

3 amended by striking from each the word "crime" and by inserting  
4 in each section, in lieu of said stricken word, the word "felony".

1 SEC. 2. That there is enacted and the editor of the code is directed  
2 to insert immediately following section eighty-two hundred ninety-  
3 four (8294), code, 1927, the following section:

4 "8294-d1. **Place of imprisonment.** The imprisonment referred to  
5 in the seven preceding sections shall be in the penitentiary or men's  
6 or women's reformatory, as the case may be."

House File No. 212. Approved March 26, 1931.

## CHAPTER 191

### PIPE LINES

AN ACT to provide for the licensing of pipe line companies engaged in the business of owning or operating lines for the transportation or transmission of gas, gasoline, oils, or motor fuels within or through this state; providing a permit fee and an annual occupation tax therefor; providing for the regulation of the construction, location and inspection of pipe lines; providing for the right of eminent domain and regulating the use of such right; providing that the board of railroad commissioners shall have supervision over pipe lines, and providing for the fixing of property security and responsibility by pipe line companies for the protection of persons sustaining damage by them; fixing jurisdiction in the district court of the county where any controversy arises involving said pipe lines, and providing a method of service of notice of suit against pipe line companies; and amending section forty-eight hundred fifty-eight (4858), of the code, 1927, relating to grants for the use of highways by certain pipe lines outside of cities and towns.

*Be it enacted by the General Assembly of the State of Iowa:*

1 SECTION 1. "Pipe line company" insofar as this act is concerned,  
2 shall include and mean any person, firm, co-partnership, association,  
3 corporation or syndicate engaged in or organized for the purpose of  
4 owning pipe lines for the transportation or transmission of gas, gaso-  
5 line, oils or motor fuels within or through this state, or, for the pur-  
6 pose of engaging in the transportation or transmitting of gas, gasoline,  
7 oils or motor fuels in or through pipe lines within or through this  
8 state.

1 SEC. 2. No pipe line company shall construct, maintain or operate  
2 any pipe line or lines outside of cities and towns under, along, over  
3 or across any public highway, grounds, waters or streams of this  
4 state without procuring from the board of railroad commissioners a  
5 permit granting permission so to do.

1 SEC. 3. Any pipe line company authorized to engage in business in  
2 this state before engaging in its said business in this state shall file  
3 with the board of railroad commissioners its verified petition asking  
4 for a permit to construct, maintain and operate its pipe line or lines  
5 along, over or across the public highways, grounds, waters and  
6 streams of this state or the lands of any person, company, or corpora-  
7 tion and to acquire the necessary interests in real estate for such  
8 purposes.

1 SEC. 4. Said petition shall state:

2 (a) The name of the individual, firm, corporation, company or  
3 association asking for said permit.

- 4 (b) The applicant's principal office and place of business.  
5 (c) The route of said proposed line or lines, together with a map  
6 thereof.  
7 (d) A general description of the public highways, grounds and  
8 waters and private lands along, over or across which said proposed  
9 line or lines will pass.  
10 (e) The specifications and manner of construction of said line or  
11 lines.  
12 (f) The maximum capacity of said line or lines.  
13 (g) The maximum pressure under which it is proposed to trans-  
14 port gas in said line or lines.

1 SEC. 5. Upon the filing of said petition the board of railroad com-  
2 missioners shall fix a date for hearing thereon and shall cause notice  
3 thereof to be published in some newspaper of general circulation in  
4 each county through which said proposed line or lines will extend;  
5 said notice to be published for two (2) consecutive weeks. Said hear-  
6 ing shall be not less than ten (10) days nor more than thirty (30)  
7 days from the date of the last publication and shall be held in the  
8 office of said board of railroad commissioners.

1 SEC. 6. Any person, corporation, company, city or town whose  
2 rights or interests may be affected by said pipe line or lines may file  
3 written objections to said proposed pipe line or lines or to the granting  
4 of said permit but all such objections shall be on file in the office of  
5 said board of railroad commissioners not less than five (5) days be-  
6 fore the date of hearing on said application but said board of railroad  
7 commissioners may permit the filing of said objections later than  
8 five (5) days before said hearing, in which event the applicant must  
9 be granted a reasonable time to meet said objections. The said board  
10 of railroad commissioners may examine the proposed route of said  
11 pipe line or lines or may cause such examination to be made by an  
12 engineer selected by it. At said hearing the said board of railroad  
13 commissioners shall consider said petition and any objections filed  
14 thereto and may in its discretion hear such testimony as may aid it  
15 in determining the propriety of granting such permit. It may grant  
16 such permit in whole or in part upon such terms, conditions and re-  
17 strictions as to location and route as may be determined by it to be  
18 just and proper. Applicant shall pay all costs and expenses of said  
19 proceeding including the cost of publishing notice of hearing on said  
20 application, and upon the granting of said permit the said applicant  
21 shall pay to said board of railroad commissioners a permit fee of \$1.00  
22 per mile, or any fraction thereof, for each inch of diameter of such  
23 pipe line located in the state of Iowa at the time said permit is granted  
24 and a like sum for any pipe lines thereafter constructed under permit  
25 and by authority of said board of railroad commissioners under the  
26 provisions of this act. And every such pipe line company shall for  
27 the privilege and right to use or cross any of the public properties  
28 referred to in this act, and for the right to operate in the state of  
29 Iowa, pay an annual license fee in the sum of fifty cents per mile of  
30 pipe line or fraction thereof, for each inch of diameter of such pipe  
31 line located in the state of Iowa, said license fee to be paid for the  
32 calendar year in advance and before January first of that year, to

33 the board of railroad commissioners. Said fee, when collected, shall  
34 be paid by said board of railroad commissioners to the state treasurer  
35 for the use and benefit of the general fund of the state. The said  
36 board of railroad commissioners shall have full authority and power  
37 to promulgate such rules and regulations as it deems proper and ex-  
38 pedient to insure the orderly conduct of the hearings herein provided  
39 for.

1 SEC. 7. The said board of railroad commissioners shall cause to be  
2 prepared a uniform blank form of permit which shall provide a space  
3 for a general description of the improvement authorized thereby, the  
4 name and address of the pipe line company to whom said permit is  
5 granted and the terms and conditions upon which it is granted. Said  
6 permit shall be signed by the chairman of the board of railroad com-  
7 missioners and the official seal of said board shall be attached thereto.

1 SEC. 8. No exclusive right shall ever be granted to any pipe line  
2 company to construct, maintain and operate its pipe line or lines along  
3 over or across any public highway, grounds or waters and no such  
4 permit shall ever be granted for a longer period than twenty-five (25)  
5 years.

1 SEC. 9. When any such pipe line or lines are sold, either voluntarily  
2 or by judicial sale, such transfer shall carry with it the permit under  
3 which it is owned, maintained or operated. If a transfer of such per-  
4 mit is made before the improvement for which it was issued is con-  
5 structed in whole or in part such transfer shall not be effective until  
6 the person, company or corporation to whom it was issued shall file  
7 in the office of said board of railroad commissioners a notice in writ-  
8 ing stating the date of such transfer and the name and address of  
9 said transferee.

1 SEC. 10. The board of railroad commissioners shall keep a record  
2 of all permits granted and issued by it, showing when and to whom  
3 issued with a general statement of the location and route of said pipe  
4 line or lines covered thereby. When any transfer of such permit has  
5 been made as provided in this chapter the said board shall also note  
6 upon its record the date of such transfer and the name and address  
7 of such transferee.

1 SEC. 11. Any pipe line company obtaining a permit as in this act  
2 provided or operating under one shall be conclusively presumed to  
3 have accepted the provisions thereof and all laws relating to the regu-  
4 lation, supervision or control thereof which are now in force or which  
5 may hereafter be enacted and to have consented to such reasonable  
6 regulation as said commission may from time to time prescribe. And  
7 any pipe line company accepting and operating under such permit or  
8 franchise shall be deemed to have thereby consented that the state  
9 of Iowa may levy and impose such general property taxes and/or  
10 taxes on gross receipts and/or taxes on net income as the general as-  
11 sembly may hereafter prescribe.

1 SEC. 12. Any pipe line company owning a permit granted under this  
2 act desiring to acquire an extension of such permit may petition the

3 board in the same manner provided for the granting of such permit  
4 and the same proceeding shall be had as on an original application.

1 SEC. 13. Any pipe line company having secured a permit as in this  
2 act provided shall thereupon be vested with the right of eminent do-  
3 main to such extent as may be necessary and as prescribed and ap-  
4 proved by said board of railroad commissioners, not exceeding seventy-  
5 five (75) feet in width for right-of-way and not exceeding one (1)  
6 acre in any one location in addition to right-of-way for the location  
7 of pumps, pressure apparatus or other stations or equipment neces-  
8 sary to the proper operation of its said pipe line or lines. If agree-  
9 ment cannot be made with the private owner of lands as to damages  
10 caused by the construction of said pipe line the same proceedings shall  
11 be taken as provided for taking private property for works of internal  
12 improvement. Provided, however, that nothing in this act shall au-  
13 thoriize the construction of a pipe line longitudinally on, over or under  
14 any public highway or railroad right-of-way without the consent of  
15 the public authority having control and supervision over the public  
16 highway or the railway company's consent, as the case may be, nor  
17 shall any provision of this act authorize or give the right of condem-  
18 nation or eminent domain for any such purposes.

1 SEC. 14. Pipe line companies operating pipe lines shall have reason-  
2 able access to the same for the purpose of constructing, reconstruct-  
3 ing, enlarging, repairing or locating its pipes, pumps, pressure ap-  
4 paratus or other stations, devices or equipment used in or upon such  
5 line but shall pay to the owner of such lands for the right of entry  
6 thereon and the owner of crops thereon all damages caused by enter-  
7 ing, using or occupying said lands for said purposes; and shall pay to  
8 the owner or owners of such lands all damages caused after the comple-  
9 tion of construction of said pipe line on account of wash or erosion  
10 of the soil at or along the location of said pipe line by reason of the  
11 construction thereof upon said lands on account of the settling of the  
12 soil along and above said pipe line, provided however that nothing  
13 herein contained shall prevent the execution of an agreement between  
14 the pipe line company and the owner of said land or crops with refer-  
15 ence to the use thereof. Before any permit is granted under the pro-  
16 visions of this act the applicant must satisfy the board of railroad  
17 commissioners that the applicant has or will have within a reasonable  
18 time, property within this state other than pipe lines, subject to exe-  
19 cution of a value in excess of \$50,000.00, or said applicant must file  
20 and maintain with said board a surety bond in the penal sum of \$50,-  
21 000.00 with surety approved by the board, conditioned that said ap-  
22 plicant will pay any and all damages legally recovered against it grow-  
23 ing out of the operation of its said pipe line in the state of Iowa. Pro-  
24 vided, however, when such pipe line company deposits with said board  
25 of railroad commissioners security satisfactory to said board as a  
26 guaranty for the payment of said damages, or furnishes to said board  
27 satisfactory proofs of its solvency and financial ability to pay said  
28 damages, the said pipe line company shall be relieved of the said pro-  
29 visions requiring bond. And in all cases arising under this act, the  
30 district court of any county, through which said pipe line company is  
31 located, shall have jurisdiction; and service of original notice on the

32 pipe line company therein shall be had and made upon the chairman  
33 of the board of railroad commissioners.

1 SEC. 15. The board of railroad commissioners shall have general  
2 supervision of all pipe lines in the state and shall from time to time  
3 inspect and examine into the condition of said pipe lines and whenever  
4 said board shall determine that any pipe line or any apparatus, device  
5 or equipment used in connection therewith is unsafe and dangerous it  
6 shall immediately in writing notify said pipe line company operating  
7 said pipe line, device, apparatus or other equipment to repair or re-  
8 place any defective or unsafe part or portion of said pipe line, device,  
9 apparatus or equipment. If said pipe line company fails to obey said  
10 order within a time prescribed by said board the said board may com-  
11 mence an equitable action in the district court of the county where  
12 said defective, unsafe or dangerous portion of said pipe line, device,  
13 apparatus or equipment is located to compel compliance with its said  
14 order. If, after due trial of said action the court finds that said order  
15 is reasonable, equitable and just, it shall decree a mandatory injunc-  
16 tion compelling obedience to and compliance with said order and may  
17 grant such other relief as may be just and proper. Appeal from said  
18 decree may be taken in the same manner as in other actions.

1 SEC. 16. No pipe line shall be constructed except by agreement  
2 within two hundred (200) feet of any dwelling house or other build-  
3 ing except where said pipe line passes along a public highway or is  
4 located alongside or parallel with the right-of-way of any railway  
5 company.

1 SEC. 17. That the law as it appears in section forty-eight hundred  
2 fifty-eight (4858) of the code, 1927, be and the same is hereby amend-  
3 ed by striking the period (.) at the end of line six (6) thereof, and  
4 by inserting at the end of said line six (6) the following:  
5 "to local municipal distributing plants or companies, but not to  
6 pipe line companies. This section shall not apply to or include pipe  
7 line companies required to obtain a license from the state board of  
8 railroad commissioners."

1 SEC. 18. This act being deemed of immediate importance shall be  
2 in full force and effect from and after its publication in the What  
3 Cheer Patriot, a newspaper published at What Cheer, Iowa, and in the  
4 Monroe Mirror, a newspaper published at Monroe, Iowa.

Senate File No. 264. Approved April 30, 1931.

I hereby certify that the foregoing act was published in the What Cheer Patriot  
May 7, 1931, and in the Monroe Mirror May 7, 1931.

G. C. GREENWALT, *Secretary of State.*