

January 22, 1965.
Commerce. *Pass 2/1*

House File 45

By LOSS, MAHAN, KLUEVER,
FISHER, KEMPTER, MURPHY,
BURKE, BREITBACH, BARINGER,
CLAPSADDLE, JACKSON of Black Hawk,
RESNICK, GAUDINEER, DUNTON,
KENNEDY, MILLER of Page and
MILLER of Des Moines.

Passed House, Date *2/3/65* Passed Senate, Date *4/19*

Vote: Ayes *117* Nays *0* Vote: Ayes *54* Nays *0*

Approved *May 3, 1965*

passed House amended 7/23 (101-0)

*Passed on file 2/3
Commerce 2/8
"do pass" 3/22
deferred 7/15*

A BILL FOR

An Act to amend section four hundred eighty-nine point fourteen (489.14), Code 1962, relating to the issuance of franchise by the Iowa state commerce commission for electric transmission lines; by increasing the maximum number of feet of width of electric transmission line right-of-way, that may be acquired through eminent domain.

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

1 Section 1. Section four hundred eighty-nine point fourteen
2 (489.14), Code 1962, as amended by sections two (2) and three (3)
3 of chapter two hundred eighty-five (285), Acts of the Sixtieth
4 General Assembly, is further amended by striking from line seven
5 (7) the words "one hundred" and inserting in lieu thereof the
6 words "two hundred (200)".

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

EXPLANATION OF HOUSE FILE 45

To meet the ever-increasing demand for electric energy, and to render the safest and most reliable electric service at the lowest possible cost to the ultimate consumer, electric suppliers have found it necessary to interconnect their system by high-voltage electric transmission lines throughout the state of Iowa.

Section 489.14 of the Iowa Code gives the Iowa State Commerce Commission the right to grant franchises containing the right of eminent domain for the acquisition of electric transmission line right-of-way, but not exceeding 100 feet in width. This limitation of right-of-way width was established at a time when high-voltage transmission lines covering long distances were virtually nonexistent, but is no longer adequate to

meet present day construction practices and safety standards. Furthermore, if high-voltage transmission lines are to be confined to right-of-way widths of 100 feet, it will be necessary to substantially increase the number of supporting structures for such lines. This would impose an inconvenience on the property owner, and would unnecessarily take additional amounts of valuable Iowa farm land out of production.

This amendment will still require electric suppliers to prove to the satisfaction of the Iowa State Commerce Commission the need for the width of right-of-way requested by electric suppliers, but will authorize the Commerce Commission to grant franchises in widths up to 200 feet when the need is warranted and necessary for public use.

HOUSE FILE 45

- 1 Amend House File 45 as follows:
- 2 Amend House File 45, section 2 by striking lines 3, 4, and
- 3 5 and adding the following:
- 4 "the Atlantic News-Telegraph, a newspaper published at
- 5 Atlantic, Iowa, and in the Iowa City Press-Citizen, a newspaper
- 6 published at Iowa City, Iowa".

adopted 12/3

Filed
January 25, 1965.

KLUEVER of Cass.
MAHAN of Johnson.

HOUSE FILE 45

- 1 Amend House File 45 by striking all of section 1 after
- 2 the word "Assembly" in line 4 and inserting in lieu
- 3 thereof the following:
- 4 "is further amended by inserting in line twelve (12) after
- 5 the word 'franchise' the words '; provided however, that
- 6 where 200 K V lines or larger are to be constructed, the
- 7 person, company, or corporation may apply to the commerce
- 8 commission for a wider right of way not to exceed two hundred
- 9 (200) feet, and the commission may for good cause extend the
- 10 width of such right of way for such lines to the person,
- 11 company, or corporation applying for the same".

Filed
April 12, 1965.

By BURNS.

adopted 4/19 (30-18)
House concurred 4/22

HOUSE FILE 45

- 1 Amend the Burns amendment, filed April 12, 1965, by
- 2 deleting from line 6 the word "larger" and inserting
- 3 in lieu thereof the words "higher voltage lines".

Filed
April 14, 1965.

By BURNS.

adopted 4/15
House concurred 4/23

HOUSE FILE 45

1 Amend House File 45 as follows:
2 1. By inserting after section 1 the following new section:
3 "Section four hundred eighty-nine point fourteen (489.14), Code
4 1962, as amended by sections two (2) and three (3) of chapter two
5 hundred eighty-five (285), Acts of the Sixtieth General Assembly
6 is hereby further amended by adding thereto the following:
7 "If an electric transmission line right of way, or any part
8 thereof, is wholly abandoned for public utility purposes by the
9 relocation of the transmission lines, is not used or operated for
10 a period of five (5) years, or if its construction has been
11 commenced and work has ceased and has not in good faith been
12 resumed for five (5) years, the right of way shall revert to the
13 person or persons who, at the time of the abandonment or reversion,
14 are the owners of the tract from which such right of way was taken."
15 2. Amend the title to House File 45 by inserting in line 6
16 after the word "domain" the words "; and by providing for right
17 of way abandoned by electric transmission line companies reverting
18 to owners of the land from which the right of way was taken".
19 3. Further amend by renumbering the sections in conformity with
20 this amendment.

Filed *adopted as amended 4/15* By BURNS.
April 12, 1965. *House concurred 4/23*

HOUSE FILE 45

1 Amend the Burns amendment to House File 45 filed April 12, 1965
2 by inserting after the word "taken." in line fourteen (14) the
3 following:
4 "Following such abandonment of right of way, the owner or
5 holder of purported fee title to such real estate may serve notice
6 upon the owner of such right of way easement, or his successor in
7 interest, and upon any party in possession of said real estate,
8 a written notice which shall (1) accurately describe the real
9 estate in question, (2) set out the facts concerning ownership
10 of the fee, ownership of the right of way easement, and the period
11 of abandonment, and (3) notify said parties that such reversion
12 shall be complete and final, and that the easement or other right
13 shall be forfeited, unless said parties shall, within one hundred
14 twenty (120) days after the completed service of notice, file an
15 affidavit with the county recorder of the county in which the real
16 estate is located disputing the facts contained in said notice.
17 "Said notice shall be served in the same manner as an original
18 notice under the Iowa rules of civil procedure, except that when
19 notice is served by publication no affidavit therefor shall be
20 required before publication. If no affidavit disputing the facts
21 contained in the notice is filed within one hundred twenty (120)
22 days, the party serving the notice may file for record in the
23 office of the county recorder a copy of the notice with proofs
24 of service attached thereto or endorsed thereon, and when so
25 recorded, the record shall be constructive notice to all persons
26 of the abandonment revision, and forfeiture of such right of way."

Filed *adopted 4/15* By BENEKE.
April 15, 1965. *House concurred 4/23*

SENATE FILE 45

1 Amend the Burns amendment of April 12 to House File 45, as
2 follows: By striking in line 10, the word and figure
3 "five (5)", and inserting in lieu thereof the word and
4 figure "ten (10)". Further amend by striking in line 12,
5 the word and figure "five (5)", and inserting in lieu
6 thereof the word and figure "ten (10)".

Filed and lost.
April 19, 1965. By REPERT.