISCELLANEOUS PROVISIONS

H.F. 2528

AN ACT relating to the condemnation of private property for certain public purposes and providing an effective date.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 6B.1, Code 1999, is amended to read as follows:

6B.1 PROCEDURE PROVIDED.

The procedure for the condemnation of private property for works of internal improvement, and for other public projects, uses and, or purposes, unless and except as otherwise provided by law, shall be in accordance with the provisions of this chapter. This chapter shall not apply to the dedication of property to an acquiring agency or to the voluntary negotiation and purchase of property by an acquiring agency.

Sec. 2. Section 6B.2A, subsection 1, Code Supplement 1999, is amended to read as follows:

1. An acquiring agency shall provide written ~~notification~~ notice of a public hearing to each owner and any contract purchaser of record of ~~private property agricultural land~~ that may be the subject of condemnation. The authority under this chapter is not conferred and condemnation proceedings shall not begin unless a good faith effort is made to serve mail and publish the notice as provided in this section on the owner and any contract purchaser of record of the property subject to condemnation. The notice shall be mailed by ordinary mail, not less than thirty days before the date the hearing is held, to the owner and any contract purchaser of record's record of each property or property interest at the owner's and contract purchaser's last known address no less than thirty days as shown in the records of the county auditor not less than seven days nor more than fourteen days prior to the date of mailing. A change in ownership of any such property which is not reflected in the records of the county auditor during the period those records are searched as above provided shall not affect the validity of the notice or any condemnation proceeding commenced on the basis of such notice. The notice shall be given and the public hearing held before adoption of the ordinance, resolution, motion, or other declaration of intent to ~~proceed with fund the final site-specific design for the public improvement, to make the final selection of the route or site location for the public improvement and the acquisition or condemnation, or to acquire or condemn~~, if necessary, all or a portion of the property or an interest in the property for the public improvement. If the location of the public improvement is changed or expanded after the decision has been made to proceed with the public improvement, a notice shall be mailed by ordinary mail no less than thirty days before the adoption of the ordinance, resolution, motion, or other declaration of intent to proceed with a change in the location of the public improvement to the owner and any contract purchaser of record of the land to be acquired or condemned, if necessary, in the new location of the public improvement affected by the change. ~~The notice shall include the statement of individual rights required under section 6B.2B.~~ The mailed notice shall, at a minimum, include the following information:

a. The general nature of the public improvement.

b. ~~The acquiring agency's intended use of the private property~~ A statement of the possibility that the acquiring agency may acquire part or all of the property or interest in the property by condemnation for the public improvement.

c. ~~The process to be followed by the acquiring agency in making the decision to proceed with the public improvement and the acquisition or condemnation fund the final site-specific design for the public improvement, to make the final selection of the route or site location, or to acquire or condemn~~, if necessary, all or a portion of the property or an interest in the property for public improvement.