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Commissioner 4/27  
Professional Reg. of 2/29 In. State for 3216 3/13/79

FILED FEB 21 1980

SENATE FILE 286

By TIEDEN

Passed Senate, Date 3-21-79 (S. 885) Passed House, Date \_\_\_\_\_  
Vote: Ayes 36 Nays 7 Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved 2/14/80

## A BILL FOR

1 An Act relating to the cancellation of property interests  
2 granted for pipeline or electric transmission line  
3 purposes.

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

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1 Section 1. Chapter four hundred seventy-eight (478), Code  
2 1979, is amended by adding the following new section:

3 NEW SECTION. CANCELLATION. A person seeking to acquire  
4 an easement or other property interest for the construction,  
5 maintenance or operation of an electric transmission line  
6 shall:

7 1. Allow the landowner to cancel any agreement granting  
8 an easement or other interest by certified mail with return  
9 requested to the company's principal place of business within  
10 fifteen days of the date of the contract and inform the  
11 landowner both orally and in writing of the right to cancel  
12 prior to the signing of the agreement by the landowner.

13 2. Provide the landowner with a form in duplicate for  
14 the notice of cancellation.

15 3. Not record any agreement until after the period for  
16 cancellation has expired.

17 4. Not include in the agreement any waiver of the right  
18 to cancel in accordance with this section.

19 The landowner may exercise the right of cancellation only  
20 once for each transmission line project.

21 Sec. 2. Chapter four hundred seventy-nine (479), Code  
22 1979, is amended by adding the following new section:

23 NEW SECTION. CANCELLATION. A person seeking to acquire  
24 an easement or other property interest for the construction,  
25 maintenance or operation of a pipeline shall:

26 1. Allow the landowner to cancel an agreement granting  
27 an easement or other interest by certified mail with return  
28 requested to the company's principal place of business within  
29 fifteen days of the date of the contract and inform the  
30 landowner both orally and in writing of the right to cancel  
31 prior to the signing of the agreement by the landowner.

32 2. Provide the landowner with a form in duplicate for  
33 the notice of cancellation.

34 3. Not record any agreement until after the period for  
35 cancellation has expired.

1 4. Not include in the agreement any waiver of the right  
2 to cancel in accordance with this section.  
3 The landowner may exercise the right of cancellation only  
4 once for each pipeline project.

5 Sec. 3. This Act is effective January first following  
6 its enactment.

7 EXPLANATION

8 This bill allows a landowner to cancel an agreement granting  
9 an easement within fifteen days of the date of the contract  
10 which grants a property interest for the construction,  
11 operation or maintenance of a pipeline or electric transmission  
12 line. The bill provides that the landowner must be informed  
13 of the right to cancel and be given the form for cancellation.  
14 The agreement granting the property interest is not to be  
15 recorded during the cancellation period. The right of  
16 cancellation cannot be waived and may only be exercised once  
17 in respect to any project.

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SENATE FILE 286

S-3216

1 Amend Senate File 286 as follows:

2 1. Page 1, line 10, by striking the words  
3 "fifteen days" and inserting in lieu thereof the  
4 words "seven days, excluding Saturday and Sunday,".

5 2. Page 1, line 29, by striking the words  
6 "fifteen days" and inserting in lieu thereof the words  
7 "seven days, excluding Saturday and Sunday,".

S-3216 FILED *Adopted 3/13/79* BY COMMITTEE ON AGRICULTURE  
MARCH 13, 1979 *(p. 825)* IRVIN BERGMAN, CHAIRPERSON

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1 Section 1. Chapter four hundred seventy-eight (478), Code  
2 1979, is amended by adding the following new section:

3 NEW SECTION. CANCELLATION. A person seeking to acquire  
4 an easement or other property interest for the construction,  
5 maintenance or operation of an electric transmission line  
6 shall:

7 1. Allow the landowner to cancel any agreement granting  
8 an easement or other interest by certified mail with return  
9 requested to the company's principal place of business within  
10 seven days, excluding Saturday and Sunday, of the date of  
11 the contract and inform the landowner both orally and in  
12 writing of the right to cancel prior to the signing of the  
13 agreement by the landowner.

14 2. Provide the landowner with a form in duplicate for  
15 the notice of cancellation.

16 3. Not record any agreement until after the period for  
17 cancellation has expired.

18 4. Not include in the agreement any waiver of the right  
19 to cancel in accordance with this section.

20 The landowner may exercise the right of cancellation only  
21 once for each transmission line project.

22 Sec. 2. Chapter four hundred seventy-nine (479), Code  
23 1979, is amended by adding the following new section:

24 NEW SECTION. CANCELLATION. A person seeking to acquire  
25 an easement or other property interest for the construction,  
26 maintenance or operation of a pipeline shall:

27 1. Allow the landowner to cancel an agreement granting  
28 an easement or other interest by certified mail with return  
29 requested to the company's principal place of business within  
30 seven days, excluding Saturday and Sunday, of the date of  
31 the contract and inform the landowner both orally and in  
32 writing of the right to cancel prior to the signing of the  
33 agreement by the landowner.

34 2. Provide the landowner with a form in duplicate for  
35 the notice of cancellation.

1 3. Not record any agreement until after the period for  
2 cancellation has expired.

3 4. Not include in the agreement any waiver of the right  
4 to cancel in accordance with this section.

5 The landowner may exercise the right of cancellation only  
6 once for each pipeline project.

7 Sec. 3. This Act is effective January first following  
8 its enactment.

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SENATE FILE 286

H-5052

- 1 Amend Senate File 286 as amended, passed and
- 2 reprinted by the Senate as follows:
- 3 1. Page 1, line 9, by inserting after the word
- 4 "business" the words "if received by the company".
- 5 2. Page 1, line 29, by inserting after the word
- 6 "business" the words "if received by the company".

H-5052 FILED *Adopted 1/25 (p. 201)* BY COMMITTEE ON COMMERCE  
JANUARY 23, 1980 Schroeder, Chairperson

SENATE FILE 286

H-5068

- 1 Amend amendment H-3840 to Senate File 286 as
- 2 follows:
- 3 1. Page 1, line 21, by inserting after the
- 4 word "behalf" the words "to cancel an action for
- 5 the exercise of eminent domain commenced under
- 6 the authority of the permit issued by the Iowa
- 7 state commerce commission, docket number P-749,
- 8 after the effective date of this Act, and".

H-5068 FILED  
JANUARY 25, 1980 RULED NOT  
GERMANE - MOTION TO SUSPEND RULES  
FAILED (*p. 207*)

BY AVENSON of Fayette

H-3840

- 1 Amend Senate File 286 as amended, passed and  
 2 reprinted by the Senate as follows:
- 3 1. Page 1, line 7, by inserting after the word  
 4 "landowner" the words "or a person serving in a  
 5 fiduciary capacity in the landowner's behalf".
  - 6 2. Page 1, line 11, by inserting after the word  
 7 "landowner" the words "or such fiduciary".
  - 8 3. Page 1, line 11, by striking the words "both  
 9 orally and".
  - 10 4. Page 1, line 13, by striking the period "."  
 11 following the word "landowner" and inserting "or such  
 12 fiduciary."
  - 13 5. Page 1, line 14, by inserting after the word  
 14 "landowner" the words "or a person serving in a  
 15 fiduciary capacity in the landowner's behalf".
  - 16 6. Page 1, line 20, by inserting after the word  
 17 "landowner" the words "or a person serving in a  
 18 fiduciary capacity in the landowner's behalf".
  - 19 7. Page 1, line 27, by inserting after the word  
 20 "landowner" the words "or a person serving in a  
 21 fiduciary capacity in the landowner's behalf".
  - 22 8. Page 1, line 31, by inserting after the word  
 23 "landowner" the words "or such fiduciary".
  - 24 9. Page 1, line 31, by striking the words "both  
 25 orally and".
  - 26 10. Page 1, line 33, by striking the period "."  
 27 following the word "landowner" and inserting "or such  
 28 fiduciary."
  - 29 11. Page 1, line 34, by inserting after the word  
 30 "landowner" the words "or a person serving in a  
 31 fiduciary capacity in the landowner's behalf".
  - 32 12. Page 2, line 5, by inserting after the word  
 33 "landowner" the words "or a person serving in a  
 34 fiduciary capacity in the landowner's behalf".

H-3840 FILED *Adopted 1/25/80 (p. 208)* BY BENNETT of Ida  
 APRIL 10, 1979

## SENATE FILE 286

H-3982

- 1 Amend Senate File 286 as amended, passed and  
 2 reprinted by the Senate as follows:
- 3 1. Page 2, by inserting after line 6 the following:  
 4 "Sec. 3. Chapter four hundred seventy-nine (479),  
 5 Code 1979, is amended by adding the following new  
 6 section:  
 7 NEW SECTION. PRESUMPTION. In case of injury to  
 8 a person or property by a pipeline, negligence shall  
 9 be presumed on the part of the person or corporation  
 10 operating the pipeline in causing the injury, but  
 11 the presumption may be rebutted. The presumption  
 12 does not exist in favor of employees of the person  
 13 or corporation operating the pipeline who are charged  
 14 with or engaged in the construction, reconstruction,  
 15 repair, or maintenance of the pipeline, unless  
 16 otherwise provided by the employers liability and  
 17 workers' compensation laws of the state."
  - 18 2. By renumbering the sections to conform with  
 19 this amendment.

H-3982 FILED *Ruled not germane* BY HOWELL of Floyd  
 APRIL 18, 1979 *1/25/80 (p. 209)*

SENATE CLIP SHEET

JANUARY 30, 1980

HOUSE AMENDMENT TO SENATE FILE 286

S-5018

- 1 Amend Senate File 286 as amended, passed and
- 2 reprinted by the Senate as follows:
- 3 1. Page 1, line 7, by inserting after the word
- 4 "landowner" the words "or a person serving in a
- 5 fiduciary capacity in the landowner's behalf".
- 6 2. Page 1, line 9, by inserting after the word
- 7 "business" the words "if received by the company".
- 8 3. Page 1, line 11, by inserting after the word
- 9 "landowner" the words "or such fiduciary".
- 10 4. Page 1, line 11, by striking the words "both
- 11 orally and".
- 12 5. Page 1, line 13, by striking the period "."
- 13 following the word "landowner" and inserting "or such
- 14 fiduciary."
- 15 6. Page 1, line 14, by inserting after the word
- 16 "landowner" the words "or a person serving in a
- 17 fiduciary capacity in the landowner's behalf".
- 18 7. Page 1, line 20, by inserting after the word
- 19 "landowner" the words "or a person serving in a
- 20 fiduciary capacity in the landowner's behalf".
- 21 8. Page 1, line 27, by inserting after the word
- 22 "landowner" the words "or a person serving in a
- 23 fiduciary capacity in the landowner's behalf".
- 24 9. Page 1, line 29, by inserting after the word
- 25 "business" the words "if received by the company".
- 26 10. Page 1, line 31, by inserting after the word
- 27 "landowner" the words "or such fiduciary".
- 28 11. Page 1, line 31, by striking the words "both
- 29 orally and".
- 30 12. Page 1, line 33, by striking the period "."
- 31 following the word "landowner" and inserting "or such
- 32 fiduciary."
- 33 13. Page 1, line 34, by inserting after the word
- 34 "landowner" the words "or a person serving in a
- 35 fiduciary capacity in the landowner's behalf".
- 36 14. Page 2, line 5, by inserting after the word
- 37 "landowner" the words "or a person serving in a
- 38 fiduciary capacity in the landowner's behalf".

S-5018 FILED  
JANUARY 29, 1980

RECEIVED FROM THE HOUSE

*Senate concurred 2/4 (p. 290)*

SENATE FILE 286

AN ACT

RELATING TO THE CANCELLATION OF PROPERTY INTERESTS GRANTED  
FOR PIPELINE OR ELECTRIC TRANSMISSION LINE PURPOSES.

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

Section 1. Chapter four hundred seventy-eight (478), Code 1979, is amended by adding the following new section:

NEW SECTION. CANCELLATION. A person seeking to acquire an easement or other property interest for the construction, maintenance or operation of an electric transmission line shall:

1. Allow the landowner or a person serving in a fiduciary capacity in the landowner's behalf to cancel any agreement granting an easement or other interest by certified mail with return requested to the company's principal place of business if received by the company within seven days, excluding Saturday and Sunday, of the date of the contract and inform the landowner or such fiduciary in writing of the right to cancel prior to the signing of the agreement by the landowner or such fiduciary.

2. Provide the landowner or a person serving in a fiduciary capacity in the landowner's behalf with a form in duplicate for the notice of cancellation.

3. Not record any agreement until after the period for cancellation has expired.

4. Not include in the agreement any waiver of the right to cancel in accordance with this section.

The landowner or a person serving in a fiduciary capacity in the landowner's behalf may exercise the right of cancellation only once for each transmission line project.

Sec. 2. Chapter four hundred seventy-nine (479), Code 1979, is amended by adding the following new section:

NEW SECTION. CANCELLATION. A person seeking to acquire an easement or other property interest for the construction, maintenance or operation of a pipeline shall:

1. Allow the landowner or a person serving in a fiduciary capacity in the landowner's behalf to cancel an agreement granting an easement or other interest by certified mail with return requested to the company's principal place of business if received by the company within seven days, excluding Saturday and Sunday, of the date of the contract and inform the landowner or such fiduciary in writing of the right to cancel prior to the signing of the agreement by the landowner or such fiduciary.

2. Provide the landowner or a person serving in a fiduciary capacity in the landowner's behalf with a form in duplicate for the notice of cancellation.

3. Not record any agreement until after the period for cancellation has expired.

4. Not include in the agreement any waiver of the right to cancel in accordance with this section.

The landowner or a person serving in a fiduciary capacity in the landowner's behalf may exercise the right of cancellation only once for each pipeline project.

Sec. 3. This Act is effective January first following its enactment.

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TERRY E. BRANSTAD  
President of the Senate

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FLOYD H. MILLEN  
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 286, Sixty-eighth General Assembly.

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FRANK J. STORK  
Secretary of the Senate

Approved 2/14/, 1980

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ROBERT D. RAY  
Governor