

Senate Re-referred S 7178 to Public Utilities 3/26

February 5, 1953.
Passed on File.

Senate File 178
By PUBLIC UTILITIES COMMITTEE.

Passed Senate, Date.....
Vote: Ayes..... Nays.....
Passed House, Date.....
Vote: Ayes..... Nays.....
Approved

A BILL FOR

An Act to provide for the creation in the state of Iowa of the Iowa Public Service Commission; to define public utilities and provide for the regulation thereof; to provide for the appointment or election of members of such public service commission; to provide for the organization of such commission by its members and the appointment of employees thereof; to define the power, duties, and jurisdiction of such commission; to include in said jurisdiction full regulatory authority over all public utilities both publicly and privately owned; to provide for operation of public utilities generally under indeterminate permits rather than under term franchises authorized by local ordinances or elections; to prescribe the procedure of the commission; to provide for enforcement and appeal from orders of such public service commission; to fix and prescribe penalties for the violation of any of the provisions of this Act; to provide for the transfer to the Iowa public service commission of all proceedings pending before the Iowa state commerce commission; to abolish the Iowa state commerce commission; to abolish the office of commerce counsel and to create the office of Iowa public service commission general counsel; to transfer authority pertaining to constructing, maintaining, and operating hydroelectric plants from the executive council of the state of Iowa to the Iowa public service commission; to provide for the filing of rate schedules with the commission and to enforce adherence to such schedules; to prohibit discrimination, preference, or advantage in the rendering of public utility service; to provide for regulation of all public utilities, rates, and services by the Iowa public service commission; to provide a method of effecting changes in rates or the establishment of a sliding scale of rates for public utility service under the supervision of the commission; to provide for the connection and consolidation of public utility properties, facilities,

and services; to provide for exercise of the power of eminent domain by public utility operators; to exclude the provisions of this Act from application to commerce with foreign nations or to interstate commerce; to provide for regulation by the Iowa public service commission of the issuance of stocks, bonds, and other securities and evidences of indebtedness by all public utilities; to provide for court reviews of commission orders in relation to the same; to provide penalties for failures to comply with the laws or commission orders concerning issuance of said securities; to provide authority for the public service commission to assess costs to all utilities which are parties to proceedings before it not to exceed four-fifths of one per cent of their respective gross revenues and to assess all utilities for its support funds in amounts not exceeding one-fifth of one per cent of their respective gross revenues; to declare the legislative intent that all parts of this Act be constitutional exclusive of those parts of the Act which may hereafter be held to be unconstitutional; and to repeal all laws or parts of laws which are inconsistent with the provisions of this Act, or to amend such laws or parts of laws to make them consistent with the provisions of this Act.

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

1 Section 1. Short title. This Act shall be known and may
2 be cited as the "Iowa Public Service Commission Act."

1 Sec. 2. Definitions. 1. The terms "corporation" and
2 "public service corporation," when used in this Act, include
3 private corporations, municipal corporations, all federal and
4 state agencies, co-operative corporations or associations, joint
5 stock associations, and business trusts.

6 2. The term "person," when used in this Act, includes a
7 natural person, a partnership, two or more persons having a
8 joint or common interest, and all corporations as hereinbefore
9 defined.

10 3. The term "municipality," when used in this Act, includes

11 a city, a county, a town, a lighting district, and any other
12 public corporation or association existing, or created, or
13 organized as a governmental unit under the constitution or laws
14 of the state or of the United States.

15 4. The term "public utility," when used in this Act, includes
16 persons and corporations, or their lessees, trustees, and re-
17 ceivers, and any agency of government, federal or state, or its
18 lessees now or hereafter owning or operating in this state for
19 public patronage or use any equipment or facilities for:

20 a. Producing, generating, transmitting, delivering, or
21 furnishing any and all varieties or forms of commercial gas,
22 electricity, steam, or any other agency for the production of
23 light, heat, or power.

24 b. Diverting, development, pumping, impounding, distrib-
25 uting, or furnishing water or electric power produced by the
26 use of water power.

27 c. Transporting persons or property by any type of carrier
28 designated in section four hundred seventy-nine point one (479.1),
29 Code of Iowa, or by street or interurban railways.

30 d. Transporting persons or property by motor vehicles.

31 e. Transporting or conveying gas, crude oil, or other
32 fluid substance by pipe line.

33 f. Conveying or transmitting messages or communications
34 by telephone or telegraph.

35 g. The term "public utility" shall include, in addition
36 to those persons defined in subsections one (1) to four (4)

37 hereof, any person producing, generating, furnishing, or offering
38 any of the foregoing services to the public generally, to members
39 of any co-operative, corporation, or association, or to any other
40 persons in such manner as to compete in any sense with any other
41 public utility.

42 The term "public utility" shall not include any person not
43 otherwise a public utility who furnishes the services or
44 commodity only to himself, his employees, or tenants at the
45 same rates paid for such service when such service or commodity
46 is not resold to or used by others. No public utility shall be
47 required to furnish any service to any person for resale. The
48 business of any public utility other than of the character
49 defined in paragraphs (a) to (g) inclusive, of subsection
50 four (4) of this section is not subject to the provisions of
51 this Act.

52 5. The term "rate", when used in this Act, means and
53 includes every compensation, charge, fare, toll, tariff, rental,
54 and classification, or any of them, demanded, observed, charged,
55 or collected by any public utility for any service, product, or
56 commodity offered by it to the public, and by any rules, regula-
57 tions, practices, or contracts affecting any such compensation,
58 charge, fare, toll, tariff, rental, or classification.

59 6. The word "commission," when used in this Act, shall
60 refer to the Iowa public service commission unless otherwise
61 indicated.

62 7. The word "securities" shall mean and include stock or

63 other evidence of ownership or interest in a public utility
64 issued by such utility and evidences of indebtedness issued or
65 assumed by a public utility whether in the form of bonds, notes,
66 debentures, or other obligations issued by such utility but shall
67 not include any short term evidence of indebtedness payable upon
68 demand if actually and fully paid within nine (9) months or
69 falling due by its terms one (1) year or less after its date
70 and bearing date not later than the date of sale or issue,
71 whichever is later, whether or not such obligation shall refund
72 another obligation, provided the public utility issuing the same
73 shall not have a unilateral right to extend or refund such
74 obligation.

1 Sec. 3. Section four hundred seventy-four point one (474.1),
2 Code 1950, is repealed and the following is substituted in
3 lieu thereof: "Eligibility of commissioners and secretary. No
4 person in the employ of any common carrier or other public utility,
5 or owning any bonds, stock, or property in any railroad company
6 or other public utility, or who is in any way or manner pecuniarily
7 interested in any railroad corporation or other public utility,
8 shall be eligible to the office of Iowa public service
9 commissioner or secretary of the commission; and the entering
10 into the employ of any common carrier or other public utility
11 or the acquiring of any stock or other interest in any common
12 carrier or other public utility by an officer under this chapter,
13 after his appointment, shall disqualify him to hold the office
14 or perform the duties thereof."

1 Sec. 4. Section four hundred seventy-four point two
2 (474.2), Code 1950, is repealed and the following is substituted
3 in lieu thereof: "Members-organization. The Iowa public service
4 commission shall consist of five (5) persons having the quali-
5 fications of electors and not being less than thirty-five (35)
6 years of age. No more than three (3) of such commissioners shall
7 belong to the same political party. On the second Tuesday of
8 January of each year, the commission shall organize by electing
9 one of its members as chairman, and by appointing a secretary,
10 who shall take the same oath as the commissioners; but this or
11 a part of this may be done at a subsequent meeting. The
12 commission shall have power to employ at compensation rates
13 reasonably consistent with current standards in Iowa all
14 professionally trained engineers, lawyers, accountants, and
15 other skilled and experienced examiners, inspectors, secretaries,
16 clerks, and other employees as it may find necessary for the
17 full and efficient discharge of its duties and responsibilities."

1 Sec. 5. Chapter four hundred seventy-four (474), Code 1950,
2 is hereby amended by inserting as a new section thereof after
3 section four hundred seventy-four point two (474.2) as amended the
4 following: "Abolishment of Iowa state commerce commission. On
5 December thirty-first next, after members of the Iowa public
6 service commission have been appointed, approved, and qualified,
7 the Iowa state commerce commission shall cease to exist and the
8 tenure of office of the Iowa state commerce commissioners shall
9 terminate.

10 All the rights, powers, and duties heretofore vested by law
11 in said Iowa state commerce commission are hereby transferred to
12 and vested in said Iowa public service commission and shall
13 hereafter be exercised and performed thereby. Said Iowa public
14 service commission shall hereafter have and exercise, in addition
15 to other duties herein assigned to it, the same jurisdiction in
16 all respects as has been heretofore held and exercised by the
17 Iowa state commerce commission under the laws of the state. All
18 proceedings of whatsoever nature pending before said Iowa state
19 commerce commission are hereby transferred to be pending before
20 said Iowa public service commission and shall be carried on and
21 completed in the same manner and subject to the same incidents
22 as though they had been carried to completion by said Iowa state
23 commerce commission. During the period between the effective
24 date of this Act and December thirty-first next following, the
25 members of the Iowa state commerce commission may be authorized
26 by the Iowa public service commission to hear and to propose
27 decisions upon matters pending before them prior to the said
28 effective date of this Act, which decisions may be confirmed by
29 the said Iowa public service commission, or upon review at the
30 request of any party, reversed. All legal remedies heretofore
31 existing are continued to be available in said pending matters.
32 The Iowa public service commission shall have full discretionary
33 power to assume all authority in respect to any and all pending
34 matters between the effective date of this Act and December
35 thirty-first next following, and to assign any duties which it

36 may deem suitable and proper to all who were members of the Iowa
37 state commerce commission or appointees or employees under the
38 same. All of such parties may be dismissed or reappointed or
39 continued in employment at the discretion of said Iowa public
40 service commission or a majority thereof, including the commerce
41 counsel whose term of appointment and employment shall be
42 deemed to terminate on the effective date of this Act unless
43 the incumbent of the said office of commerce counsel by action
44 of the Iowa public service commission is appointed to the office
45 of Iowa public service commission general counsel which is
46 hereby created. Wherever reference is made in the laws of the
47 state concerning railroads or other public utilities to the
48 "commission" or to the "Iowa state commerce commission," such
49 reference shall be construed after the termination of said
50 commerce commission to mean the Iowa public service commission
51 herein created. The Iowa state commerce commission, upon
52 termination of its existence as aforesaid, shall transfer and
53 deliver to the Iowa public service commission all books, maps,
54 files, office equipment, records, furniture and other property
55 of whatsoever nature or description in its possession.

1 Sec. 6. Chapter four hundred seventy-four (474), Code
2 1950, is hereby amended by inserting the following new section,
3 after section four hundred seventy-four point seven (474.7)
4 thereof: "Recording orders. Every order, finding, authorization,
5 or certificate issued or approved by the commission under any
6 provisions of this Act shall be in writing and entered on the

7 records of the commission. A certificate under the seal of the
8 commission that any such order, finding, authorization, or cer-
9 tificate has not been modified, stayed, suspended, or revoked
10 shall be received as evidence in any proceedings as to the facts
11 therein stated.”

1 Sec. 7. Section four hundred seventy-four point ten (474.10),
2 Code 1950, is repealed and the following is substituted in lieu
3 thereof:

4 “General jurisdiction. The commission shall have general
5 jurisdiction, including authority to approve all security and
6 stock issues, of all railroads operating within the state, express
7 companies, car companies, sleeping car companies, freight and
8 freight line companies, interurban railway companies, motor
9 carriers, including interurban lines, telegraph and telephone
10 utilities, city transit lines, pipe lines, all other common
11 carriers engaged in the transportation of passengers or freight
12 by railroad or otherwise, all lines for the transmission, sale
13 and distribution of electrical current for light, heat, or power,
14 and all other public utilities. It shall investigate any alleged
15 neglect or violation of law by any such common carrier or other
16 public utility or its agents, officers, or employees.”

1 Sec. 8. Chapter four hundred seventy-four (474), Code 1950,
2 is hereby amended by adding the following:

3 1. “New construction. No public utility or other person,
4 natural or corporate, shall hereafter acquire or begin the
5 construction, or operation of any public utility plant or system.

6 or of any extension thereof, without first obtaining from the
7 commission a certificate that public convenience and necessity
8 require or will require such acquisition or construction or
9 operation; provided that, unless such acquisition, construction
10 or operation has been commenced under a limited or conditional
11 certificate of authority as hereinafter provided in subsections
12 three (3) to eight (8) of this section, the foregoing shall not
13 be construed to require any such public utility to secure a
14 certificate for an extension within any municipality or district
15 within which it has heretofore lawfully commenced operations,
16 for an extension within or to territory already served by it,
17 necessary in the ordinary course of its business, or for an
18 extension into territory contiguous to that already occupied
19 by it and not receiving similar service from another public
20 utility; but, if any public utility in acquiring, constructing,
21 or extending its line, facility, plant, system, or operations
22 unreasonably interferes with or is about unreasonably to
23 interfere with or duplicate the service or system of any other
24 public utility, the commission on complaint of the public
25 utility claiming to be injuriously affected may, after hearing,
26 on reasonable notice, make such order and prescribe such terms
27 and conditions in harmony with this Act as are just and reason-
28 able.”

29 2. “Exercise of rights. No public utility shall hereafter
30 exercise any right or privilege under any franchise or permit
31 hereafter granted, or under any franchise or permit heretofore

32 granted, the exercise of which, subsequent to the effective date
33 of this Act, has been suspended or discontinued for more than
34 one (1) year without first obtaining from the Iowa public service
35 commission a certificate that public convenience and necessity
36 require that exercise of such right or privilege."

37 3. "Certificates—application—issuance. Before any
38 certificate may issue under this section, a certified copy of
39 its articles of incorporation or charter, if the applicant be
40 a corporation, shall be on file in the office of the Iowa public
41 service commission. All applications for a certificate shall be
42 in writing and shall contain the following:

43 a. The name of the person, or corporation making the
44 application and the form of its organization.

45 b. The principal office or place of business of applicant.

46 c. A complete description of the route over or the area
47 in which the applicant proposes to operate.

48 d. A schedule setting forth in detail the service which
49 the applicant proposes to furnish.

50 e. A complete description of the equipment which the
51 applicant proposes to use in furnishing the service.

52 f. A financial statement from which the commission can
53 determine whether or not the applicant is able to engage in the
54 undertaking proposed in the application.

55 g. Such evidence as shall be required by the commission
56 to show that such applicant has received the consent, franchise,
57 permit, ordinance, vote, or other authority of the proper

58 municipality or other public authority if required.”

59 4. “Certificate—hearing upon application. Hearings
60 upon said applications shall follow the same procedure as
61 previously enacted in relation to motor carriers and set forth
62 in sections three hundred twenty-five point thirteen (325.13)
63 to three hundred twenty-five point seventeen (325.17), inclusive,
64 of the Code of Iowa.”

65 5. “Expense of hearing—deposit. The expenses of hearings
66 and the required deposits to cover expenses shall be governed
67 by the same rules and requirements as were hereinbefore enacted
68 in relation to motor carriers and set forth in sections three
69 hundred twenty-five point nineteen (325.19) and three hundred
70 twenty-five point twenty (325.20) of the Code of Iowa.”

71 6. “Issuance of certificate. The Iowa public service
72 commission shall have power, after hearing and after making
73 appropriate and adequate findings, to issue said certificate,
74 as prayed for, to refuse to issue the same, or to issue it for
75 the construction or operation of a portion only of the contemplated
76 facility, line, plant, system, or operation or extension thereof,
77 or for the partial exercise only of said rights or privilege,
78 and may attach to the exercise of the rights granted by said
79 certificate such terms and conditions in harmony with this Act
80 as in its judgment the public convenience and necessity may
81 require.”

82 7. “Operation of utility prior to issuance of certificate.
83 If any public utility desires to exercise a right or privilege

84 under a permit or other authority which it contemplates securing,
85 but which has not as yet been granted to it, such public utility
86 may apply to the commission for an order preliminary to the issue
87 of the certificate. The commission may thereafter, upon a proper
88 showing of immediate need, make a temporary order permitting
89 immediate temporary operation and declaring that it will
90 thereafter, upon application, under such rules and regulations
91 as it may prescribe, issue the desired certificate upon such terms
92 and conditions as it may designate, after such public utility has
93 obtained any required permit or other authority. In such cases,
94 upon the presentation to the commission thereafter of evidence
95 satisfactory to it that such permit or other authority has been
96 secured by such public utility, the commission may issue such
97 certificate.”

98 8. “Operation without permission. Whenever a public
99 utility is engaged or is about to engage in construction or
100 operation without having secured a certificate of public
101 convenience and necessity as required by the provisions of this
102 Act, any interested person may file a complaint with the
103 commission. The commission may, with or without notice, make
104 its order requiring the public utility complained of to cease
105 and desist from such construction or operation until the
106 commission makes and files its decision on said complaint or
107 until the further order of the commission. The commission may,
108 after hearing, after reasonable notice, make such order and
109 prescribe such terms and conditions in harmony with this Act

110 as are just and reasonable.”

111 9. “Indeterminate permits. Any public utility operating
112 under an existing or expired license, permit, or franchise or
113 without any of the same, heretofore granted by the state or any
114 municipality to occupy the streets or highways for the purpose
115 of carrying on any of the public services defined in this Act,
116 except the service of transporting persons or property for the
117 public for compensation between cities, shall, upon filing
118 with the commission a written declaration that it surrenders
119 such license, permit, or franchise, if any, receive by operation
120 of law an indeterminate permit which shall take the place of the
121 surrendered license, permit, or franchise, if any; and the public
122 utility or its successors or assigns shall hold such permit in
123 accordance with the terms, conditions, and limitations of this
124 Act and any future regulatory acts. Such permit shall continue
125 in force until such time as a municipality having authority so
126 to do shall purchase the property operated under such permit in
127 accordance with the provisions of this Act, or until terminated
128 according to law for mis-user or non-user.”

129 10. “Future grants—indeterminate permits. Every
130 franchise or permit to operate hereafter granted to any public
131 utility, except those offering the service of transporting
132 persons or property for the public for compensation between
133 cities, shall have the effect of an indeterminate permit as
134 defined in the foregoing paragraph.”

135 11. “Procedure to purchase utility properties. The entire

136 property of any public utility company (whether a complete or
137 partial production or distribution or other service unit)
138 located or operating in any city or town of the state of Iowa
139 under an indeterminate permit may be purchased by said city or
140 town proceeding under the provisions of section three hundred
141 ninety-seven point four (397.4) or three hundred ninety-seven
142 point twenty (397.20)."

143 12. "Reinstatement of franchise. If, for any reason,
144 other than for mis-user or non-user, or through purchase of the
145 property operated thereunder, as provided herein, any indetermi-
146 nate permit held by a public utility is held to be invalid, the
147 public utility shall, by operation of law and without further
148 act, have reinstated in it all rights to operate including all
148 franchises surrendered by it in exchange for such indeterminate
150 permit. If such rights, permits, or franchises or any part
151 thereof have expired by limitation of term, they shall, neverthe-
152 less, by operation of law, be extended for a period of three (3)
153 years from and after the date when such indeterminate permit is
154 held to be invalid. If the public utility involved has taken
155 such indeterminate permit as a new franchise and not in connection
156 with the surrender of an old franchise or franchises, it shall,
157 by operation of law, have the right to carry on its operations
158 as embraced in such indeterminate permit, for a period of
159 three (3) years from the date when such indeterminate permit is
160 declared invalid."

1 Sec. 9. Authority to establish standards of services.

2 The commission may, after hearing upon reasonable notice had
3 upon its own motion or upon complaint, ascertain and fix just
4 and reasonable standards, classifications, regulations, practices
5 or service to be furnished, imposed, observed and followed by
6 any or all public utilities; ascertain and fix adequate and
7 reasonable standards for the measurement of quantity, quality,
8 pressure, initial voltage or other conditions pertaining to the
9 supply of the product, commodity or service, furnished or ren-
10 dered by any and all public utilities; prescribe reasonable regula-
11 tions for the examination and testing of such product, commodity
12 or service and for the measurement thereof; establish or approve
13 reasonable rules, regulations, specifications and standards to
14 secure the accuracy of all meters and appliances for measurement;
15 and provide for the examination and testing of any and all
16 appliances used for the measurement of any product, commodity
17 or service of any public utility.

18 Whenever connection between the lines or facilities of
19 two or more communication companies is demanded under chapter
20 four hundred eighty-eight (488), Code of Iowa, in order to
21 permit the interchange of telephone or other communications
22 between the systems of such companies and the companies concerned
23 cannot agree as to the terms and conditions under which such
24 connections shall be made or communications shall be interchanged,
25 or whenever two or more such companies, whose lines or
26 facilities are connected so as to permit an interchange of
27 telephone or other communications between their systems, cannot

28 agree as to the terms and conditions of continuing such inter-
29 change of telephone or other communications, then the commission
30 upon complaint in writing by any such company involved or upon
31 its own initiative, after hearing upon reasonable notice, may,
32 if it finds the connection is reasonable and in the public
33 interest, order such connection established or continued and
34 telephone or other communications interchanged between the
35 companies concerned, and the commission by order shall determine
36 the terms and conditions as are just and reasonable under which
37 such telephone or other communications shall be interchanged.

1 Sec. 10. Section four hundred seventy-four point eighteen
2 (474.18) is hereby amended by inserting in line four (4)
3 thereof after the word "carriers" the words "and other public
4 utilities" and in line seventeen (17) thereof after the word
5 "carriers" the words "or other public utility".

6 Section three hundred ninety-seven point ten (397.10),
7 Code 1950, is hereby amended by striking from lines eleven (11)
8 to thirteen (13) thereof the words "delivered to the contractor
9 or contractors in payment for such improvement or they may be".

1 Sec. 11. Chapter four hundred seventy-four (474) of the
2 Code of Iowa is hereby amended by inserting after section four
3 hundred seventy-four point nineteen (474.19) the following:

4 "Authority to enter premises. The commissioners and the
5 officers and employees of the Iowa public service commission may,
6 during all reasonable hours, enter upon any premises occupied by
7 any public utility for the purpose of making the examinations and

8 tests and exercising the powers of investigation and regulation
9 of the Iowa public service commission and may set up and use on
10 such premises any apparatus and appliances necessary therefor.
11 Such public utility shall have the right to be represented at
12 the making of such examination, tests, and inspections."

13 "Depositions. The commission or any commissioner or any
14 party to the proceedings may, in any investigation or hearing
15 before the commission, cause the deposition of witnesses
16 residing within or without the state to be taken in the manner
17 prescribed by law for taking depositions in civil actions."

18 "Privilege and immunity. No person shall be excused from
19 testifying or from procuring any book, document, paper, or
20 account in any investigation, or inquiry by, or hearing before
21 the commission or any commissioner, when ordered to do so, upon
22 the ground that the testimony or evidence, book, document, paper,
23 or account required of him may tend to incriminate him or subject
24 him to penalty or forfeiture; but no person shall be prosecuted,
25 punished, or subjected to any forfeiture or penalty for or on
26 account of any act, transaction, matter, or thing concerning
27 which he shall have been compelled under oath to testify or
28 produce documentary evidence; provided that no person so
29 testifying shall be exempt from prosecution or punishment for
30 any perjury committed by him in his testimony."

31 "Certified copies—evidence. Copies of official documents
32 and orders filed or deposited according to law in the office
33 of the commission and certified by a commissioner or by the

34 secretary under the official seal of the commission to be true
35 copies of the original shall be evidence in like manner as the
36 originals in all matters before the commission and in the courts
37 of this state."

38 "Fees. Witnesses who are summoned before the commission
39 shall be paid the same fees and mileage as are paid to witnesses
40 in the courts of record of general jurisdiction. Witnesses
41 whose depositions are taken pursuant to the provisions of this
42 Act, and the officer taking the same, shall be entitled to the
43 same fees as are paid for like services in such courts."

1 Sec. 12. Section four hundred seventy-four point twenty
2 (474.20), Code 1950, is hereby amended by inserting in line
3 three (3) thereof after the word "extends" the words "or other
4 public utility operates", by inserting after the word "carrier"
5 in line twelve (12) thereof the words "or other public utility",
6 and by inserting after the word "person" in line twelve (12)
7 thereof the words "subject to the jurisdiction of the court".

1 Sec. 13. Chapter four hundred seventy-four (474), Code
2 1950, is hereby amended by adding the following:

3 1. "Schedules. Under such rules and regulations as the
4 Iowa public service commission may prescribe, every public
5 utility shall file with the commission, within such time and
6 in such form as the commission may designate, schedules showing
7 all rates established by it, as well as all services or
8 facilities furnished to or offered to any and all patrons, and
9 all rules and regulations which may in any way change, affect, or

10 determine any part or the aggregate of such rates established by
11 it and collected or enforced, or to be collected or enforced with-
12 in the jurisdiction of the commission and the terms and conditions
13 upon which service shall be rendered under such rates. The public
14 utility shall keep copies of such schedules open to public
15 inspection under such rules and regulations as the commission
16 may prescribe."

17 2. "General authority to regulate rates and charges. No
18 public utility shall directly or indirectly by any device
19 whatsoever or in any wise charge, demand, collect, or receive
20 from any person any unjust or unreasonable rate or charge for
21 any service of any of the kinds mentioned in section two (2)
22 of this Act. The Iowa public service commission is hereby
23 authorized, empowered, and directed to regulate all rates,
24 tariffs, fees, and charges of all public utilities to the end
25 that the public shall pay only just and reasonable rates for
26 services rendered.

27 "The commission, in the exercise of its powers under this
28 Act to determine just and reasonable rates for public utilities,
29 shall give due consideration to the public need for adequate,
30 efficient, and reasonable service and to the need of the public
31 utility for revenue sufficient to enable it to meet the current
32 cost of furnishing such service, including adequate provision
33 for depreciation of its utility property used and useful in
34 rendering service to the public, and to earn a fair and reasonable
35 return upon the present fair value of such property.

36 "For the purpose of enforcing the foregoing standards the
37 commission shall have full power and authority to investigate
38 all facts relating to the establishment of rates as herein
39 provided."

40 3. "Authority to regulate services. Each public utility
41 which shall hereafter operate within the state of Iowa shall
42 serve all persons who desire to patronize it, without unjust
43 discrimination, and shall render to each and every consumer or
44 patron prompt and reasonably adequate service. It shall be
45 within the jurisdiction and obligation of the Iowa public service
46 commission to enforce the duty of each public utility to render
47 to all consumers reasonably adequate service, without unjust or
48 unreasonable discrimination and said commission shall have the
49 power and authority to limit or restrict the use of any utility
50 services during periods of shortages beyond the control of the
51 utility. To this end the commission shall have power to make
52 adequate inspections, inquiries, and investigations of all kinds
53 and qualities of public utility services, to subpoena all records
54 and witnesses necessary for making a thorough study of the same,
55 to hold hearings upon its own motion or upon the petition of
56 any consumer or group of consumers, to make and issue orders
57 requiring improvement or any reasonable changes in the kind,
58 quality, and method of rendering any of such services, and to
59 fix standards for future construction of utility facilities. If
60 any of said orders by the said commission shall be disregarded
61 or disobeyed, the same shall be enforced by the district courts

62 of the state in any and all counties wherein any of the public
63 utility properties concerned may be located or doing business
64 according to the procedures set forth in sections four hundred
65 seventy-four point twenty (474.20) to four hundred seventy-four
66 point thirty (474.30), inclusive, of the Iowa Code as amended.”

67 1. “Adherence to schedules. No public utility shall
68 directly or indirectly, by any device whatsoever, or in any wise
69 charge, demand, collect, or receive from any person a greater
70 or less compensation for any service rendered or to be rendered
71 by such public utility than that prescribed in the schedules of
72 such public utility applicable thereto then filed with the Iowa
73 public service commission, nor shall any person receive or accept
74 any service from a public utility for a compensation greater or
75 less than that prescribed in such schedules.”

76 5. “Discrimination. No public utility shall, as to rates
77 or service, make or grant any unreasonable preference or advan-
78 tage to any corporation or person or subject any corporation or
79 person to any unreasonable prejudice or disadvantage, provided,
80 however, any telephone utility may furnish any service rendered
81 by it without charge or at a reduced rate to any of its officers,
82 employees, pensioned employees, its agents, or employees of
83 other public utilities. Nothing herein shall release any tele-
84 phone company from carrying out any contract now existing
85 between it and any municipality for the furnishing of any service
86 free or at reduced rates. No public utility shall establish or
87 maintain any unreasonable difference as to rates or services

88 either as between localities or as between classes of service.
89 The Iowa public service commission may determine any question of
90 fact arising under this section, but nothing in this subsection
91 shall be construed as relieving any railroad from the liabilities
92 of sections four hundred seventy-nine point twenty (479.20) to
93 four hundred seventy-nine point thirty-one (479.31), inclusive.”
94 6. “Change in rates. Unless the Iowa public service
95 commission otherwise orders, no public utility shall make any
96 change in any rate which has been duly established under this
97 Act, except after thirty (30) days’ notice to the commission,
98 which notice shall plainly state the changes proposed to be made
99 in the rates then in force and the time when the changed rates
100 will go into effect. The public utility shall also give notice
101 of the proposed changes to other interested persons as the
102 commission in its discretion may direct. Any public utility may
103 commence proceedings for a change in rates by filing an applica-
104 tion requesting the commission to fix fair and reasonable rates.
105 or by filing specific rate schedules or tariffs. Said proposed
106 schedules of increased rates may conclude with a request by the
107 application that, if the requested increase or increases are
108 not granted in their entirety, the commission grant such increase
109 or increases as it may deem to be just and adequate under the
110 circumstances, and the commission is authorized and empowered
111 so to do. The commission, when advised in writing by a utility
112 that an emergency exists, shall forthwith approve immediate
113 changes in rates, whether said commission was previously given

114 said thirty (30) days' notice of intention to change the same
115 or otherwise. In such instances it may grant such approval
116 subject to a condition of impounding the proceeds or a part of
117 the proceeds or none of the same as it may prescribe. All such
118 rate changes shall be immediately indicated upon its schedules
119 by such public utility."

120 7. "Hearing and rehearings on rate changes. Whenever
121 there is filed with the commission by any public utility any
122 schedule stating a new rate or rates, the commission may, either
123 upon complaint as provided herein or upon its own motion, upon
124 reasonable notice, enter upon a hearing or a rehearing concerning
125 the lawfulness of such rate or rates all in the manner provided
126 in sections four hundred seventy-four point eighteen (474.18)
127 to four hundred seventy-four point twenty-one (474.21), inclusive.
128 As a result of such hearing the commission may make necessary
129 and appropriate findings and either temporary or permanent rulings,
130 orders, and regulations concerning the rate or rates which shall
131 be charged and collected by said public utility. In no case
132 shall a request for an increase of rates be suspended more than
133 one hundred twenty (120) days from the date of filing the
134 proposal for an increase unless within said period, after full
135 hearing, the requested increase shall have been found to be
136 unjustified and denied by a final order. In any other case
137 the said increase of rates shall become effective subject to
138 an order that all, or any parts of the proceeds thereof shall
139 be impounded by the commission subject to such conditions as

140 it shall impose. Any party aggrieved by any such ruling, order,
141 or regulation shall be entitled to apply in writing within
142 twenty (20) days for a rehearing setting forth in full the
143 ground or grounds on which the applicant contends such decision
144 should be deemed unlawful or unreasonable.”

145 8. “Sliding scale of rates. Nothing in this Act shall
146 be taken to prohibit a public utility from establishing a sliding
147 scale of charges or from entering into and making charges in
148 accordance with the terms of an agreement for a fixed period for
149 the automatic adjustment of charges, for public utility service,
150 in relation to the dividends to be paid to stockholders of such
151 public utility, or the profit to be realized or expense of
152 operation or other equitable or reasonable basis for such adjust-
153 ment; provided that a schedule showing the scale of charges
154 under such arrangement is first filed with the commission and
155 such schedule and each rate set out therein approved by it.
156 Nothing in this section shall prevent the commission from revok-
157 ing its approval at any time and fixing other rates and charges
158 for the product or commodity or service if, after reasonable
159 notice and hearing, the commission finds the existing rates or
160 charges unjust, unreasonable, insufficient, or discriminatory.”

161 9. “Valuation and revaluation. The commission shall have
162 power to ascertain the value of the property of every public
163 utility in this state and every fact which in its judgment
164 may or does have any bearing on such value. In all proceedings
165 before the commission, initiated by the commission upon its own

166 motion or initiated by an application of such public utility,
167 in which the value of the property of any public utility or
168 utilities is an issue, the burden of establishing such value
169 shall be upon such public utility or utilities. In making such
170 valuation the commission may avail itself of any information,
171 books, documents, or records in the possession of any officer,
172 department, or board of the state or any subdivision thereof.
173 The commission shall have the power to make revaluation from time
174 to time and also to ascertain the value of all new construction,
175 extensions, and additions to the property of every public utility.”

1 Sec. 14. Section four hundred seventy-four point twenty-
2 two (474.22), Code 1950, is hereby repealed and the following
3 is substituted in lieu thereof: “Complaints—separation—
4 joinder—service—notice—hearing date—appearances by
5 cities. Complaint may be made by the Iowa public service
6 commission, of its own motion, or by any person, corporation,
7 chamber of commerce, board of trade, industrial, commercial,
8 mercantile, agricultural, or manufacturing society, or any body
9 politic or municipal corporation by petition or complaint in
10 writing setting forth any act or things done or omitted to be
11 done in violation, or claimed to be in violation, of any
12 provision of this Act, or of any order or rule of the commission.
13 In the discretion of the commission, matters presented by one
14 complaint may be ordered separated, and matters upon which ^{com-}plaint
15 may be founded may be joined. No objection shall be sustained to
16 a separation merely because the matters separated are under the

17 ownership, control, or management of the same persons or corpora-
18 tion. No complaint shall be dismissed because of the absence of
19 direct damage to the complainant.

20 "Upon the filing of a complaint the commission, if it
21 deems a hearing to be necessary, shall cause a copy thereof to
22 be served upon the person or corporation complained of which
23 shall be accompanied by a notice requiring that the complaint
24 be satisfied and answered within a reasonable time to be
25 specified by the commission, or within the discretion of the
26 commission, by a notice fixing a time when and place where a
27 hearing will be had upon such complaint. Notice of the time
28 and place shall also be given to the complainant and to such
29 other persons as the commission shall deem necessary. The
30 commission shall have authority to hear and investigate any
31 complaint notwithstanding the fact that the person or corpora-
32 tion complained of may have satisfied the complaint.

33 "The time fixed for such hearing shall not be less than
34 ten (10) days after the date of the service of such notice and
35 complaint except as herein provided. Service in all hearings,
36 investigations, and proceedings before the commission may be
37 made upon any person upon whom a summons may be served in
38 accordance with the provisions of the rules of civil procedure
39 and may be made personally or by mailing same in the United
40 States mail in a sealed envelope with postage prepaid. The
41 provisions of this section as to notice shall apply to all hear-
42 ings held by the commission or under its authority; provided

43 that service of complaints, and service of notice fixing the
44 time and place of the initial hearing in each proceeding, shall
45 be made by registered mail.

46 "Any public utility shall have a right to complain on any
47 of the grounds upon which complaints are allowed to be filed
48 by other parties, and the same procedure shall be adopted and
49 followed as in other cases.

50 "All cities shall have power to appear as complainants or
51 to make application before the Iowa public service commission
52 for an inquiry, investigation, or hearing relating to the rates
53 or other charges or services of public utilities within such city;
54 and in case of any inquiry, investigation, or hearing by or
55 before the Iowa public service commission on any matter relating
56 to the rates or other charges or services within any city, the
57 city shall receive written notice not less than ten (10) days
58 before such inquiry, investigation, or hearing and shall be
59 entitled to appear and present evidence relating to the subject
60 matter of such inquiry, investigation, or hearing. Such notice
61 shall be served upon the city clerk, and upon the city attorney
62 or head of the law department of the city."

1 Sec. 15. Section four hundred seventy-four point twenty-
2 four (474.24), Code 1950, is hereby amended by inserting after
3 the word "railroads" in line six (6) thereof the words "and
4 other public utilities" and inserting after the words "railway"
5 in line ten (10) thereof the words "or other public utility"
6 and by striking from line eleven (11) the words "corporation or

7 other person operating a line of road” and inserting after the
8 word “railroad” in line fourteen (14) the words “or other public
9 utility” and by striking from line fifteen (15) the words “or
10 person” and by striking from line nine (9) the word “commerce”
11 and inserting in lieu thereof the words “public service commission
12 general”.

1 Sec. 16. Section four hundred seventy-four point
2 twenty-five (474.25), Code 1950, is hereby amended by striking
3 from line ten (10) thereof the word “company” and by inserting
4 after the word “railway” in line ten (10) thereof the words
5 “or other public utility” and inserting after the word “railroad”
6 in line fifteen (15) thereof the words “or other public utility
7 or” and by striking from line sixteen (16) thereof the words
8 “company or person” and by striking from lines nineteen (19)
9 and twenty (20) the words “company, persons,” and inserting in
10 lieu thereof the words “public utility and its”.

1 Sec. 17. Section four hundred seventy-four point twenty-
2 six (474.26), Code 1950, is hereby amended by striking from
3 line three (3) thereof the word “commerce” and inserting in
4 lieu thereof the words “public service” and by inserting in
5 line five (5) thereof after the word “railroads” the words
6 “or other public utilities” and in line eight (8) thereof after
7 the word “railroad” the words “or other public utility”.

1 Sec. 18. Section four hundred seventy-four point twenty-
2 seven (474.27), Code 1950, is hereby amended by inserting after
3 the word “thereof” in line six (6) the words “under section four

4 hundred seventy-four point twenty-eight (474.28)", and by insert-
5 ing after the word "railroad" in line seven (7) thereof the
6 words "or other public utility".

1 Sec. 19. Section four hundred seventy-four point twenty-
2 eight (474.28), Code 1950, is hereby amended by inserting in
3 line two (2) thereof after the word "railroad" the words
4 ", other public utility, or other person", by striking all of
5 said section following the word "trial" in line six (6) thereof
6 and inserting in lieu thereof the words "to be unreasonable,
7 inequitable, or unjust, such rule, order or regulation shall
8 be vacated by order of court and any and all penalties assessed
9 as aforesaid set aside." and by adding an additional paragraph
10 at the end thereof to read as follows: "The pendency of such
11 proceedings shall not of itself stay or suspend the operation
12 of the order or decision of the commission, but during the pend-
13 ency of the same, the court may in its discretion stay or
14 suspend, in whole or in part, the operation of the commission's
15 order or decision. Such suspension or stay may be ordered only
16 after three (3) days' notice to adversary parties and shall
17 require impounding of all or part of all funds collected there-
18 under. All of such funds received by the public utility interested
19 or concerned, and not impounded, shall be protected by a bond
20 payable to the state of Iowa in such amount and of such nature
21 as may be approved by the court. All of said funds shall be
22 later disbursed to the utility company or to patrons as their
23 interests may appear and as may be ordered by court. All funds

24 not claimed by entitled parties within six (6) months after the
25 date of such disbursing order shall become the property of the
26 state of Iowa.”

1 Sec. 20. Chapter four hundred seventy-four (474), Code
2 1950, is hereby amended by inserting a new section to follow
3 section four hundred seventy-four point twenty-eight (474.28)
4 to read and provide as follows: “Burden of proof. In all
5 actions and proceedings arising under the provisions of this
6 Act or growing out of the authority and powers herein granted
7 to the Iowa public service commission, the burden of proof shall
8 be on the party seeking to have vacated an order of said
9 commission to show that the same is unreasonable, discriminatory,
10 or otherwise unlawful.”

1 Sec. 21. Section four hundred seventy-four point
2 twenty-nine (474.29), Code 1950, is hereby amended by inserting
3 after the word “carrier” in line two (2) thereof the words “or
4 other public utility”.

1 Sec. 22. Section four hundred seventy-four point thirty
2 (474.30), Code 1950, is hereby amended by inserting after the
3 word “railroad” in line two (2) thereof the words “or other
4 public utility” and by striking from lines two (2) and three (3)
5 the words “company or person”.

1 Sec. 23. Chapter four hundred seventy-four (474), Code
2 1950, is hereby amended by inserting a new section to follow
3 section four hundred seventy-four point thirty (474.30) as
4 follows: “Interstate commerce. Neither this Act nor any

5 provision hereof shall apply or be construed to apply to
6 commerce with foreign nations or commerce among the several
7 states of this union, except in so far as the same may be
8 permitted under the provisions of the Constitution of the United
9 States and the Acts of Congress."

1 Sec. 24. Section four hundred seventy-four point thirty-
2 six (474.36), Code 1950, is hereby amended by inserting in line
3 three (3) thereof after the word "carrier" the words "or other
4 public utility" and in line eight (8) thereof after the word
5 "carrier" the words "or other public utility" and in line
6 thirteen (13) thereof after the word "carrier" the words "or
7 other public utility".

1 Sec. 25. Section four hundred seventy-four point thirty-
2 seven (474.37), Code 1950, is hereby amended by inserting
3 after the word "carrier" in line one (1) thereof the words "or
4 other public utility" and inserting after the word "carrier"
5 in line five (5) thereof the words "or other public utility"
6 and inserting after the word "through" in line six (6) thereof
7 the words "or in" and inserting after the word "carrier" in
8 line seven (7) thereof the words "or other public utility" and
9 striking the words "a line of railroad" in line seven (7)
10 thereof and inserting in their place the words "real or personal
11 property or equipment" and inserting after the word "carrier"
12 in line twelve (12) thereof the words "or other public utility".

1 Sec. 26. Section four hundred seventy-four point forty-one
2 (474.41), Code 1950, is hereby amended by inserting in line

3 three (3) thereof after the word "carrier" the words "or other
4 public utility" and in line nine (9) thereof after the word
5 "carrier" the words "or other public utility or" and in line
6 nine (9) thereof after the word "agent" the word "thereof".

1 Sec. 27. Section four hundred seventy-four point forty-
2 three (474.43), Code 1950, is hereby amended by inserting after
3 the word "carrier" in line three (3) thereof the words "or other
4 public utility" and inserting after the word "carrier" in line
5 six (6) thereof the words "or other public utility" and striking
6 the words "line of railway" in line eight (8) thereof and insert-
7 ing in their place the word "real or personal property or
8 equipment" and inserting after the word "carrier" in line nine
9 (9) thereof the words "or other public utility" and inserting
10 after the word "may" in line nine (9) thereof the words "be
11 situated or" and by striking from line eleven (11) the word
12 "commerce" and inserting in lieu thereof the words "public
13 service commission general".

1 Sec. 28. Section four hundred seventy-four point fifty (474.50),
2 Code 1950, is hereby amended by inserting in line three (3)
3 thereof after the word "carriers" the words "and other public
4 utilities" and striking in line three (3) thereof the words
5 "subject to the provisions of chapter 479".

1 Sec. 29. Section four hundred seventy-four point fifty-
2 one (474.51), Code 1950, is hereby repealed and the following
3 is substituted in lieu thereof:

4 "The commission may establish a system of accounts to be

5 kept by the public utilities, subject to its jurisdiction, or
6 may classify said public utilities and establish a system of
7 accounts for each class, and may prescribe the manner in which
8 such accounts shall be kept; provided, however, that if a
9 public utility is required to establish an accounting system by
10 an appropriate federal regulatory agency, that system of
11 accounting shall be accepted by the commission for that utility
12 unless the commission shall find that the same is inadequate or
13 otherwise unsatisfactory in which case it shall have power to
14 order such changes or additional accounts or entries as it shall
15 deem desirable to attain the policies and objectives of this Act."

1 Sec. 30. Section four hundred seventy-four point fifty-
2 two (474.52), Code 1950, is hereby amended by inserting in
3 line three (3) thereof after the word "railway" the words "or
4 other public utility".

1 Sec. 31. Section four hundred seventy-four point fifty-
2 three (474.53), Code 1950, is hereby amended by inserting in
3 line seven (7) thereof after the word "transportation" the words
4 "and other public utilities", by inserting in line twelve (12)
5 thereof after the word "railroad" the words "or other public
6 utility", by striking the word "road" in subsection five (5)
7 line two (2) thereof, by striking the words "including permanent
8 way, buildings, and rolling stock" in subsection five (5) lines
9 two (2) and three (3) thereof and inserting in their place the
10 words "personal property", by inserting in line four (4) of
11 subsection five (5) thereof after the word "road" the words "or

12 other public utility", by striking the words "the road" in sub-
13 section ten (10) line one (1) thereof and inserting in lieu there-
14 of the words "its property" and striking the word "transportation"
15 in subsection ten (10) in line two (2) thereof, by striking the
16 word "road" in subsection eleven (11) in line two (2) thereof and
17 substituting in lieu thereof the word "railroad", and by striking
18 the word "transportation" in lines three (3) and four (4) of the
19 paragraph following subsection eleven (11) thereof.

1 Sec. 32. Section four hundred seventy-five point seven
2 (475.7), Code 1950, is hereby amended by inserting in line one
3 (1) thereof after the word "counsel" the words "when and as
4 directed by the chairman of the said commission, or by a majority
5 vote of the same in any case of difference of opinion,". by
6 striking the words "state commerce commission" from subsection
7 one (1) line two (2) thereof and inserting in lieu thereof the
8 words "public service commission". by inserting in subsection
9 two (2) line three (3) thereof after the word "carriers" the
10 words "and other public utilities", by inserting in subsection
11 two (2) line seven (7) thereof after the word "carrier" the
12 words "or other public utility", by inserting in subsection three
13 (3) line three (3) thereof after the word "carriers" the words
14 "and other public utilities", by striking from subsection three
15 (3) lines three (3) and four (4) thereof the words "in interstate
16 transportation", by inserting in subsection four (4) line three
17 (3) thereof after the word "carrier" the words "or other public
18 utility", by inserting in subsection five (5) line five (5)

19 thereof after the word "carrier" the words "or other public
20 utility", by striking from subsection five (5) lines five (5)
21 and six (6) thereof the words "before the interstate commerce
22 commission".

1 Sec. 33. Section three hundred eighty-six point one
2 (386.1), Code 1950, is hereby amended by inserting in line two
3 (2) thereof after the word "power" the words "subject to the
4 supervision of the Iowa public service commission", by striking
5 from line two (2) thereof the words "authorize and", by inserting
6 in line two (2) thereof after the word "regulate" the words
7 "the location of all water and gas and electric conduit pipes",
8 by inserting in line four (4) thereof after the word "railway,"
9 the words "motor bus routes", and by inserting in line seven (7)
10 thereof after the word "be" the words "operated on,".

1 Sec. 34. Section three hundred eighty-six point two (386.2),
2 Code 1950, is hereby amended by inserting in line two (2) thereof
3 after the word "franchises" the words "subject to the supervision
4 of the Iowa public service commission" and by striking all of
5 said section after the word "exclusive" in line seven (7) and
6 substituting in lieu thereof a period (.)

1 Sec. 35. Section three hundred eighty-nine point thirty-
2 nine (389.39), Code 1950, is hereby amended by inserting the
3 words "subject to the supervision of the Iowa public service
4 commission" following the word "power" in line two (2) thereof;
5 provided that nothing in this section shall be construed to be
6 inconsistent with the provisions of section two (2) subsection

7 four (4) paragraph (d) of this Act.

1 Sec. 36. Section four hundred two point one (402.1),
2 Code 1950, is hereby amended by inserting the words "subject
3 to the supervision of the Iowa public service commission"
4 following the word "power" in line two (2) thereof.

1 Sec. 37. Section three hundred eighty-nine point forty-
2 one (389.41), Code 1950, is hereby amended by inserting the
3 words "respective shares of the expenses to be borne by the
4 municipality or the railroad company or the" following the
5 word "the" in line ten (10) thereof.

1 Sec. 38. Chapter four hundred sixty-nine A (469A), Code
2 1950, is hereby amended by striking out the words "executive
3 council", the words "state executive council", and the word
4 "council" wherever they appear in said chapter and inserting
5 in lieu thereof the words "Iowa public service commission".

1 Sec. 39. Section four hundred eighty-four point eleven
2 (484.11), Code 1950, is hereby amended by inserting the words
3 "and subject to the supervision of the Iowa public service
4 commission" following the word "law" in line three (3) thereof
5 and by striking the last sentence thereof.

1 Sec. 40. Section three hundred twenty-five point one
2 (325.1) subsection four (4), Code 1950, is hereby amended by
3 striking the words "state commerce commission" in line two (2)
4 thereof and inserting in lieu thereof the words "public service
5 commission".

1 Sec. 41. Section four hundred seventy-one point six

2 (471.6), Code 1950, is repealed and the following substituted in
3 lieu thereof: "Railways and other public utilities. Any railway
4 or other public utility may acquire by condemnation or otherwise
5 so much real estate or such interest therein as may be necessary
6 for the location, construction, and convenient use of tracks,
7 poles, towers, fixtures, wires, pipe lines, generating stations,
8 substations, and all other utility facilities and business
9 properties. Such acquisition may carry and include the right to
10 use for the construction and repair of all such properties any
11 earth, gravel, stone, timber, or other material on or from the
12 land so taken."

1 Sec. 42. Section four hundred seventy-one point ten
2 (471.10), Code 1950, is hereby amended by inserting after the
3 word "section" in line two (2) thereof the following "four
4 hundred seventy-one point six (471.6) or".

1 Sec. 43. Chapter four hundred seventy-one (471), Code
2 1950, is hereby amended by inserting after section four hundred
3 seventy-one point six (471.6) the following paragraph: "Access
4 to public utility facilities—damages. Any railway or other
5 public utility operating electric transmission or distribution
6 lines, gas pipe lines or mains, or other public utility facilities
7 along or across lands owned by persons other than said railway
8 or other public utility shall have reasonable access to such
9 public utility facilities for the purpose of constructing
10 reconstructing, enlarging, repairing, or locating the poles,
11 wires, pipe lines, mains, or other equipment or devices used in

12 or upon or as part of such public utility facilities, but shall
13 pay to the owner of such lands and all crops thereon all damages
14 to said lands or crops caused by entering, using, and occupying
15 said lands for said purposes. Nothing herein contained shall
16 prevent the execution of an agreement between the person or
17 company owning or operating such public utility facilities and
18 the owner of said land or crops with reference to the use
19 thereof."

1 Sec. 44. Section three hundred ninety-seven point two
2 (397.2), Code 1950, is hereby amended by striking the word
3 "They" in line one (1) thereof and substituting in lieu thereof
4 the words, "Subject to the approval of the Iowa public service
5 commission they," by inserting after the word "grant" in line
6 two (2) thereof the words "by council resolution", by striking
7 out from lines two (2) and three (3) thereof the words "for a
8 term of not more than twenty-five years", and by striking out
9 from lines six (6) and seven (7) thereof the word "franchise"
10 and inserting in lieu thereof the word "permit."

1 Sec. 45. Section three hundred ninety-seven point six
2 (397.6), Code 1950, is hereby amended by striking from line
3 three (3) thereof the numerals "397.1" and inserting in lieu
4 thereof the numerals "397.3."

1 Sec. 46. Section three hundred ninety-seven point twenty
2 (397.20), Code 1950, is hereby repealed and the following
3 substituted in lieu thereof: "Special condemnation proceedings.
4 When the number of voters necessary to constitute a majority of

5 those who voted at the last preceding general election any city
6 or town shall have voted to purchase, establish, erect, maintain,
7 and operate a heating plant, telephone system, waterworks,
8 gasworks, or electric light or power plant, or when it has so
9 voted to contract an indebtedness and issue bonds therefor,
10 and in such city or town there shall then exist any utility, or
11 incomplete parts thereof or more than one not publicly owned,
12 and the contract or franchise of the owner of which utility has
13 expired or been surrendered, or the indeterminate permit of
14 said owner has been revoked or canceled for misuser or nonuser
15 by the Iowa public service commission, and such owner and the
16 city or town cannot agree upon terms of purchase, it may, by
17 resolution, proceed to acquire by condemnation any one or more
18 of such utilities or incomplete parts thereof. When so acquired
19 it may apply the proceeds of the bonds in payment therefor and
20 in making extensions and improvements to such works or plants
21 so acquired, but not more than one utility may be so acquired
22 when such municipality is indebted in excess of the statutory
23 limitation of indebtedness for such purposes for any such
24 acquired property."

1 Sec. 47. Section thirty-nine point thirteen (39.13), Code
2 1950, is hereby repealed and the following is substituted in
3 lieu thereof: "Two Iowa public service commissioners shall be
4 appointed by the governor in 1953 as soon as may be after the
5 passage of this Act, by and with the approval of two-thirds of
6 the senate, for six-year terms of office and each sixth year

7 thereafter. Two Iowa public service commissioners shall be in
8 the same manner appointed in 1953 for four-year terms of office
9 and each sixth year thereafter. One Iowa public service
10 shall be in the same manner and at the same time appointed for
11 two (2) years and each sixth year thereafter. The governor is
12 hereby authorized to make recess appointments when the general
13 assembly is not in session, which shall be valid until the next
14 session of the said assembly, but not thereafter unless approved
15 by the senate as hereinbefore provided; provided, however, that
16 the persons holding office as "Iowa state commerce commissioners"
17 upon the effective date of this Act shall continue in said offices
18 until the December thirty-first next after the Iowa public
19 service commissioners shall have been appointed, approved, and
20 qualified and, under direction of said Iowa public service
21 commission, shall continue to carry on the work and responsibilities
22 heretofore assigned to them until such date. Iowa public service
23 commissioners shall receive the same amounts in salaries as do
24 members of the Iowa state supreme court.

1 Sec. 48. Issue of securities. 1. No securities shall be
2 issued by any public utility either for cash, in exchange for
3 other property, or as a stock dividend until it shall first
4 have obtained a certificate authorizing such issue from the
5 Iowa public service commission; and the commission shall not
6 authorize the issuance of securities for any purposes which it
7 determines are not proper corporate purposes, or in an amount
8 which it determines is greater than is reasonably necessary for

9 such corporate purposes, having in view the immediate requirements
10 of the corporation and its prospective requirements over a
11 reasonable period in the future and other relevant considerations

12 The commission may, in its discretion, accept as fulfillment
13 of the requirements of this section evidence that there exists
14 an order or certification of a duly authorized commission of the
15 United States or of another state in which the utility also
16 conducts utility operations which shows that such commission has
17 investigated the matter and determined that the issuance of such
18 securities is for proper corporate purposes and is reasonably
19 necessary for the business of the utility and that such securities
20 meet the requirements of the federal statutes or those of such
21 other state.

22 2. All securities issued without a certificate or in
23 violation of or contrary to the provisions of a certificate shall
24 be voidable unless subsequently validated by order of the
25 commission issued on application of a public utility or on the
26 commission's own motion.

1 Sec. 19. Consideration for securities. No securities
2 shall be permitted to be issued by any public utility otherwise
3 than for money, property, or services actually received by it.
4 The amount of money and the value of the property or the services
5 to be so received shall be: 1. In case of stock having a par
6 value, not less than the par value thereof; 2. In case of
7 stock having no par value, not less than the amount specified
8 in the commission's certificate of authority as the selling

9 price of or the consideration to be received for such stock;
10 3. In case of evidences of indebtedness not issued for refunding
11 purposes, such consideration as the commission may determine to
12 be reasonable, but in any event not less than seventy-five per
13 cent of their face value; 4. In case of evidences of indebtedness
14 issued for refunding purposes, such sum as the commission may
15 determine to be reasonable. The limitations of this section
16 shall not apply to the sale of evidences of indebtedness of a
17 public utility by way of enforcement of a pledge of such evidences
18 of indebtedness, made by the utility pursuant to a certificate of
19 authority issued by the commission, as security for lawful
20 indebtedness of the utility; but in all such cases the instrument
21 of pledge shall contain a provision to the effect that none of
22 the pledged securities shall be sold or become the absolute
23 property of the pledgee, either directly or indirectly, except
24 at public sale, notice whereof shall be published once a week
25 for at least three (3) weeks prior thereto in at least one
26 newspaper of general circulation published in the English
27 language in the place where such sale shall take place, and
28 further to the effect that the sale shall not be made below the
29 price fixed therefor by the commission in its certificate
30 authorizing the pledging of such securities or in a subsequent
31 order by the commission authorizing such sale at a lower price.

1 Sec. 50. Securities. 1. Application to issue. Any
2 public utility desiring to issue securities shall file with
3 the commission an application verified by one of its officers

4 (or by the signers of its articles of organization if it has
5 not yet elected officers) setting forth:

6 a. The amount and character of the proposed securities.

7 b. The purposes for which they are issued.

8 c. The terms on which they are to be issued, including
9 a description and a statement of the value of any property or
10 services that are to be received in full or partial payment
11 therefor, and of any property or services already received by
12 the utility, the cost of which is to be reimbursed to the
13 utility by the proceeds of such securities, all in such detail
14 as the commission may prescribe.

15 d. A statement of the assets and liabilities of the
16 utility as of the most recent available date, together with
17 such further financial information as the commission may
18 reasonably require.

19 2. Hearings and inquiries. In order to determine whether
20 the proposed issue complies with the provisions of this chapter,
21 the commission may make such inquiry or investigation, hold such
22 hearings, and examine such witnesses, books, papers, documents,
23 or contracts as it may deem material. It shall determine that
24 the value of any property or services for which the securities,
25 in whole or in part, are to be issued is not less than required
26 by the provisions of section forty-nine (49) of this Act.

27 3. Valuation of franchises. In determining the value of
28 property under this chapter, no corporate franchise and no
29 franchise or privilege granted to a public utility shall be

30 appraised at more than the actual legitimate costs thereof
31 including all reasonable expenses incurred in connection
32 therewith.

33 4. Cases proportionate. The amount of securities of each
34 class which any public utility may issue shall bear a reasonable
35 proportion to each other and to the value of the property, due
36 consideration being given to the nature of the business of the
37 utility, its credit and prospects, the possibility that the
38 value of the property may change from time to time, the effect
39 which such issue will have upon the management and operation of
40 the utility and in the case of a corporation by reason of the
41 relative amount of financial interest which the various classes
42 of stockholders will have in the corporation, and other
43 considerations deemed relevant by the commission.

1 Sec. 51. Certificate of authority—impounding securities.

2 1. If the commission shall find that the proposed issue complies
3 with the provisions of this chapter and that the financial
4 condition, plan of operation, and proposed undertakings of the
5 utility are not inconsistent with the public interest, it shall
6 issue to the utility a certificate of authority state:

7 a. The amount of securities and the character of the
8 same.

9 b. The purposes for which they are to be issued in
10 such detail as the commission may deem necessary.

11 c. The terms on which they may be sold or otherwise
12 disposed of which in the case of securities to be offered for

13 competitive bidding or through underwriters may be prescribed in
14 the form of minimum acceptable terms, including a statement or
15 description of the consideration to be received therefor.

16 The utility shall not issue the securities on any terms
17 less favorable to it or for any other purposes than those
18 stated in such certificate. If any portion of the securities
19 authorized by the certificate are evidences of indebtedness
20 which are to be pledged to secure lawful obligations of the
21 applicant, the commission in its certificate shall state the
22 minimum price at which such securities may be sold in the event
23 of any enforcement of the pledge. If the purpose of the issue
24 is, in whole or in part, to provide funds for properties to
25 be constructed or acquired, the commission may, if it finds
26 that the public interest so requires, require the applicant to
27 impound the proceeds of such securities, or furnish suitable
28 bonds to guarantee the completion of such project, under such
29 conditions as the commission shall find to be reasonable and
30 shall specify in the certificate.

31 2. The commission may attach to the issuance of any
32 certificate under this chapter such relevant terms, conditions,
33 or requirements as are reasonably necessary to protect the
34 public interest. Any public utility dissatisfied with any of
35 the terms or conditions so imposed by the commission in such
36 certificate of authority shall be limited in its remedy to any
37 action to modify or set aside the commission order authorizing
38 a certificate of authority, as provided in section fifty-three

39 of this Act.

1 Sec. 52. Securities accounted for. The commission may by
2 provision inserted in its certificate of authority require issuers
3 to account for the disposition of all securities requiring its
4 approval. If the securities are issued for money, it may require
5 the issuer to report the price at which the securities were
6 issued, the amount of securities so issued, and the amount of
7 cash which has been received: if they are issued for the
8 refunding or discharge of securities or other indebtedness it
9 may require the issuer to report the amount of securities
10 issued for such purpose, the price at which issued, and the
11 amount and nature of securities or other indebtedness refunded
12 or discharged by such issuance; if they are issued for the
13 acquisition of property or services it may require the issuer
14 to report the amount of securities issued for such purpose, the
15 price at which issued, and information regarding the property
16 or services for which such securities were issued.

1 Sec. 53. Court review. Any public utility which is
2 dissatisfied with any order, determination, or denial made by
3 the commission under the provisions of this chapter may
4 commence and prosecute an action in the district court for any
5 county in which the public utility operates against the
6 commission to vacate, modify, or set aside said order,
7 determination, or denial on the ground that the same is
8 unreasonable or unlawful.

1 Sec. 54. Penalties. 1. Any public utility, or any agent,

2 director, or officer thereof, who shall knowingly, directly or
3 indirectly, issue or cause to be issued contrary to the
4 provisions of this chapter any securities for whose issuance a
5 certificate is required or who shall knowingly apply the proceeds
6 from the sale thereof to any purpose other than those specified
7 in the certificate of the commission shall forfeit to the state
8 not less than five hundred dollars (\$500.00) nor more than ten
9 thousand dollars (\$10,000.00) for each offense.

10 2. Every director, president, secretary, or other official
11 or agent of any public utility who shall practice fraud or
12 knowingly make any false statement to secure a certificate of
13 authority to issue any security, or issue under a certificate
14 so obtained and with knowledge of such fraud, or false statement,
15 or negotiate, or cause to be negotiated, any security in violation
16 of this chapter shall be punished by a fine of not less than
17 five hundred dollars (\$500.00) or by imprisonment in the state
18 prison not less than one (1) nor more than ten (10) years, or
19 by both fine and imprisonment.

1 Sec. 55. Fees for authority to issue securities—expenses.

2 1. Each public utility on filing an application for authority
3 to issue any securities to which this chapter is applicable,
4 excluding bonds or notes issued for the purpose of modifying
5 refunding, or discharging outstanding bonds or notes and also
6 excluding stock or money and property in Iowa for which fees are
7 required to be paid under the provisions of chapter four hundred
8 ninety-one (491) or four hundred ninety-four (494) of the Iowa

9 Code, shall pay with such application, prior to the issuance of
10 a certificate, a fee of one dollar (\$1.00) for each one thousand
11 dollars (\$1,000.00) par value of each authorized issue of
12 securities up to one million dollars (\$1,000,000.00) of securities;
13 for all securities issued in excess of said amount up to ten
14 million dollars (\$10,000,000.00), said utilities shall pay fifty
15 cents (\$.50) per one thousand dollars (\$1,000.00); and for
16 issues in excess of ten million dollars (\$10,000,000.00), they
17 shall pay twenty-five cents (\$.25) per one thousand dollars
18 (\$1,000.00), provided that in the case of a public utility
19 operating in states other than Iowa such fee shall abate in the
20 same proportion as such public utility's property outside Iowa
21 shall bear to its property everywhere, but they shall not in any
22 case pay less than ten dollars (\$10.00) for any issue. If any
23 such securities shall have no par value, the price at which
24 such securities are issued or sold shall be deemed the par value
25 for the purposes of computing the fee payable under this
26 section. No fee shall be payable for the issuance of a
27 certificate of authority permitting a modification or division
28 of an existing security where a modified or divided security is
29 to be issued to existing security holders of a public utility
30 without the payment of additional funds to the utility.

31 2. Whenever the commission deems it necessary to make an
32 investigation of the books, accounts, and practices or to make
33 an appraisal of the property of any public utility which has
34 filed an application for authority to issue any securities to

35 which this chapter is applicable such public utility shall pay
36 all expenses reasonably attributable to such special
37 investigation or to such an appraisal of the property.

1 Sec. 56. Section five hundred two point four (502.4) is
2 amended by adding thereto a new subsection eleven (11) as
3 follows:

4 "11. Any and all securities authorized to be issued by and
5 under any certificate, permit, approval or order of the Iowa
6 public service commission."

1 Sec. 57. Payment of commission's expenditures by utilities.

2 1. Whenever the commission in a proceeding upon its own motion,
3 on complaint, or upon an application to it shall deem it
4 necessary in order to carry out the duties imposed upon it by law
5 to investigate the books, accounts, practices, and activities of,
6 or make appraisals of the property of any public utility, or to
7 render any engineering or accounting services to any public
8 utility, such public utility shall pay the expenses reasonably
9 attributable to such investigation, appraisal, or service. The
10 commission shall ascertain such expenses, and shall render a
11 bill therefor, by registered mail, to the public utility, either
12 at the conclusion of the investigation, appraisal, or services,
13 or from time to time during its progress, which bill shall
14 constitute notice of said assessment and demand payment
15 thereof. Upon bill so rendered such public utility shall,
16 within fifteen (15) days after mailing thereof pay to the treasurer
17 of state the amount of the special expense for which it is billed,

18 and such payment when made shall be credited to the commission.
19 The total amount, in any one calendar year, for which any
20 public utility shall become liable, by reason of costs incurred
21 by the commission within such calendar year including fees for
22 authority to issue securities and expense charges in relation
23 thereto shall not exceed four-fifths of one per cent of its
24 gross operating revenues derived from intrastate operations in
25 the last preceding calendar year. Where, pursuant to this
26 subsection, costs are incurred within any calendar year which
27 are in excess of four-fifths of one per cent of such gross
28 operating revenues, the excess costs shall not be chargeable as
29 part of the remainder under subsection two (2) of this section
30 but shall be paid out of the general appropriation to the public
31 service commission. Nothing herein contained shall prevent the
32 commission from rendering bills in one calendar year for costs
33 incurred within a previous year.

34 2. The commission shall annually, within ninety (90) days
35 after the close of each fiscal year, ascertain the total of its
36 expenditures during each year, excluding the total sum necessary
37 to pay the salaries of the commissioners but including all other
38 expenses which are reasonably attributable to the performance
39 of its duties and shall deduct therefrom all amounts chargeable
40 directly to any specific utility company under any law. The
41 remainder shall be assessed by the commission to the several
42 public utilities in proportion to their respective gross
43 operating revenues during the last calendar year derived from

44 intrastate operations. Such assessments shall be paid within
45 fifteen (15) days after bills have been mailed, by registered
46 mail, to the several public utilities, which bills shall
47 constitute notices of said assessments and demands of payments
48 thereof. When paid, the entire amount of said assessments
49 shall be forthwith credited to the general appropriation or
50 funds in any way currently available to the Iowa public service
51 commission and shall be subject to disbursement upon warrants
52 duly issued on behalf of said commission. The total amount
53 which may be assessed to the public utilities under authority
54 of this subsection shall not exceed one-fifth of one per cent
55 of the total gross operating revenues of such public utilities
56 during such calendar year derived from intrastate operations.

57 3. If any public utility against which a bill has been
58 rendered either under subsection one (1) or subsection two (2)
59 of this section, within fifteen (15) days after the rendering
60 of such bill shall (a) neglect or refuse to pay the same or
61 (b) fail to file objections to said bill with said commission,
62 as provided hereinafter, it shall be the duty of the public
63 service commission forthwith to transmit to the state treasurer
64 a certified copy of said bill together with notice of neglect
65 or refusal to pay said bill, and on the same day said commission
66 shall mail by registered mail to the public utility against which
67 said bill has been rendered a copy of said notice which it has
68 transmitted to the state treasurer. Within ten (10) days after
69 the receipt of such notice and certified copy of such bill, the

70 state treasurer shall proceed forthwith to levy the amount
71 stated on such bill to be due, with interest, by distress, and
72 sale of any goods and chattels, including stocks, securities,
73 bank accounts, evidences of debt, and accounts receivable
74 belonging to such delinquent public utility. Such levy by
75 distress and sale shall be governed by the provisions of chapter
76 four hundred forty-six (446) except that it shall be made by
77 the state treasurer and that said goods and chattels anywhere
78 within the state may be levied upon.

79 4. a. Within fifteen (15) days after the date of the
80 mailing of any bill as provided by subsections one (1) and two
81 (2) of the section the public utility against which such bill
82 has been rendered may file with the public service commission
83 objections setting out in detail the grounds upon which said
84 objector regards said bill to be excessive, erroneous, unlawful,
85 or invalid. The commission, after notice to the objector, shall
86 proceed forthwith to hold a hearing upon such objections, not
87 less than five (5) nor more than ten (10) days after such notice.
88 If after such hearing the commission finds any part of said bill
89 to be excessive, erroneous, unlawful, or invalid it shall record
90 its findings upon its minutes and transmit to the objector by
91 registered mail an amended bill, in accordance with such findings.
92 Such amended bill shall have in all ways the same force and
93 effect under this subsection as an original bill rendered under
94 subsections one (1) and two (2).

95 b. If after such hearing the commission finds the entire

96 bill unlawful or invalid it shall notify the objector by
97 registered mail of such determination, in which case said
98 original bill shall be deemed null and void.

99 c. If after such hearing the commission finds that the
100 bill as rendered is neither excessive, erroneous, unlawful, or
101 invalid, either in whole or in part, it shall record such
102 findings upon its minutes and transmit to the objector by
103 registered mail notice of such findings.

104 d. If any bill against which objections have been filed
105 shall not be paid within ten (10) days after notice of a
106 finding that such objections have been overruled and disallowed
107 by the commission has been mailed to the objector as herein
108 provided, the commission shall give notice of such delinquency
109 to the state treasurer and to the objector, in the manner
110 provided in subsection three (3) of this section. The state
111 treasurer shall then proceed to collect the amount of said bill
112 as provided in subsection three (3) of this section. If an
113 amended bill is not paid within ten (10) days after a copy
114 thereof is mailed to the objector by registered mail, the
115 commission shall notify the state treasurer and the objector as
116 in the case of delinquency in the payment of an original bill.
117 The state treasurer shall then proceed to collect the amount of
118 said bill as provided in the case of an original bill.

119 5. No suit or proceeding shall be maintained in any court
120 for the purpose of restraining or in any wise delaying the
121 collection or payment of any bill rendered under subsections one

122 (1) and two (2) of this section. Every public utility against
123 which a bill is rendered shall pay the amount thereof and after
124 such payment may in the manner herein provided, at any time
125 within two (2) years from the date the payment was made, sue
126 the state in an action at law to recover the amount paid with
127 legal interest thereon from the date of payment upon the ground
128 that said assessment was excessive, erroneous, unlawful, or
129 invalid in whole or in part. If it is finally determined in such
130 action that any part of the bill for which payment was made was
131 excessive, erroneous, unlawful, or invalid, the state treasurer
132 shall make a refund to the claimant as directed by the court,
133 which shall be charged to the appropriations to the public
134 service commission.

135 6. No action for recovery of any amount paid pursuant to
136 this section shall be maintained in any court unless objections
137 have been filed with the commission as herein provided. In any
138 action for recovery of any payments made under this section the
139 claimant shall be entitled to raise every relevant issue of law,
140 but the commission's findings of fact made pursuant to this
141 section shall be prima-facie evidence of the facts therein stated.

142 7. The following shall be deemed to be findings of fact of
143 the commission, within the meaning of this section:

144 a. Determination of fact expressed in bills rendered
145 pursuant to this section.

146 b. Determinations of fact set out in those minutes of
147 the commission which record the action of the commission in passing

148 upon said bills, and in passing upon objections thereto.

149 8. The provisions of this chapter for judicial review of
150 orders and determinations of the public service commission shall
151 not be applicable to any findings, determinations, bills, or
152 assessments made under this section. The procedure by the section
153 providing for determining the lawfulness of bills and recovery of
154 payments made pursuant to such bills shall be exclusive of all
155 other remedies and procedures.

156 9. If any subsection of this section or any part thereof
157 or the application thereof to any person or circumstances be
158 held invalid, neither the validity of the remainder of the Act
159 nor that of any other clause, sentence, or provision of this
160 section or the application thereof to other persons or
161 circumstances shall be affected thereby, inasmuch as the
162 legislature hereby declares that the provisions of such
163 subsection are desirable and feasible even though it may
164 eventually be held that other subsections or any part thereof
165 are invalid.

1 Sec. 58. Section three hundred nineteen point one (319.1),
2 Code 1950, is hereby amended by adding a new sentence at the end
3 thereof as follows: "Poles, wires, pipes, and other properties
4 of public utility companies shall be deemed not to be within
5 said jurisdictions when located, placed, or in the process of
6 being placed in any highway pursuant to legislative authority,
7 or a permit, a certificate, or a franchise issued by the Iowa
8 public service commission."

9 Section three hundred nineteen point two (319.2), Code
10 1950, is hereby amended by striking from lines one (1) and two
11 (2) thereof the words "Poles used for telephone, telegraph, or
12 other transmission purposes" and inserting in lieu thereof the
13 words "Fixed obstructions" and by striking from line five (5)
14 thereof the words "operating such lines" and inserting in lieu
15 thereof the words "maintaining the same".

1 Sec. 59. Amendments. All of the following sections of
2 Code 1950 are hereby amended by striking therefrom the words
3 "state commerce commission" and inserting in lieu thereof the
4 words "public service commission"; sections three hundred
5 eighty-nine point forty-two (389.42) line two (2) and line
6 three (3); four hundred seventy-four point seventeen ((474.17)
7 line two (2); four hundred seventy-four point thirty-one
8 (474.31) lines eighteen (18) and nineteen (19); four hundred
9 seventy-four point thirty-two (474.32) lines nine (9) and
10 ten (10) and lines fourteen (14) and fifteen (15); four hundred
11 seventy-four point thirty-three (474.33) line five (5); four
12 hundred seventy-four point forty-six (474.46) line six (6); four
13 hundred seventy-five point one (475.1) lines three (3) and four
14 (4); four hundred seventy-five point six (475.6) line ten (10);
15 and four hundred seventy-five point seven (475.7) subsection one
16 (1) line two (2); and the following sections of Code 1950 are
17 hereby amended by striking therefrom the words "state commerce
18 commissioner" and inserting in lieu thereof the words "public
19 service commissioner": sections sixty-four point six (64.6),

20 subsection six (6), line two (2) and line three (3); and four
21 hundred seventy-five point three (475.3) line three (3); and
22 the code editor is authorized and directed to make all other
23 changes in the Iowa code necessary to bring other parts of its
24 language into harmony with the foregoing including all of
25 chapters four hundred seventy-six (476), four hundred seventy-
26 seven (477), four hundred seventy-eight (478), four hundred
27 seventy-nine (479), four hundred eighty (480), four hundred
28 eighty-one (481), four hundred eighty-two (482), four hundred
29 eighty-three (483), four hundred eighty-five (485), four hundred
30 eighty-six (486), four hundred eighty-seven (487), four hundred
31 eighty-eight (488), and four hundred ninety (490), but not
32 excluding any other chapters or parts of chapters of said code.

33 Section three hundred seventy-two point fourteen (372.14),
34 Code 1950, is hereby amended by striking the final sentence
35 thereof.

36 Chapter four hundred seventy-five (475), Code 1950, is
37 hereby amended by striking therefrom wherever they may appear
38 the words "commerce Counsel" and inserting in lieu thereof the
39 words "public service commission general counsel." Such striking
40 and substitution shall affect all parts of the code which make
41 reference or cross reference to said chapter as well as the
42 following parts of the same, to wit: the title line of said
43 chapter; section four hundred seventy-five point one (475.1)
44 lines five (5) and six (6); four hundred seventy-five point four
45 (475.4) lines one (1) and two (2); four hundred and seventy-five

46 point six (475.6) lines two (2) and five (5); and four hundred
47 seventy-five point seven (475.7) line one (1).

48 The following sections shall be likewise amended: four
49 hundred seventy-four point thirty-nine (474.39). Code 1950, lines
50 three (3) and six (6) and four hundred seventy-four point forty-
51 three (474.43) line eleven (11) and the code editor is authorized
52 and directed to make all other changes in the Iowa code necessary
53 to bring all other parts of its language into harmony with the
54 foregoing.

55 Section four hundred seventy-eight point twenty-one (478.21)
56 is hereby amended by inserting after the comma (,) in line
57 eleven (11) thereof the words "or crossing protection" and
58 section four hundred seventy-eight point twenty-three (478.23)
59 is hereby amended by inserting after the word "crossing" in line
60 five (5) thereof the words "or crossing protection".

1 Sec. 60. Repeal. The following laws or parts of laws are
2 hereby repealed: sections three hundred twenty point four
3 (320.4) to three hundred twenty point eight (320.8), inclusive;
4 three hundred seventy point twenty-three (370.23); three hundred
5 eighty-six point three (386.3); three hundred eighty-six point
6 four (386.4); three hundred eighty-six point five (386.5); three
7 hundred eighty-six point six (386.6); three hundred eighty-six
8 point seven (386.7); three hundred ninety-seven point twenty-
9 eight (397.28); four hundred twenty point one hundred twenty-
10 four (420.124); four hundred twenty point one hundred twenty-
11 five (420.125); four hundred seventy-four point nine (474.9);

12 four hundred seventy-four point thirty-four (474.34); four
 13 hundred seventy-nine point ninety-four (479.94) subsection one
 14 (1) and chapter four hundred eighty-nine (489). In addition,
 15 all laws or parts of laws which may be verbally inconsistent
 16 herewith are hereby amended so as to be consistent, and all laws
 17 in conflict herewith are repealed.

1 Sec. 61. Constitutionality. If any part of this Act is
 2 decided to be unconstitutional and void, such decision shall not
 3 affect the validity of the remaining parts of this Act unless
 4 the part held void is indispensable to the operation of the
 5 remaining parts. The legislature hereby declares that it would
 6 have passed those parts of this Act which are valid and omitted
 7 any parts which may be unconstitutional if it had been advised
 8 of such unconstitutionality at the time of the passage of this
 9 Act.

1 Sec 62. This Act being deemed of immediate importance
 2 shall be in full force and effect from and after its publication
 3 in _____ a newspaper published at
 4 _____, Iowa, and in
 5 _____, a newspaper published at
 6 _____, Iowa.

1 Amend Senate File 178, section 4, subsection 4,
2 by inserting after the word "person" in line 42 the following:
3 "who furnishes transportation for persons by motor vehicle
4 wholly within a city or town and operating less than twenty-five
5 (25) such vehicles, or any person".

Filed

February 12, 1953.

By NOLAN.

1 Amend section 4 of Senate File 178 by adding thereto
2 the following paragraph: "The provisions of this act shall
3 not apply to nor affect any privately owned corporation
4 organized under the provisions of chapter 491, Code 1950,
5 or any subsidiary thereof, if three-fourths of the voting
6 stock of such corporation is owned by individuals owning
7 not more than one share of stock thereof and if such
8 corporation has assets of the value of one million dollars
9 or more."

Filed

February 12, 1953.

By NOLAN.

1 1. Amend section 9, lines 31 and 32, by striking the
2 words "may if it finds the connection is reasonable and".
3 2. Amend section 29 by striking from line 14 the words
4 "changes or".

Filed

February 12, 1953.

By NOLAN.

1 Amend section 48 by striking lines 12, 13, 14 and the words
2 "United States or" from line 15 and inserting in lieu thereof the
3 following: "The commission shall accept as fulfillment of the
4 requirements of this section evidence that there exists an order
5 or certification of a duly authorized commission of the United
6 States or may in its discretion accept as fulfillment as requirements
7 of this section evidence that there exists an order or certification
8 of a duly authorized commission."

9 And further amend section 48, subsection 1, by striking the
10 period at the end of said subsection I and inserting in lieu
11 thereof: "Provided, this provision shall not apply to railroad bonds
12 or other securities issued under the provisions of section twenty a
13 (20a) of the Interstate Commerce Act."

Filed

February 12, 1953.

By NOLAN.

1 Amend section 49 by striking the period at the end of said
2 section, and inserting in lieu thereof a comma and adding the
3 following: "provided, this provision shall not apply to railroad
4 bonds or other securities issued under the provisions of section
5 twenty a (20a) of the Interstate Commerce Act."

Filed

February 12, 1953.

By NOLAN.

1 1. Amend section 57, subsection I, by striking from
2 lines 28, 29, and 30 the words "shall not be chargeable as
3 part of the remainder under subsection two (2) of this section, but".
4 2. Amend section 57 by striking from subsection 2, all of
5 said subsection following the period in line 40, and inserting in
6 lieu thereof a comma and adding the following: "the expenditures
7 so ascertained shall be paid out of the general appropriation to
8 the public service commission."
9 3. Amend section 57 by striking from subsection 5, line 122,
10 the words "and two (2)".

Filed

February 12, 1953.

By NOLAN.

1 Amend Senate File 178, section 60, by striking
2 from lines 4, 5, 6, 7 and 8 the following:
3 "Three hundred eighty-six point three (386.3);
4 three hundred eighty-six point four (386.4);
5 three hundred eighty-six point five (386.5);
6 three hundred eighty-six point six (386.6);
7 three hundred eighty-six point seven (386.7);".

Filed

February 12, 1953.

By NOLAN.

1 Amend Senate File 178 as follows:

- 2 1. Amend section 57, subsection 1, by
3 striking from lines 28, 29 and
4 30 the words "shall not be chargeable as part of the
5 remainder under subsection two (2) of the section, but".
6 2. Amend section 57, subsection 2, by
7 striking from lines 36 and 37 the
8 words "excluding the total sum necessary to pay the salaries
9 of the commissioners but"; and further amend section fifty-
10 seven (57), subsection two (2), by striking all of said
11 subsection following the word "law" in line forty (40) and
12 inserting in lieu thereof the following: ", the expenditure so
13 ascertained shall be paid out of the usual appropriation to the
14 public service commission."
15 3. Amend section 57 by striking all of subsections
16 3 and 4.
17 4. Amend section 57, subsection 5, by
18 striking from line 122 the words
19 "and two (2)".

Filed

February 19, 1953.

By NOLAN.

1 Amend Senate File 178 by striking all after the enacting clause
2 and substituting in lieu thereof the following:

3 "Section 1. No privately owned corporation engaged in the
4 business of selling electrical energy, gas or water, to the public,
5 nor any telephone or telegraph company, shall make any increase
6 in its rates or charges without proceeding as herein provided.

7 "Sec. 2. A petition proposing such increase shall be filed
8 with the supreme court at least thirty (30) days before the date it
9 is proposed to make such increase effective showing the alleged
10 facts requiring such increase, accompanied by a schedule of the
11 new and the old rates.

12 "Sec. 3. The chief justice shall thereupon assign three (3)
13 judges of the district courts to comprise a court to conduct a
14 hearing upon said petition. Notice of said hearing shall be given
15 in such manner as the chief justice shall determine at the expense
16 of said corporation. The hearing shall be held at the county seat
17 of the county wherein the change sought is to be effective or at
18 any place designated by the chief justice in the affected area if the
19 change is to be effective in more than one county.

20 "Sec. 4. Said hearing shall be open to the public and competent
21 counsel shall be designated by the court and paid by the state from
22 the general fund to resist said application. The court shall have
23 power to subpoena witnesses and do all things necessary to enable
24 it to make a decision on the merits. At said hearing the rules of
25 evidence and the rules of procedure for civil actions shall be
26 applicable.

27 "Sec. 5. The hearing may be postponed from time to time but
28 no change in the rates and charges of said corporation shall
29 be made pending the hearing and the decision thereon. The period
30 of suspension of change in such rates and charges shall not
31 extend more than one hundred and twenty (120) days beyond the
32 time such new rates and charges would otherwise go into effect.

33 "Sec. 6. On such hearing the court shall establish the new
34 rates and charges in whole or in part, or others in lieu thereof,
35 or refuse any change, whichever it shall find to be just and
36 reasonable. When any change in rates or charges is allowed,
37 the court shall designate when said new rates or charges shall
38 be effective. After hearing and decision thereon no new
39 petition shall be filed within the twelve (12) month period following
40 said decision. The decision of said court shall be subject to
41 review by the supreme court on appeals in the manner prescribed
42 in civil actions."

Filed

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By FISBEAUGH.