

- 3 Argus-Herald, a newspaper published at Sidney, Iowa, and in the
4 Glenwood Opinion-Tribune, a newspaper published at Glenwood, Iowa.

Approved April 30, 1947.

I hereby certify that the foregoing act was published in the Sidney Argus-Herald, May 8, 1947, and the Glenwood Opinion-Tribune, May 8, 1947.

ROLLO H. BERGESON, *Secretary of State.*

CHAPTER 246

HYDROELECTRIC PLANTS

H. F. 532

AN ACT relating to hydro-electric generating plants or projects and making it unlawful for any person, firm, association or corporation to engage in the business of constructing, maintaining or operating a hydro-electric generating plant or system within the state of Iowa without first having obtained from the executive council of the state a certificate of convenience and necessity therefor, and providing the procedure for the obtaining and the issuance of such a certificate, and penalties for violations.

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

1 SECTION 1. It shall be unlawful for any person, firm, association
2 or corporation to engage in the business of constructing, maintaining
3 or operating within this State any hydro-electric generating plant
4 or project without first having obtained from the Executive Council
5 of Iowa a certificate of convenience and necessity declaring that
6 the public convenience and necessity require such construction, main-
7 tenance or operation.

1 SEC. 2. No certificate of convenience and necessity shall be issued
2 by the Executive Council except after a public hearing thereon. The
3 Executive Council shall, upon the filing of an application for such
4 a certificate, fix the time of the public hearing thereon and shall
5 prescribe the notice which shall be given by the Applicant. Any
6 interested person, firm, association, corporation, municipality, State
7 Board or Commission may intervene and participate in such proceeding
8 and at such hearing.

1 SEC. 3. Before the Executive Council shall issue a certificate
2 of convenience and necessity, it shall first be satisfied that the public
3 convenience and necessity will be promoted thereby, that the applicant
4 has the financial ability to carry out the terms and conditions imposed,
5 and the applicant has in writing agreed to accept, abide by and comply
6 with such reasonable terms and conditions as the Executive Council
7 may require and impose.

1 SEC. 4. The Executive Council shall prescribe such rules and
2 regulations as it may determine necessary for the administration
3 of the provisions of this act and may amend such regulations at any
4 time.

1 SEC. 5. The Executive Council shall, upon the filing of an applica-
2 tion, require the applicant to deposit with the Secretary of the Execu-
3 tive Council such amount as the Council shall determine, to pay the

4 expenses to be incurred by the Executive Council in its investigations
5 and in conducting the proceedings, and the Executive Council may,
6 from time to time as it deems necessary, require the deposit of addi-
7 tional amounts for such purpose.

1 SEC. 6. The Executive Council may at any time for just cause or
2 upon the failure of the applicant to comply with and to obey the
3 terms and conditions attached to the issuance of any certificate, or
4 when the public convenience and necessity demands, alter, amend
5 or revoke any certificate issued under the provisions of this act.

1 SEC. 7. Any person, firm, association or corporation who shall
2 violate the provisions of section one (1) hereof, shall be guilty of a
3 misdemeanor and upon conviction shall be punished by a fine of not
4 less than one hundred dollars nor more than one thousand dollars,
5 or shall be imprisoned in the County Jail for not less than thirty days
6 nor more than six months, or by both such fine and imprisonment.
7 Each separate day that a violation occurs shall constitute a separate
8 offense.

1 SEC. 8. Any person, firm, association, corporation or municipality
2 which now has already constructed and is now maintaining or oper-
3 ating any such hydro-electric generating plant or project shall, within
4 six months from the effective date of this act, file with the Executive
5 Council an application for a certificate of convenience and necessity
6 to maintain and operate such plant or project. The Executive Council
7 shall thereupon issue to such applicant a certificate of convenience
8 and necessity under the provisions of this act subject to such terms
9 and conditions as in the judgment of the Executive Council the public
10 convenience and necessity require.

1 SEC. 9. If any part of this act shall for any reason be declared
2 invalid, it shall not affect or invalidate any of the other provisions
3 thereof.

1 SEC. 10. This act being deemed of immediate importance shall
2 be in full force and effect after its passage and publication in the
3 Ocheyedan Press, a newspaper published at Ocheyedan, Iowa, and
4 the Lockridge Times, a newspaper published at Lockridge, Iowa.

Approved April 23, 1947.

I hereby certify that the foregoing act was published in the Ocheyedan Press, May 1,
1947, and the Lockridge Times, May 1, 1947.

ROLLO H. BERGESON, *Secretary of State.*