

FILED MAR 25 1976

SENATE FILE 1273

By COMMITTEE ON COMMERCE

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_

Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

Approved \_\_\_\_\_

## A BILL FOR

1 An Act relating to pipelines and underground gas storage  
2 and providing penalties.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. NEW SECTION. JURISDICTION.

2 1. The commission shall have jurisdiction over pipeline  
3 safety over which the federal government has not taken specific  
4 jurisdiction. The safety standards imposed by the commission  
5 shall not be less stringent than those safety standards imposed  
6 by the United States department of transportation.

7 2. The commission shall supervise the transportation,  
8 transmission, distribution, and underground storage of gas  
9 and hazardous materials so as to protect the safety and welfare  
10 of the public in their use of any public or private highways,  
11 grounds, waters, and streams of any kind in the state.

12 Sec. 2. NEW SECTION. DEFINITIONS. As used in this Act,  
13 unless the context otherwise requires:

14 1. "Gas" means natural gas, flammable gas, or gas which  
15 is toxic or corrosive.

16 2. "Hazardous material" means any material which, because  
17 of its potentially hazardous nature, requires control of those  
18 hazards during the transportation by pipeline or underground  
19 storage of the material to assure adequate safety and includes  
20 petroleum and other materials defined to be hazardous materials  
21 by the United States department of transportation.

22 3. "Petroleum" means crude oil, natural gasoline, liquefied  
23 petroleum gas, and any other liquefied petroleum products.

24 4. "Pipeline" means any pipe or pipeline facility used  
25 for the transportation, transmission, or distribution of gas  
26 or hazardous materials within or through the state.

27 5. "Person" means any natural person, firm, partnership,  
28 association, or corporation engaged in or organized for the  
29 purpose of transporting, transmitting, or distributing gas  
30 or hazardous materials within or through the state or engaged  
31 in the underground storage of gas or hazardous materials.

32 6. "Commission" means the Iowa state commerce commission.

33 7. "Underground storage" means the storage of gas or  
34 hazardous materials in a natural subsurface stratum or  
35 formation of the earth.

1 8. "Permit" means a written authorization from the  
2 commission to construct, operate, and maintain a pipeline  
3 which will operate at a pressure in excess of one hundred  
4 fifty pounds per square inch gauge or any underground storage  
5 facility.

6 Sec. 3. NEW SECTION. CONDITIONS ATTENDING OPERATION.

7 A person shall not construct, maintain, or operate any pipeline  
8 under, along, over, or across any public or private highways,  
9 grounds, waters, or streams of any kind in this state, except  
10 in accordance with the provisions of this Act.

11 Sec. 4. NEW SECTION. DANGEROUS CONSTRUCTION.

12 1. The commission shall have jurisdiction over all  
13 pipelines and underground storage facilities either not  
14 supervised or not within the exclusive jurisdiction of the  
15 United States department of transportation or the federal  
16 power commission. The commission shall inspect and examine  
17 the construction, maintenance, and the condition of the  
18 pipelines and underground storage facilities over which it  
19 has jurisdiction. Whenever the commission determines that  
20 any pipeline, underground storage facility, or any apparatus,  
21 device, or equipment used in connection with it is unsafe  
22 and dangerous, it shall immediately give notice, in writing,  
23 of the safety violation to the person operating the pipeline  
24 or underground storage facility. If a safety violation is  
25 not corrected within the time set by the commission, the  
26 person shall be subject to a civil penalty as provided in  
27 section thirty-two (32) of this Act. The commission may seek  
28 an injunction or other equitable relief to effect compliance.

29 Sec. 5. NEW SECTION. PERMIT REQUIRED. A person shall  
30 not construct, operate, or maintain any pipeline or under-  
31 ground storage facility without first obtaining a permit  
32 pursuant to this Act.

33 Sec. 6. NEW SECTION. INFORMATIONAL MEETING.

34 1. A person seeking the use of the right of state eminent  
35 domain pursuant to this Act and chapter four hundred seventy-

1 two (472) of the Code shall not negotiate or purchase any  
2 easements or other interests in land in any county known to  
3 be affected by the proposed project prior to conducting  
4 informational meetings. Temporary easements for geological  
5 exploration only may be obtained prior to the informational  
6 meeting at which underground storage is contemplated.

7 2. As conditions precedent to the filing of a petition  
8 for a permit with the use of the right of state eminent domain  
9 pursuant to section twenty-six (26) of this Act, the person  
10 shall hold informational meetings in each county in which  
11 real property or rights in real property, not previously  
12 acquired, will be affected. Informational meetings shall  
13 not be required for pipelines under five miles in length or  
14 future anticipated extension of an overall distance of five  
15 miles. A member of the commission, the counsel of the  
16 commission, or a hearing officer designated by the commission  
17 shall serve as the presiding officer at each meeting and  
18 present an agenda for this meeting which shall include a  
19 summary of the legal rights of the affected landowners or  
20 other interested parties. A formal record of the meeting  
21 shall not be required.

22 3. The informational meeting under subsection two (2)  
23 of this section shall be held at a location reasonably  
24 accessible to all persons, companies, or corporations which  
25 may be affected by the granting of the permit. The person  
26 seeking a permit who wishes to use the right of state eminent  
27 domain shall give notice of the informational meeting to each  
28 person, company, or corporation determined to be the landowner  
29 affected by the proposed project. Those petitioners desiring  
30 a route deviation beyond the proposed right-of-way width,  
31 up to one hundred sixty rods, shall give notice of the  
32 informational meeting to all landowners within the desired  
33 deviation.

34 4. For the purposes of this section, "landowner" means  
35 a person, company, or corporation listed on the tax assessment

1 rolls as responsible for the payment of real estate taxes  
2 imposed on the property.

3 5. The notices under subsection three (3) of this section  
4 shall set forth:

5 a. The name of the applicant;

6 b. The applicant's principal place of business;

7 c. The general description and purpose of the proposed  
8 project;

9 d. The general nature of the right-of-way desired;

10 e. A map showing the centerline of the route corridor  
11 of the proposed project;

12 f. A designation of the time and place of the meeting;  
13 and,

14 g. That the landowner or an agent has the right to be  
15 present at the meeting and make comment or ask questions  
16 relative to the proposed project.

17 6. The notice under subsection three (3) of this section  
18 shall be served by restricted certified mail not less than  
19 fifteen nor more than thirty days prior to the time set for  
20 the meeting. The notice, with a centerline description of  
21 the proposed route corridor and less the map, shall be  
22 published once in a newspaper of general circulation in the  
23 county. This publication shall be considered notice to  
24 landowners whose residence is not known and to other interested  
25 parties.

26 Sec. 7. NEW SECTION. APPLICATION FOR PERMIT. The  
27 application for a permit shall state:

28 1. The name of the person requesting the permit.

29 2. The applicant's principal office and place of business.

30 3. A legal description of the route of the proposed  
31 pipeline tied to readily identifiable reference points and  
32 a request for deviation of one hundred sixty rods from it,  
33 together with a map of the route.

34 4. A general description of the public and private lands  
35 of any kind along, over, or across which this proposed line

1 or lines will pass.

2 5. The specifications of material and manner of  
3 construction.

4 6. The maximum and normal operating pressure under which  
5 it is proposed to transport gas or hazardous materials.

6 7. The relationship of the proposed project to the present  
7 land use and zoning ordinances.

8 8. The possible use of alternative routes within the three  
9 hundred twenty rod corridor.

10 9. If permission is sought to construct, operate, and  
11 maintain facilities for the underground storage of gas or  
12 hazardous materials, the following additional information:

13 a. A description of the public and private lands of any  
14 kind under which this storage is proposed, together with a  
15 map of it.

16 b. Maps showing the location of proposed machinery,  
17 appliances, fixtures, wells, and stations necessary for the  
18 construction, operation, and maintenance of these underground  
19 storage facilities.

20 10. An affidavit stating that informational meetings were  
21 held or are not required.

22 11. A statement of the environmental and ecological impact  
23 of the construction and operation of the proposed facilities.

24 Sec. 8. NEW SECTION. PUBLISHED NOTICE. Upon the filing  
25 of the application for a permit with the commission, the  
26 commission shall cause a notice of the application to be  
27 published in a newspaper of general circulation in each county  
28 through which this proposed gas or hazardous materials pipeline  
29 will extend. The notice shall be published once each week  
30 for two consecutive weeks. The notice shall also contain  
31 a general statement of the contents and purpose of the petition  
32 and a general description of lands and highways to be traversed  
33 by the pipeline or under which storage is contemplated, shall  
34 state that any objections to it must be filed in writing with  
35 the commission not later than twenty days after the date of

1 the last publication of the notice, and shall state that if  
2 objections are not timely filed, the commission may proceed  
3 with its deliberation of the petition without conducting a  
4 hearing.

5 Sec. 9. NEW SECTION. OBJECTIONS. A person, corporation,  
6 company, or city the rights or interests of which may be  
7 affected by the gas or hazardous materials pipeline or storage  
8 facility may file written objections with the commission.

9 Sec. 10. NEW SECTION. FILING. Objections shall be placed  
10 on file in the office of the commission not later than twenty  
11 days after the date of last publication and shall state the  
12 grounds for the objection.

13 Sec. 11. NEW SECTION. HEARING--TIME AND PLACE. Upon  
14 the filing of objections, the commission may or, when a  
15 petition for a permit includes any application for the right  
16 of state eminent domain, the commission shall set the matter  
17 for hearing and fix a time and place for the hearing. The  
18 hearing shall not be less than ten days from the date of the  
19 notice of the hearing and shall be held in the office of the  
20 commission or at a place designated by the commission. Written  
21 notice of the time and place of the hearing shall be served  
22 by the commission by ordinary mail on the applicant and those  
23 who have filed objections. If objections are not filed and  
24 the petition does not involve the taking of property under  
25 the right of state eminent domain, the commission may grant  
26 a permit without hearing on it. However, this section shall  
27 not be construed to prohibit the commission from conducting  
28 a hearing if it deems it necessary. If a petition seeks the  
29 use of the right of state eminent domain over specific parcels  
30 of real property, the commission shall prescribe the notice  
31 to be served upon the owners of record and parties in  
32 possession of the property over which the use of the right  
33 of state eminent domain is sought.

34 Sec. 12. NEW SECTION. EXAMINATION--TESTIMONY. The  
35 commission may examine the proposed route of the gas or

1 hazardous materials pipeline or suitability of the proposed  
2 underground storage area or may cause the examination to be  
3 made by an engineer selected by it. The commission shall  
4 consider the application and any objections filed and may  
5 hear any testimony as may aid it in determining the propriety  
6 of granting the permit.

7 Sec. 13. NEW SECTION. FINAL ORDER--CONDITION. The  
8 commission may grant the permit in whole or in part upon  
9 terms, conditions, and restrictions as to safety requirements  
10 and as to location and route as determined by it to be just  
11 and proper and upon a showing of public convenience and  
12 necessity as to those pipelines and underground storage  
13 facilities which are intrastate facilities. The commission  
14 shall grant a permit for the construction of interstate  
15 pipelines and underground storage upon a showing that the  
16 petitioner has complied with the appropriate federal  
17 certification and safety requirements.

18 Sec. 14. NEW SECTION. COSTS AND FEES. The applicant  
19 shall pay all costs and expenses of the informational meetings,  
20 hearing, and necessary preliminary investigation, including  
21 the cost of publishing notices. The applicant shall also  
22 pay a construction inspection fee in the sum of fifty cents  
23 per mile of pipeline or its fraction for each inch of diameter  
24 of the pipeline located in the state.

25 Sec. 15. NEW SECTION. ANNUAL INSPECTION FEE.

26 1. The commission shall annually, within ninety days after  
27 the close of each calendar year, ascertain the total of its  
28 expenditures during each year for its transmission and  
29 distribution pipeline safety program and shall assess all  
30 persons engaged in the transmission or distribution of gas  
31 or hazardous material an annual inspection fee sufficient  
32 only to recover the expenses of the pipeline safety program.

33 2. The annual inspection fee assessment for distribution  
34 facilities operating at less than one hundred fifty pounds  
35 per square inch gauge shall be measured by the number of

1 active gas meters in service with the maximum fee computed  
2 on the following schedule:

3 a. Twenty cents for each meter in service up to two  
4 thousand;

5 b. Fifteen cents for each meter from two thousand one  
6 to ten thousand meters in service;

7 c. Ten cents for each meter from ten thousand one to fifty  
8 thousand meters in service;

9 d. Seven and one-half cents for each meter in service  
10 exceeding fifty thousand.

11 This fee shall not be less than one hundred dollars which  
12 shall be the minimum inspection fee to be paid by each person  
13 engaged in the operation of a gas pipeline distribution system.

14 3. Each person operating transmission pipelines, pressures  
15 at one hundred fifty pounds per square inch gauge and above,  
16 shall pay an annual inspection fee not to exceed fifty cents  
17 per mile of transmission pipeline or its fraction for each  
18 inch of diameter of the pipeline located in the state.

19 4. Each person operating underground storage facilities  
20 shall pay an annual inspection fee of one hundred dollars  
21 for each underground storage facility. For fee purposes only,  
22 multiple stratum storage shall be considered as a single  
23 facility.

24 5. When the total requirement of the pipeline safety  
25 program is less than the maximum allowable under subsections  
26 two (2), three (3), and four (4) of this section, the  
27 assessment shall be prorated as a percentage of the maximum  
28 allowable under subsections two (2) and three (3) of this  
29 section. The assessment for underground storage facilities  
30 shall not be subject to prorating.

31 6. After determining the amount of the fee imposed under  
32 this section, the commission shall, annually on or before  
33 the first day of June, prepare and transmit to each person  
34 a statement of the fees due for the cost to the commission  
35 of the operations of the pipelines safety program of the

1 commission. On or before the following thirtieth day of June,  
2 each person shall pay to the secretary of the commission all  
3 fees due.

4 Sec. 16. NEW SECTION. FAILURE TO PAY. The commission  
5 shall collect all inspection fees. Failure to pay any  
6 inspection fee within thirty days shall subject the person  
7 to a civil penalty of not more than one thousand dollars.  
8 The commission may seek an injunction or other equitable  
9 relief to effect compliance.

10 Sec. 17. NEW SECTION. ACCOUNTING FOR FEES. The commission  
11 shall on the last day of each month remit to the treasurer  
12 of state all moneys collected under this Act during this  
13 month.

14 Sec. 18. NEW SECTION. USE OF FUNDS. All moneys received  
15 under the provisions of this Act or so much of them as may  
16 be necessary shall be used only for the administration and  
17 enforcement of the provisions of this Act and the regulation  
18 of pipeline and underground storage companies and shall be  
19 paid to the commission by warrant drawn from time to time  
20 by the state comptroller upon the treasurer of state.

21 Sec. 19. NEW SECTION. RULES AND REGULATIONS. The  
22 commission may promulgate rules for the enforcement of this  
23 Act and to insure the orderly conduct of informational meetings  
24 and hearings.

25 Sec. 20. NEW SECTION. PERMIT. The commission shall issue  
26 any permit granted in accordance with section thirteen (13)  
27 of this Act. The permit shall show the name and address of  
28 the person to whom it is issued and identify by reference  
29 the decision and order of the commission under which the  
30 permit is issued. It shall be signed by the chairperson of  
31 the commission and the official seal of the commission shall  
32 be affixed to it.

33 Sec. 21. NEW SECTION. LIMITATION ON GRANT. An exclusive  
34 right shall not be granted to a person to construct, operate,  
35 and maintain a pipeline along, over, or across a public

1 highway, grounds, or waters. A permit shall never be granted  
2 for more than twenty-five years.

3 Sec. 22. NEW SECTION. SALE OF PERMIT. A permit for a  
4 gas or hazardous materials pipeline or underground storage  
5 facility shall not be sold until the sale is approved by the  
6 commission.

7 Sec. 23. NEW SECTION. TRANSFER OF PERMIT. The commission  
8 shall be notified of all transfers of permits.

9 Sec. 24. NEW SECTION. RECORDS. The commission shall  
10 keep a record of all permits granted and issued by it showing  
11 when and to whom issued and the location and route of a  
12 pipeline or gas storage area covered by it. When any transfer  
13 of this permit has been made, the commission shall also note  
14 upon its record the date of transfer and the name and address  
15 of the transferee.

16 Sec. 25. NEW SECTION. RENEWAL OR AMENDMENT OF PERMIT.  
17 Any person owning a permit granted under this Act desiring  
18 to acquire a renewal or amendment of the permit may petition  
19 the commission in the same manner provided for the granting  
20 of the permit and the same proceeding shall be had as on an  
21 original application.

22 Sec. 26. NEW SECTION. EMINENT DOMAIN.

23 1. Any pipeline company which has complied with the  
24 provisions of this Act and which has secured a permit for  
25 pipelines or underground storage areas as provided in this  
26 Act is vested with the right of eminent domain to such extent  
27 as may be necessary and as prescribed and approved by the  
28 commission.

29 2. Upon a finding that the construction of a pipeline  
30 is in the public interest and necessary to serve a public  
31 use, the commission may grant the use of the right of eminent  
32 domain to the applicant to the extent deemed necessary and  
33 as prescribed and approved by the commission, not exceeding  
34 seventy-five feet in width for right-of-way and not exceeding  
35 two acres in any one location in addition to right-of-way

1 for the location of pumps, pressure apparatus, or other  
2 stations or equipment necessary to the proper operation of  
3 a pipeline.

4 3. Upon a finding that the construction of an underground  
5 storage facility is in the public interest and necessary to  
6 serve a public use, the commission may grant the use of the  
7 right of eminent domain to the extent deemed necessary and  
8 as prescribed and approved by the commission. The person  
9 may appropriate for use for an underground storage facility  
10 any subsurface stratum or formation in any land which the  
11 commission finds to be suitable and in the public interest  
12 for the underground storage facility and may appropriate such  
13 other interests in property as may be required adequately  
14 to examine, prepare, maintain, and operate the underground  
15 storage facilities. The right of appropriation is without  
16 prejudice to the rights of the owner of the lands or of other  
17 rights or interests in the lands to drill or bore through  
18 the underground stratum or formation so appropriated in such  
19 manner as shall comply with rules of the commission issued  
20 for the purpose of protecting underground storage strata or  
21 formations against pollution and against the escape of gas  
22 and is without prejudice to the rights of the owner of the  
23 lands or other rights or interests in the lands as to all  
24 other uses of the land.

25 4. If agreement cannot be made with the landowner as to  
26 damages caused by the construction of a pipeline or underground  
27 storage facility, the same proceedings shall be taken as  
28 provided for taking private property for works of internal  
29 improvement.

30 5. This Act shall not authorize the construction of a  
31 pipeline longitudinally on, over, or under any railroad right-  
32 of-way or public highways or at other than an approximate  
33 right angle to this railroad track or public highways without  
34 the consent of the railroad company, the highway commission,  
35 or board of supervisors, as the case may be. This Act shall

1 not authorize or give the right of condemnation or state  
2 eminent domain for this longitudinal occupancy.

3 Sec. 27. NEW SECTION. APPLICATION FOR EMINENT DOMAIN.

4 Any person desiring to construct any pipeline or underground  
5 storage facility may file an application with the commission  
6 requesting the right to exercise the state power of eminent  
7 domain. The application shall set forth:

8 1. The name of the person seeking the right of eminent  
9 domain.

10 2. The applicant's principal place of business.

11 3. An allegation that the pipeline or underground storage  
12 facility is necessary to serve a public use and that the  
13 informational meeting and permit requirements of this Act  
14 have been complied with.

15 4. A detailed description of the land which the person  
16 seeks to acquire by eminent domain.

17 5. A general description of the land which the person  
18 requires under temporary easements for construction purposes.

19 Sec. 28. NEW SECTION. DAMAGES. Any person operating  
20 a pipeline or a gas storage facility shall have reasonable  
21 access to them for the purpose of constructing, reconstructing,  
22 enlarging, repairing, maintaining, or locating their pipes,  
23 pumps, pressure apparatus, or other stations, wells, devices  
24 or equipment used in or upon the line or gas storage facility,  
25 but shall pay to the owner of the lands all damages caused  
26 after the completion of construction of the pipeline. However,  
27 this section shall not be construed to prevent the execution  
28 of an agreement for damages between any person and the owner  
29 of the land or crops.

30 Sec. 29. NEW SECTION. FINANCIAL CONDITION OF APPLICANT-  
31 -BOND. Before any permit is granted under the provision of  
32 this Act, the applicant must satisfy the commission that the  
33 applicant has property within this state, other than pipelines,  
34 subject to execution of a value in excess of fifty thousand  
35 dollars or that the applicant has filed and maintained with

1 the commission a surety bond in the penal sum of fifty thousand  
2 dollars with surety approved by the commission, conditioned  
3 that this applicant shall pay any and all damages legally  
4 recovered against it growing out of the construction or  
5 operation of his pipeline or gas storage facilities in this  
6 state. When any person deposits with the commission security  
7 satisfactory to the commission as a guaranty for the payment  
8 of damages or furnishes to the commission satisfactory proofs  
9 of solvency and financial ability to pay damages, the person  
10 shall be relieved of the provisions requiring bond.

11 Sec. 30. NEW SECTION. VENUE--SERVICE OF ORIGINAL NOTICE.  
12 In all cases arising under this Act, the district court of  
13 any county through which the pipeline facility is located  
14 shall have jurisdiction. Service of original notice on the  
15 pipeline company shall be had and made upon the chairperson  
16 of the commission.

17 Sec. 31. NEW SECTION. ORDERS--ENFORCEMENT. If any person  
18 fails to obey an order within a time prescribed by the  
19 commission, the commission may commence an equitable action  
20 in the district court of the county where this defective,  
21 unsafe, or dangerous portion of a gas or hazardous materials  
22 pipeline, device, apparatus, equipment, or underground storage  
23 facility is located to compel compliance with its order.  
24 If, after due trial of the action, the court finds that the  
25 order is reasonable, equitable, and just, it shall decree  
26 a mandatory injunction compelling obedience to and compliance  
27 with the order and may grant such other relief as may be just  
28 and proper. Appeal from this decree may be taken in the same  
29 manner as in other equitable actions.

30 Sec. 32. NEW SECTION. CIVIL PENALTY.

31 1. Any person who violates any provision of this Act or  
32 any rule issued under it shall be subject to a civil penalty  
33 of not to exceed one thousand dollars for each violation.  
34 Each day that the violation continues shall constitute a  
35 separate offense. However, the maximum civil penalty shall

1 not exceed two hundred thousand dollars for any related series  
2 of violations.

3 2. Any civil penalty may be compromised by the commission.  
4 In determining the amount of the penalty or the amount agreed  
5 upon in compromise, the appropriateness of the penalty to  
6 the size of the business of the person charged, the gravity  
7 of the violation, and the good faith of the person charged  
8 in attempting to achieve compliance shall, after notification  
9 of a violation, be considered. The amount of the penalty,  
10 when finally determined or the amount agreed upon in  
11 compromise, may be deducted from any sums owed by the state  
12 to the person charged or may be recovered in a civil action.

13 Sec. 33. NEW SECTION. REHEARING AND APPEAL. Rehearing  
14 and appeal procedures for any person aggrieved by the action  
15 of the commission in granting or failing to grant a permit  
16 under the provisions of this Act shall be as provided in  
17 sections four hundred ninety A point twelve (490A.12) through  
18 four hundred ninety A point nineteen (490A.19) of the Code.

19 Sec. 34. NEW SECTION. AUTHORIZED FEDERAL AID. The  
20 commission may enter into agreements with and receive moneys  
21 from the United States department of transportation for the  
22 enforcement of the applicable standards of pipeline safety  
23 as provided by Public Law 90-481, the "Natural Gas Pipeline  
24 Safety Act of 1968", 49 United States Code 1671-1684, and  
25 such other present and future federal acts as may be applicable  
26 to the subject matter of this Act.

27 Sec. 35. Chapter four hundred ninety (490), Code 1975,  
28 is repealed.

29 EXPLANATION

30 During the past few years, the federal power commission  
31 and the United States department of transportation have assumed  
32 a greater role in the regulation of intrastate and interstate  
33 pipelines and natural gas pipeline safety as a result of  
34 federal legislation.

35 This bill revises Iowa's law on pipeline regulation and

1 retains jurisdiction for the Iowa state commerce commission  
2 over the transportation and distribution of all gas or  
3 hazardous materials by pipelines and underground storage  
4 facilities associated with them that is reserved to the states  
5 by federal legislation.

6 The bill also provides that any person constructing a  
7 pipeline or underground storage facility in Iowa may file  
8 application with the commission to obtain the state right  
9 of eminent domain.

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S-5774

1 Amend Senate File 1273, page 2, by inserting after  
2 line 28 the following:

3 "Sec. \_\_\_\_ . NEW SECTION. INSPECTION UPON REQUEST.

4 1. A board of supervisors may, by majority vote,  
5 submit a request in writing to the commission re-  
6 questing that the services of a qualified inspector  
7 be provided to adequately inspect pipeline constuc-  
8 tion within that county. Upon receipt of this re-  
9 quest, the commission shall make an inspector  
10 available. All costs of inspection shall be paid  
11 pursuant to section fourteen (14) of this Act.

12 2. As a part of the inspection process, the in-  
13 spector shall, if so provided in the easement con-  
14 tract, ascertain that the trench excavation has been  
15 filled in such a manner as to provide that the top-  
16 soil has been replaced on top and all rocks and debris  
17 have been removed from the topsoil.

18 3. Adequate inspection of underground improve-  
19 ments altered during construction of pipeline shall  
20 be conducted at the time of the replacement or re-  
21 pair of these underground improvements.

22 4. All faulty construction, as determined by the  
23 inspector, shall be repaired immediately by the con-  
24 tractor operating for the pipeline company. The cost  
25 of these repairs shall be paid by the contractor.  
26 If these repairs are not made by contractor, the  
27 commission shall proceed to collect under the pro-  
28 visions of section twenty-nine (29) of this Act."

S-5774 FILED  
MAY 12, 1976

BY NORMAN G. RODGERS  
ROGER J. SHAFF

S-5519

1 Amend Senate File 1273 as follows:

2 1. Page 11, line 31, by striking the word  
3 "longitudinally".

4 2. Page 11, line 32, by striking the words  
5 "highways or at other than an approximate" and  
6 inserting in lieu thereof the word "highway".

7 3. Page 11, line 33, by striking the words "right  
8 angle to this railroad track or public highways".

9 4. Page 11, line 34, by striking the words "highway  
10 commission" and inserting in lieu thereof the words  
11 "state department of transportation".

S-5519 FILED  
APRIL 14, 1976

BY WARREN E. CURTIS  
LOWELL L. JUNKINS

1 Amend Senate File 1273 as follows:

2 1. Page 2, by inserting after line 10 the following  
3 new section:

4 "Sec. \_\_\_\_\_. NEW SECTION. PROHIBITED LOCATION.

5 The underground storage of gas in the subsurface  
6 stratum or formation of the earth under a city or  
7 in an area adjacent to a city is prohibited if there  
8 is evidence that gas will escape through the subsurface  
9 stratum or formation of earth into the area within  
10 or beneath the corporate limits of the city.

11 The provisions of this section shall not apply  
12 to the underground storage of gas within the corporate  
13 limits of a city under the authority of a permit  
14 granted by the Iowa state commerce commission prior  
15 to the effective date of this Act nor shall this  
16 section be applicable where the corporate limits of  
17 a city are extended to include property under which  
18 the underground storage of gas has been authorized  
19 by permit issued by the commission prior to the  
20 annexation."

21 2. By renumbering sections and correcting internal  
22 references.

S-5420 FILED  
MARCH 25, 1976

BY NORMAN G. RODGERS

S-5780

1 Amend Senate File 1273 as follows:

2 1. Page 14, by inserting after line 26 the  
3 following:

4 "Sec. \_\_\_\_\_. Section four hundred seventy-two point  
5 fourteen (472.14), Code 1975, is amended by adding  
6 the following new unnumbered paragraphs:

7 NEW UNNUMBERED PARAGRAPH. Whenever an easement  
8 or other interest in property is acquired for the  
9 construction of a pipeline facility upon agricultural  
10 land under chapter four hundred ninety (490) of the  
11 Code by condemnation or by purchase if condemnation  
12 is available, the landowner may, if there is an  
13 increase in the assessed valuation of this agricultural  
14 land after the first five-year period following this  
15 acquisition and each succeeding five-year period,  
16 negotiate a payment in addition to the initial  
17 appraisement. This increased payment shall be  
18 proportional to the increase in the assessed valuation  
19 of the tract which has been subject to the easement  
20 during the prior five-year period. Notice of this  
21 negotiation shall be sent to the condemnor or purchaser  
22 by registered mail within sixty days prior to the  
23 anniversary date of the original and each succeeding  
24 settlement. If the landowner, condemnor, purchaser,  
25 or any succeeding owner of this easement is unable  
26 to reach agreement within ninety days of receipt of  
27 the notice, the dispute shall go to the compensation  
28 commission of the county in which the property is  
29 located. If either party is not satisfied with the  
30 decision of the compensation commission, they may,  
31 within thirty days of the date of the decision, appeal  
32 to the district court of the district in which the  
33 property is located.

34 NEW UNNUMBERED PARAGRAPH. As used in this section,  
35 "landowner" means a person, company, or corporation  
36 listed in the tax assessment rolls as responsible  
37 for payment of real estate taxes imposed on the  
38 affected property. If the ownership of the affected  
39 property changes, it shall be the responsibility of  
40 the new landowner to provide the condemnor or purchaser  
41 evidence of ownership prior to January tenth of the  
42 year following this transfer of ownership.

43 NEW UNNUMBERED PARAGRAPH. Anything in this section  
44 to the contrary notwithstanding, any easement granted  
45 for the construction of a pipeline facility under  
46 chapter four hundred ninety (490) of the Code shall  
47 continue for the period of the easement granted and  
48 shall not in any way be interrupted because of  
49 negotiations between the landowner, condemnor,  
50 purchaser, or any succeeding owner, in establishing

PAGE 2

1 the new payment for each of the succeeding five-year  
2 periods."

S-5780 FILED  
MAY 13, 1976

BY NORMAN G. RODGERS  
ROGER J. SHAFF

S-5789

- 1 Amend Senate File 1273 as follows:  
2 1. Page 1, line 25, by inserting after the word  
3 "of" the words "any solid, liquid,".  
4 2. Page 1, line 26, by inserting after the word  
5 "materials" the words ", except water,".

S-5789 FILED  
MAY 13, 1976

BY ROGER J. SHAFF  
NORMAN G. RODGERS

SENATE FILE 1273

S-5787

- 1 Amend Senate File 1273 as follows:  
2 1. Page 2, by striking lines 34 and 35.  
3 2. Page 3, line 1, by striking the words "two  
4 (472) of the Code" and inserting in lieu thereof the  
5 words and figure "1. A person seeking a permit".  
6 3. Page 3, by striking lines 8 and 9 and inserting  
7 in lieu thereof the words " for a permit and not less  
8 than thirty days prior to the filing of this petition,  
9 the person".  
10 4. Page 3, by striking line 26 and inserting in  
11 lieu thereof the words "seeking a permit".  
12 5. Page 3, line 27, by striking the word "domain".

S-5787 FILED  
MAY 13, 1976

BY NORMAN G. RODGERS  
ROGER J. SHAFF

S-5790

- 1 Amend Senate File 1273 as follows:  
2 1. Page 9, by striking lines 10 through 20 and  
3 inserting in lieu thereof the following:  
4 "Sec. \_\_\_\_ . NEW SECTION. USE OF FUNDS. All  
5 moneys received under the provisions of this Act shall  
6 be remitted monthly to the treasurer of state and  
7 credited to the general fund of the state."  
8 2. Renumber the bill sections accordingly.

S-5790 FILED  
MAY 13, 1976

BY ROGER J. SHAFF  
NORMAN G. RODGERS

SENATE FILE 1273

S-5775

- 1 Amend Senate File 1273, page 12, line 26, by  
2 inserting after the word "pipeline" the words "  
3 including but not limited to erosion or settling of  
4 soil above or along the location of this pipeline".

S-5775 FILED  
MAY 12, 1976

BY NORMAN G. RODGERS  
ROGER J. SHAFF