

February 12, 1970

Reprinted 4/6
SENATE FILE 1184

By COMMITTEE ON COUNTY GOVERNMENT
(Holden, Stromer, and Gannon)
(AS PASSED BY THE SENATE)

Passed Senate, Date *5-11-70* Passed House, Date *4-2-70*

Vote: Ayes *57* Nays *3* Vote: Ayes *87* Nays *27*

Approved.....

A BILL FOR

*House received and passed 4-13-70
aye 98, nays 12*

1 An Act relating to pipelines and the power of eminent domain
2 exercised by pipeline companies.

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

4 Section 1. Section four hundred ninety-point five (490.5),
5 Code 1966, is hereby amended by adding at the end thereof the
6 following:

7 "As conditions precedent to the filing of a petition with
8 the commission requesting a permit, and not less than *thirty*
9 *days* prior to the filing of such petition, the person, com-
10 pany, or corporation shall hold informational meetings in each
11 county in which real property or rights therein will be
12 affected. A member of the commission, *the counsel of the*
13 *commission, or a hearing examiner designated by the commission*
14 *shall*
15 *serve as the presiding officer at each meeting and present an*
16 *agenda for such meeting which shall include a summary of the*
17 *legal rights of the affected landowners. No formal*
18 *record of the meeting shall be required.*

19 The meeting shall be held at a location reasonably acces-
20 sible to all persons, companies, or corporations which may be
21 affected by the granting of the permit.

22 The person, company, or corporation seeking the permit
23 shall give notice of the informational meeting to each person,
24 company, or corporation determined to be the landowner
25 affected by the proposed project *and any person, company or*
corporation in possession of or residing on the property.

1 For the purposes of this
2 section, 'landowner' means a person, company, or corporation
3 listed on the tax assessment rolls as responsible for the pay-
4 ment of real estate taxes imposed on the property and 'pipe-
5 line' means any line transporting gas, gasoline, oils, motor
6 fuels, or inflammable fluids under pressure in excess of one
7 hundred fifty pounds per square inch and extending a distance
8 of not less than *five miles or further anticipated extension of*
9 *an overall distance of five miles.*

10 *The notice shall set forth the name of applicant; the*
11 *applicant's principal place of business; the general*
12 *description and purpose of the proposed project; the general*
13 *nature of the right of way desired; a map showing the route*
14 *of the proposed project; that the landowner has a right*
15 *to be present at such meeting and to file objections with*
16 *the commerce commission; and a designation of the time and*
17 *place of the meeting; and shall be served by certified mail*
18 *with return requested not less than thirty days previous to*
19 *the time set for the meeting; and shall be published once in*
20 *a newspaper of general circulation in the county. Such*
21 *publication shall be considered notice to landowners whose*
22 *residence is not known.*

23 No person, company, or corporation seeking rights under
24 this chapter shall negotiate or purchase

25 any easement or other interests in land in any county
26 known to be affected by the proposed project prior to the
27 information meeting."

28 Sec. 2. Section four hundred ninety point six (490.6),
29 Code 1966, is hereby amended by adding at the end thereof the
30 following new subsections:

31 "8. The possible use of alternative routes.

32 9. The relationship of the proposed project to the present
33 and future land use and zoning ordinances.

34 10. The inconvenience or undue injury which may result to
35 property owners as a result of the proposed project.

1 11. By affidavit, that informational meetings were
2 held in each county which the proposed project will affect and
3 the time and place of each meeting."

4 Sec. 3. Section four hundred ninety point thirteen (490.13),
5 Code 1966, is hereby amended by inserting in line two (2)
6 after the word "the" the words "informational meetings,".

EXPLANATION

This bill amends the law on pipelines and provides (1) that the pipeline company prove additional facts in filing a petition with the commerce commission seeking a permit and (2) that prior to filing a petition for a permit with the commerce commission, the pipeline company shall hold informational meetings in all counties affected by the proposed project and give notice to the landowners affected so that the landowners are informed of the project and receive advance notice with regard to the proposed route.

Senate 2

SENATE FILE 1184

- 1 Amend the DeKoster amendment, filed February 11, 1970 to Senate
File 1184, by inserting in
- 2 line 3 following the word "the" and before the
- 3 word "general" the words "name of applicant, the
- 4 applicant's principal place of business, the".

Filed and adopted
February 11, 1970

By GLENN

SENATE FILE 1184

- 1 Amend the DeKoster amendment to Senate File 1184, filed
- 2 February 11, 1970, as follows:
- 3 1. By striking all of line 6 and inserting in
- 4 lieu thereof the following: "project, that the land-
- 5 owner has a right to be present at such meetings and
- 6 to file objections with the Commerce Commission,".
- 7 2. By striking all of lines 10 through 12
- 8 inclusive and by inserting in lieu thereof the word,
- 9 "meeting."

Filed, division 1 adopted,
division 2 withdrawn
February 11, 1970

By GAUDINEER

SENATE FILE 1184

- 1 Amend Senate File 1184 as follows:
- 2 Amend the DeKoster amendment by striking from line 10 the
- 3 words "each week for two" and by striking in line 11 the
- 4 words "consecutive weeks."

Filed and adopted
February 11, 1970

By SCHABEN

SENATE FILE 1184

- 1 Amend the DeKoster amendment, filed February 11, 1970, to Sen-
ate File 1184
- 2 by striking all after the word "meeting" on line 10
- 3 and lines 11 and 12 and by inserting in lieu thereof
- 4 a period.

Filed, adopted,
reconsidered, withdrawn
February 11, 1970

By NEU

Senate 3

SENATE FILE 1184

- 1 Amend Senate File 1184 by inserting after the word
- 2 "affected" in line 12 page one, the following "such
- 3 condition precedent shall not be required on projects
- 4 covered by existing easements".

Filed and lost

February 11, 1970

By MOGGED and DeKOSTER

EXPLANATION

This would further strengthen the bill by eliminating from the requirements of informational hearings those projects where the line is being constructed on existing easements for the purpose of serving customers in a given community because of increased gas demands. This is in line with recommendations made by the study committee. Since the company seeking to build such a line already would have obtained the easements, it would appear to be fair to not require an additional hearing.

SENATE FILE 1184

- 1 Amend Senate File 1184 on page 1, line 13, by striking
- 2 the word "no" and inserting in lieu thereof the following
- 3 words "present an agenda for such meeting which shall include
- 4 a summary of the legal rights of the affected landowners. No".

Filed and adopted

February 11, 1970

By POTGETER and GAUDINEER

SENATE FILE 1184

- 1 Amend the DeKoster, et al., amendment to Senate File
- 2 1184, dated February 6, 1970, and found on pages 398 and
- 3 399 of the Senate Journal, by inserting in line 9 after the
- 4 word "sought" the following:
- 5 "and each person, company or corporation in possession
- 6 of or residing on the property".

Filed and adopted

February 11, 1970

By RIGLER

SENATE FILE 1184

- 1 Amend the DeKoster, et al., amendment to Senate File 1184, dated
- 2 February 6, 1970, and found on pages 398 and 399 of the Senate
- 3 Journal by inserting after line 32 the following paragraph:
- 4 "The person, company or corporation seeking the permit
- 5 shall cause to be published in a newspaper of general
- 6 circulation in the area a list of all who were given
- 7 the foregoing notice."

Filed and adopted

February 11, 1970

By LUCKEN and HOUGEN

SENATE FILE 1184

- 1 Amend Senate File 1184 as follows:
- 2 Page 1, line 21, by striking the period and inserting
- 3 the following:
- 4 "and any person, company or corporation in possession of or re-
- 5 siding on the property."

Filed and adopted
February 11, 1970

By RIGLER

SENATE FILE 1184

- 1 Amend Senate File 1184 as follows:
- 2 1. Page 1, line 21, by striking the word "affected"
- 3 and inserting in lieu thereof the words "whose property
- 4 is to be crossed".
- 5 2. Page 2, line 3, by striking the period (.) and
- 6 inserting in lieu thereof the words "across privately
- 7 owned real estate."
- 8 3. Page 2, line 17, by striking the words "known to
- 9 be affected" and inserting in lieu thereof the words "from
- 10 a landowner whose property is to be crossed".

Filed, divisions 1, 2 and 3 withdrawn
February 11, 1970

By DeKOSTER and O'MALLEY

SENATE FILE 1184

- 1 Amend Senate File 1184 as follows:
- 2 1. Page 2, line 3, by striking the word "ten" and
- 3 inserting in lieu thereof the word "five".
- 4 2. Page 2, line 3 by inserting after the word "miles"
- 5 the words "or future anticipated extension of an over all
- 6 distance of five miles".

Filed and adopted
February 11, 1970

By MOWRY

SENATE FILE 1184

- 1 Amend Senate File 1184, page 2, by striking lines
- 2 4 through 14, inclusive, and inserting in lieu thereof
- 3 the following:
- 4 "The notice shall set forth the general description
- 5 and purpose of the proposed project, the general nature
- 6 of the right of way desired, a map showing the route
- 7 of the proposed project, and a designation of the time
- 8 and place of the meeting, and shall be served by
- 9 certified mail with return requested not less than
- 10 thirty days previous to the time set for the meeting."

Filed, amended and withdrawn
February 11, 1970

By DeKOSTER and O'MALLEY

Senate 5

SENATE FILE 1184

- 1 Amend Senate File 1184, page 2, by striking lines 4 through
- 2 14, inclusive, and inserting in lieu thereof the following:
- 3 "The notice shall set forth the general description and
- 4 purpose of the proposed project, the general nature of the
- 5 right of way desired, a map showing the route of the proposed
- 6 project, the legal rights of a landowner under this chapter,
- 7 and a designation of the time and place of the meeting, and
- 8 shall be served by certified mail with return requested not
- 9 less than thirty days previous to the time set for the
- 10 meeting, and shall be published once each week for two
- 11 consecutive weeks in a newspaper of general circulation in
- 12 the county."

Filed, amended, and adopted
February 11, 1970

By DeKOSTER

SENATE FILE 1184

- 1 Amend Senate File 1184, page 2, line 14, by inserting
- 2 after the word "landowner" the words "under this chapter".

Filed and adopted
February 11, 1970

By POTGETER

SENATE FILE 1184

- 1 Amend Senate File 1184, page 2, line 15, after the
- 2 word "corporation" by inserting the words "seeking
- 3 rights under this chapter".

Filed and adopted
February 11, 1970

By DeKOSTER

SENATE FILE 1184

- 1 Amend Senate File 1184 as follows:
- 2 Amend the DeKoster amendment by adding the following new
- 2 sentence at the end thereof:
- 4 "Such publication shall be considered notice to landowners
- 5 whose residence is not known."

Filed and adopted
February 11, 1970

By SHIRLEY and DeKOSTER

-
- 1 Amend the DeKoster-O'Malley amendment, filed February 11, 1970,
 - 2 to Senate File 1184, line 2, by striking the numeral "14" and
 - 3 inserting in lieu thereof "13".

Filed, adopted and withdrawn
February 11, 1970

By RIGLER

SENATE FILE 1184

1 Amend Senate File 1184 as follows:

2 1. Page 1, by striking lines 7 through 25, inclusive.

3 2. Page 2, by striking lines 1 through 18, inclusive,
4 and inserting in lieu thereof the following:

5 As conditions precedent to the filing of a petition
6 with the commission, the person, company, or corporation
7 seeking the franchise shall provide each landowner, over
8 whose property pass the facilities for which the permit
9 is sought, with written notice by ordinary mail not less
10 than ten days prior to the time of the initial contact for
11 the procurement of right of way if such procurement is for
12 property rights less than title fee simple. Such written
13 notice shall include but not be limited to a general des-
14 cription of the proposed project, the purpose of the pro-
15 posed project, the general nature of the right of way
16 desired, a description of the procedures required to secure
17 a permit, a statement that the power of condemnation can
18 only be granted by the commission after a public hearing for
19 which any landowner subject to condemnation will be given
20 notice and the opportunity to appear and object, and such
21 other information as the commission may prescribe. The
22 commission shall prescribe the form and manner of providing
23 such notice to the landowner, non-resident landowner, land-
24 owners under a disability or otherwise not readily available.

25 For the purpose of this section, "landowner" means a
26 person, company or corporation listed on the tax assessment
27 rolls as responsible for the payment of taxes imposed on
28 the real property and for purposes of providing written
29 information the term "pipe line" means any line operating
30 under pressure in excess of one hundred fifty pounds per
31 square inch and extending a distance of not less than ten
32 miles.

33 3. Page 2, by striking lines 27, 28, and 29 and
34 inserting in lieu thereof the following subsection:

35 11. An allegation that the commission rules and
36 regulations have been complied with in respect to the
37 providing of written information to landowners concerning
38 the project as required by section four hundred ninety
39 point five (490.5) of the Code.

40 4. Page 2, by striking lines 30, 31 and 32 and
41 inserting in lieu thereof the following:

42 Sec. 3. Chapter four hundred ninety (490), Code
43 1966, is hereby amended by adding at the end thereof the
44 following new section:

45 Rehearing and appeal procedures for any person,
46 company, or corporation aggrieved by the action of the
47 commission in granting or failing to grant a permit under
48 the provisions of this chapter, shall be as provided in
49 sections four hundred ninety A point twelve (490A.12)
50 through four hundred ninety A point nineteen (490A.19),
51 inclusive, of the Code.

Filed - *de Koster*
February 3, 1970 *5-11*

By DeKOSTER, GRIFFIN, MOGGED,
LAVERTY, O'MALLEY and COLEMAN

1 Amend the DeKoster, et al., amendment to Senate File 1184,
2 filed February 6, 1970, and found on pages 398 and 399 of
3 the Senate Journal, by striking all of lines 7 and 8 and
4 substituting in lieu thereof the following:
5 "seeking the permit shall provide each landowner whose
6 property is to be crossed by the pipeline for which the
7 permit".

Filed - *Adopted 2-11*
February 9, 1970

By DeKOSTER and GRIFFIN

1 Amend the DeKoster, et al. amendment to
2 Senate File 1184, dated February 6, 1970, and
3 found on pages 398 and 399 of the Senate Journal.
4 by striking in line 10 the word "ten" and
5 inserting in lieu thereof the word "thirty".

Filed - *Adopted 2-11*
February 10, 1970

By DODDS

February 3, 1970
Passed on File

SENATE FILE 1184

By COMMITTEE ON COUNTY GOVERNMENT
(Holden, Stromer and Gannon)

Passed Senate, Date.....*2-11-70*..... Passed House, Date

Vote: Ayes*57*..... Nays ..*3*..... Vote: Ayes Nays

Approved

A BILL FOR

1 An Act relating to pipelines and the power of eminent domain
2 exercised by pipeline companies.

3 *Re It Enacted by the General Assembly of the State of Iowa:*

4 Section 1. Section four hundred ninety point five (490.5),
5 Code 1966, is hereby amended by adding at the end thereof the
6 following:

7 "As conditions precedent to the filing of a petition with
8 the commission requesting a permit, and not less than six
9 months prior to the filing of such petition, the person, com-
10 pany, or corporation shall hold informational meetings in each
11 county in which real property or rights therein will be
12 affected. A member of the commission or his designee shall
13 serve as the presiding officer at each meeting and no formal
14 record of the meeting shall be required.

15 The meeting shall be held at a location reasonably acces-
16 sible to all persons, companies, or corporations which may be
17 affected by the granting of the permit.

18 The person, company, or corporation seeking the permit
19 shall give notice of the informational meeting to each person,
20 company, or corporation determined to be the landowner
21 affected by the proposed project. For the purposes of this
22 section, 'landowner' means a person, company, or corporation
23 listed on the tax assessment rolls as responsible for the pay-
24 ment of real estate taxes imposed on the property and 'pipe-
25 line' means any time transporting gas, gasoline, oils, motor

1 fuels, or inflammable fluids under pressure in excess of one
2 hundred fifty pounds per square inch and extending a distance
3 of not less than ten miles.

4 The notice shall:

5 1. State the facts required in a petition for a permit as
6 provided in section four hundred ninety point six (490.6) of
7 the Code and shall designate the time and place of the meeting.

8 2. Be served by certified mail with return requested not
9 less than twenty days previous to the time set for the meeting.

10 3. Be published in a newspaper of general circulation in
11 the county once each week for three consecutive weeks if a
12 landowner is a nonresident of this state, or if his residence
13 is not known.

14 4. Include a statement of the legal rights of a landowner.

15 No person, company, or corporation shall negotiate or pur-
16 chase any easements or other interests in land in any county
17 known to be affected by the proposed project prior to the
18 informational meeting."

19 Sec. 2. Section four hundred ninety point six (490.6),
20 Code 1966, is hereby amended by adding at the end thereof the
21 following new subsections:

22 "8. The possible use of alternative routes.

23 9. The relationship of the proposed project to the present
24 and future land use and zoning ordinances.

25 10. The inconvenience or undue injury which may result to
26 property owners as a result of the proposed project.

27 11. By affidavit, that informational meetings were
28 held in each county which the proposed project will affect and
29 the time and place of each meeting."

30 Sec. 3. Section four hundred ninety point thirteen (490.13),
31 Code 1966, is hereby amended by inserting in line two (2)
32 after the word "the" the words "informational meetings."

EXPLANATION

This bill amends the law on pipelines and provides (1) that the pipeline
company prove additional facts in filing a petition with the commerce com-

mission seeking a permit and (2) that prior to filing a petition for a permit with the commerce commission, the pipeline company shall hold informational meetings in all counties affected by the proposed project and give notice to the landowners affected so that the landowners are informed of the project and receive advance notice with regard to the proposed route.

- 1 Amend Senate File 1184 as follows:
- 2 1. Page 1, line 12, by striking the words
- 3 "or his designee" and inserting in lieu thereof
- 4 ", the counsel of the commission, or a hearing
- 5 examiner designated by the commission".
- 6 2. Page 1, line 24, by inserting after the
- 7 word "property" the following "and any person,
- 8 company or corporation in possession of or residing
- 9 on the property". *Amended*

Filed - *Adopted 2-10, Sen 2 withdrawn 2-11*
February 10, 1970

By SHAFF

- 1 Amend Senate File 1184 as follows:
- 2 1. Page 1, lines 8 and 9, by striking the words
- 3 "six months" and inserting in lieu thereof the words
- 4 "thirty days".
- 5 2. Page 2, line 11, by striking the words "if a"
- 6 and by inserting in lieu thereof a period, and by
- 7 striking lines 12 and 13, inclusive.

*Adopted
2-11*

Filed - *adopted 2-11*
February 10, 1970

By SHAFF, BRILES, POTGETER,
VAN GILST and KEITH

April 6, 1970

SENATE FILE 1184

By COMMITTEE ON COUNTY GOVERNMENT
(Holden, Stromer, and Gannon)
(AS AMENDED AND PASSED BY THE HOUSE)

Passed Senate, Date.....2..... Passed House, Date 4-2-70

Vote: Ayes..... Nays..... Vote: Ayes.....87 Nays.....27

Approved.....

A BILL FOR

*House resolved in
Bill on passed
by the Senate was
passed 4/13/70 by House.*

1 An Act relating to pipelines and the power of eminent domain
2 exercised by pipeline companies.

3 WHEREAS, the general assembly finds that from time to time
4 prior to plans for pipeline and like projects becoming common
5 knowledge, title to and interests in land have been acquired
6 for considerations less than is its fair value, sometimes to
7 the disadvantage of widows, orphans, aged and infirm persons,
8 and others to whom the state is bound to assure the equal
9 protection of its laws, not merely in terms but in fact and
10 substance, NOW THEREFORE,

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

12 Section 1. Section four hundred ninety point twenty-five
13 (490.25), Code 1966, is hereby amended as follows:

14 (1) By striking from line three (3) the word "thereupon"
15 and inserting in lieu thereof the words "upon filing the
16 application and complying with the requirements of this section".

17 (2) By inserting in line sixteen (16) after the word
18 "shall" the words "upon filing the application and complying
19 with the requirements provided in this section".

20 (3) By inserting after line forty-two (42) the following:

21 "As a condition precedent to the vesting of the power of
22 eminent domain for the construction of a pipeline, an application
23 shall be filed with the commission therefor. Not less than
24 thirty
25 days prior to the filing of such application, the person, com-

1 pany, or corporation making the
2 application shall hold at least one informational meeting in each
3 county in which real property or rights therein will be
4 affected. A member of the commission, the counsel of the
5 commission, or a hearing examiner designated by the commission shall
6 serve as the presiding officer at each meeting and present an
7 agenda for such meeting which shall include a summary of the
8 rights and remedies of landowners, as provided by statute and
9 the rules and regulations of the commission, in cases in which
10 the power of eminent domain is invoked to acquire real property
11 or any interest therein. No formal
12 record of the meeting shall be required.

13 Every application shall be under oath, by the applicant or
14 if the applicant is a corporation, by its principal officer,
15 or his designee. The application shall contain (1) a
16 statement that the informational meetings were in fact held,
17 and (2) a statement that no title to real property, or interest
18 therein, has been acquired by purchase or otherwise by the
19 applicant or any person, company, or corporation in behalf of
20 the applicant, primarily for the construction of the particular
21 pipeline concerned or, in the alternative, a statement showing
22 all such purchases, the title or interest acquired, from
23 whom, and the amount paid for the title or interest acquired.

24 The meeting shall be held at a location reasonably acces-
25 sible to all persons, companies, or corporations which may be
26 affected by the granting of the power of eminent domain.

27 The person, company, or corporation seeking the
28 power of eminent domain
29 shall give notice of the informational meeting to each person,
30 company, or corporation determined to be the landowner
31 affected by the proposed project including
32 those from whom title to and interests in land have been
33 acquired and any person, company or corporation shown of record
34 to be in possession of or residing on the property.

35 For the purposes of this

1 section, 'landowner' means a person, company, or corporation
2 listed on the tax assessment rolls as responsible for the pay-
3 ment of real estate taxes imposed on the property and 'pipe-
4 line' means any line transporting gas, gasoline, oils, motor
5 fuels, or inflammable fluids under pressure in excess of one
6 hundred fifty pounds per square inch and extending a distance
7 of five miles or more across privately-
8 owned property.

9 The notice shall set forth the name of applicant; the
10 applicant's principal place of business; the general
11 description and purpose of the proposed project; the general
12 nature of the right of way desired; a map showing the route
13 of the proposed project; that the landowner has a right
14 to be present at such meeting and to file objections with
15 the commerce commission; and a designation of the time and
16 place of the meeting; and shall be served by certified mail
17 with return requested not less than thirty days previous to
18 the time set for the meeting; and shall be published once in
19 a newspaper of general circulation in the county
20 at least one week and not more than three weeks before
21 the date set for the informational meeting. Such
22 publication shall be considered notice to
23 landowners and any party in possession
24 whose whereabouts are not known."

25 Sec. 2. Section four hundred ninety point six (490.6),
26 Code 1966, is hereby amended by adding at the end thereof the
27 following new subsections:

28 "8. The possible use of alternative routes.

29 9. The relationship of the proposed project to the present
30 zoning ordinances.

31 10. The inconvenience or undue injury which may result to
32 property owners as a result of the proposed project
33 insofar as they are known to or reasonably foreseen
34 by the applicant."

35 Sec. 3. Section four hundred ninety point thirteen (490.13),

1 Code 1966, is hereby amended by inserting in line two (2)
2 after the word "the" the words "informational meetings,".

3 Sec. 4. Chapter four hundred ninety (490), Code 1966, is
4 hereby amended by adding thereto the following new sections:

5 1. "If any person shall sell, lease, or otherwise grant
6 any title to or interest in land in any county which in any
7 manner is used in connection with any pipeline in that county,
8 the consideration for which is less than that paid for
9 similar titles or interests after the holding of the
10 informal meeting required by this Act, he may file a
11 complaint with the commission, provided the transaction took
12 place not more than three years before such meeting. The
13 commission shall hold or cause to be held a hearing upon such
14 complaint, with not less than twenty days notice to the
15 applicant. The commission may in its discretion hold a single
16 hearing on all complaints from a county or portion thereof.
17 Whenever the commission shall find, upon good cause shown, that
18 the consideration paid for a title to or interest in land,
19 prior to the holding of the informational meetings required
20 herein, is substantially less in amount or value than the
21 general level of considerations paid after the holding of such
22 meetings, the commission shall by order require the applicant
23 to pay the aggrieved landowner the difference between the
24 general level of such considerations and the consideration
25 paid by the pipeline company for the title or interest in
26 question. This section shall be deemed to be a part of
27 every contract for the transfer of any title to or interest
28 in land for pipeline use, anything in the contract to the
29 contrary notwithstanding, but shall have no retroactive
30 application to contracts entered prior to the effective date
31 of this Act."

32 2. "Any person, company, or corporation aggrieved by the
33 action of the commission in granting or failing to grant a
34 permit or the power of eminent domain under the provisions
35 of this chapter, shall be entitled to and limited to the

- 1 rehearing and appeal procedures provided in sections four
- 2 hundred ninety A point twelve (490A.12) through four hundred
- 3 ninety A point nineteen (490A.19), inclusive, of the Code.”

EXPLANATION

This bill amends the law on pipelines and provides (1) that the pipeline company prove additional facts in filing a petition with the commerce commission seeking a permit and (2) that prior to filing a petition for a permit with the commerce commission, the pipeline company shall hold informational meetings in all counties affected by the proposed project and give notice to the landowners affected so that the landowners are informed of the project and receive advance notice with regard to the proposed route.

SENATE FILE 1184

1 Amend Senate File 1184, as amended and passed by the Senate,
2 as follows:

3 1. Page 1, by striking lines 4 through 6, inclusive, and insert-
4 ing in lieu thereof the following:

5 Section 1. Section four hundred ninety point twenty-five
6 (490.25), Code 1966, is hereby amended as follows:

7 1. By striking from line three (3) the word "thereupon"
8 and inserting in lieu thereof the words "upon filing the applica-
9 tion and complying with the requirements of this section".

10 2. By inserting in line sixteen (16) after the word "shall"
11 the words "upon filing the application and complying with the re-
12 quirements provided in this section".

13 2. Page 1, by striking lines 7 and 8 and inserting in lieu there-
14 of the words "As a condition precedent to the vesting of the power
15 of eminent domain for the construction of a pipeline, an applica-
16 tion shall be filed with the commission therefor. Not less than
17 thirty".

18 3. Page 1, line 9, by striking the word "petition" and inserting
19 in lieu thereof the word "application".

20 4. Page 1, line 10, by striking the words "shall hold information-
21 al meetings" and inserting in lieu thereof the words "making the
22 application shall hold at least one informational meeting."

23 5. Page 1, line 16, by striking the words "legal rights of the
24 affected landowners" and inserting in lieu thereof the words
25 "rights and remedies of landowners, as provided by statute and
26 the rules and regulations of the commission, in cases in which
27 the power of eminent domain is invoked to acquire real property
28 or any interest therein".

29 6. Page 1, line 17, by inserting after the period the words
30 "Every application shall be under oath, by the applicant or if
31 the applicant is a corporation, by its principal officer, or his
32 designee. The application shall contain (1) a statement that the
33 informational meetings were in fact held, and (2) a statement that
34 no title to real property, or interest therein, has been acquired
35 by purchase or otherwise by the applicant or any person, company,
36 or corporation in behalf of the applicant, primarily for the con-
37 struction of the particular pipeline concerned or, in the alter-
38 native, a statement showing all such purchases, the title or
39 interest acquired, from whom, and the amount paid for the title
40 or interest acquired."

41 7. Page 1, line 20, by striking the word "permit" and inserting
42 in lieu thereof the words "power of eminent domain".

43 8. Page 1, line 21, by striking the word "permit" and insert-
44 ing in lieu thereof the words "power of eminent domain".

45 9. Page 1, line 24, by inserting after the word "project" the
46 words "including those from whom title to and interests in land
47 have been acquired".

48 10. Page 2, by striking lines 8 and 9 and inserting in lieu
49 thereof the words "of five miles or more across privately-owned
50 property."

House 6

51 11. Page 2, line 20, by inserting after the word "county" the
52 words "at least one week and not more than three weeks before
53 the date set for the informational meeting".

54 12. Page 2, by striking from lines 21 and 22 the words "land-
55 owners whose residence is not known" and inserting in lieu there-
56 of the words "landowners and any party in possession whose where-
57 about are not known".

58 13. Page 2, by striking lines 23 through 27, inclusive.

59 14. Page 2, line 33, by striking the words "and future land use
60 and".

61 15. Page 2, line 35, by inserting after the word "project" the
62 words "insofar as they are known to or reasonably foreseen by
63 the applicant".

64 16. Page 3, by striking lines 1 through 3, inclusive.

65 17. Page 3, by inserting after line 6 the following:

66 Chapter four hundred ninety (490), Code 1966, is hereby
67 amended by adding thereto the following new sections:

68 1. "If any person shall sell, lease, or otherwise grant
69 any title to or interest in land in any county which in any
70 manner is used in connection with any pipeline in that county,
71 the consideration for which is less than that paid for similar
72 titles or interests after the holding of the informational meet-
73 ing required by this Act, he may file a complaint with the
74 commission, provided the transaction took place not more than
75 three years before such meeting. The commission shall hold or
76 cause to be held a hearing upon such complaint, with not less
77 than twenty days notice to the applicant. The commission may
78 in its discretion hold a single hearing on all complaints from
79 a county or portion thereof. Whenever the commission shall find,
80 upon good cause shown, that the consideration paid for a title
81 to or interest in land, prior to the holding of the informa-
82 tional meetings required herein, is substantially less in amount
83 or value than the general level of considerations paid after
84 the holding of such meetings, the commission shall by order re-
85 quire the applicant to pay the aggrieved landowner the difference
86 between the general level of such considerations and the considera-
87 tion paid by the pipeline company for the title or interest in
88 question. This section shall be deemed to be a part of every
89 contract for the transfer of any title to or interest in land
90 for pipeline use, anything in the contract to the contrary not-
91 withstanding, but shall have no retroactive application to con-
92 tracts entered prior to the effective date of this Act."

93 2. "Any person, company, or corporation aggrieved by the
94 action of the commission in granting or failing to grant the
95 power of eminent domain under the provisions of this chapter,
96 shall be entitled to and limited to the rehearing and appeal
97 procedures provided in sections four hundred ninety A point
98 twelve (490A.12) through four hundred ninety A point nineteen
99 (490A.19), inclusive, of the Code."

Filed - *Adopted 4/2*
March 23, 1970

COMMITTEE ON COMMERCE
HAROLD O. FISCHER, Chairman

HOUSE AMENDMENT TO SENATE FILE 1184

1 Amend Senate File 1184, as amended and passed and reprinted
2 by the Senate, as follows:

3 1. Page 1, by inserting after line 2 the following new
4 paragraph:

5 WHEREAS, the general assembly finds that from time to time
6 prior to plans for pipeline and like projects becoming common
7 knowledge, title to and interests in land have been acquired
8 for considerations less than is its fair value, sometimes to
9 the disadvantage of widows, orphans, aged and infirm persons,
10 and others to whom the state is bound to assure the equal
11 protection of its laws, not merely in terms but in fact and
12 substance; NOW THEREFORE,

13 2. Page 1, by striking lines 4 through 8, inclusive, and
14 inserting in lieu thereof the following:

15 Section 1. Section four hundred ninety point twenty-five
16 (490.25), Code 1966, is hereby amended as follows:

17 (1) By striking from line three (3) the word "thereupon"
18 and inserting in lieu thereof the words "upon filing the
19 application and complying with the requirements of this section".

20 (2) By inserting in line sixteen (16) after the word
21 "shall" the words "upon filing the application and complying
22 with the requirements provided in this section".

23 (3) By inserting after line forty-two (42) the following:
24 "As a condition precedent to the vesting of the power of
25 eminent domain for the construction of a pipeline, an application
26 shall be filed with the commission therefor. Not less than
27 thirty".

28 3. Page 1, line 9, by striking the word "petition" and inserting
29 in lieu thereof the word "application".

30 4. Page 1, line 10, by striking the words "shall hold information-
31 al meetings" and inserting in lieu thereof the words "making the
32 application shall hold at least one informational meeting".

33 5. Page 1, line 16, by striking the words "legal rights of the
34 affected landowners" and inserting in lieu thereof the words
35 "rights and remedies of landowners, as provided by statute and
36 The rules and regulations of the commission, in cases in which
37 the power of eminent domain is invoked to acquire real property
38 or any interest therein".

39 6. Page 1, line 17, by inserting after the period the words
40 "Every application shall be under oath, by the applicant or
41 if the applicant is a corporation, by its principal officer,
42 or his designee. The application shall contain (1) a
43 statement that the informational meetings were in fact held,
44 and (2) a statement that no title to real property, or interest
45 therein, has been acquired by purchase or otherwise by the
46 applicant or any person, company, or corporation in behalf of
47 the applicant, primarily for the construction of the particular
48 pipeline concerned or, in the alternative, a statement showing
49 all such purchases, the title or interest acquired, from
50 whom, and the amount paid for the title or interest acquired."

51 7. Page 1, line 20, by striking the word "permit" and
52 inserting in lieu thereof the words "power of eminent domain".

53 8. Page 1, line 21, by striking the word "permit" and inserting
54 in lieu thereof the words "power of eminent domain".

55 9. Page 1, by striking lines 24 and 25 and inserting in lieu
56 thereof the words "affected by the proposed project including
57 those from whom title to and interests in land have been
58 acquired and any person, company or corporation shown of record
59 to be in possession of or residing on the property."

*Senate referred
to committee 4/10
shown needed
4/13*

60 10. Page 2, by striking lines 8 and 9 and inserting in lieu
61 thereof the words "of five miles or more across privately-
62 owned property."
63 11. Page 2, line 20, by inserting after the word "county" the
64 words "at least one week and not more than three weeks before
65 the date set for the informational meeting".
66 12. Page 2, by striking from lines 21 and 22 the words "land-
67 owners whose residence is not known" and inserting in lieu
68 thereof the words "landowners and any party in possession
69 whose whereabouts are not known".
70 13. Page 2, by striking lines 23 through 27, inclusive.
71 14. Page 2, line 33, by striking the words "and future land
72 use and".
73 15. Page 2, line 35, by inserting after the word "project"
74 the words "insofar as they are known to or reasonably foreseen
75 by the applicant".
76 16. Page 3, by striking lines 1 through 3, inclusive.
77 17. Page 3, by inserting after line 6 the following:
78 Sec. 4. Chapter four hundred ninety (490), Code 1966, is
79 hereby amended by adding thereto the following new sections:
80 1. "If any person shall sell, lease, or otherwise grant
81 any title to or interest in land in any county which in any
82 manner is used in connection with any pipeline in that county,
83 the consideration for which is less than that paid for
84 similar titles or interests after the holding of the
85 informational meeting required by this Act, he may file a
86 complaint with the commission, provided the transaction took
87 place not more than three years before such meeting. The
88 commission shall hold or cause to be held a hearing upon such
89 complaint, with not less than twenty days notice to the
90 applicant. The commission may in its discretion hold a single
91 hearing on all complaints from a county or portion thereof.
92 Whenever the commission shall find, upon good cause shown, that
93 the consideration paid for a title to or interest in land,
94 prior to the holding of the informational meetings required
95 herein, is substantially less in amount or value than the
96 general level of considerations paid after the holding of such
97 meetings, the commission shall by order require the applicant
98 to pay the aggrieved landowner the difference between the
99 general level of such considerations and the consideration
100 paid by the pipeline company for the title or interest in
101 question. This section shall be deemed to be a part of
102 every contract for the transfer of any title to or interest
103 in land for pipeline use, anything in the contract to the
104 contrary notwithstanding, but shall have no retroactive
105 application to contracts entered prior to the effective date
106 of this Act."
107 2. "Any person, company, or corporation aggrieved by the
108 action of the commission in granting or failing to grant a
109 permit or the power of eminent domain under the provisions
110 of this chapter, shall be entitled to and limited to the
111 rehearing and appeal procedures provided in sections four
112 hundred ninety A point twelve (490A.12) through four hundred
113 ninety A point nineteen (490A.19), inclusive, of the Code."

Received from the House

April 7, 1970

1 Amend the House amendment to Senate File 1184 by striking
2 lines 3 through 12, inclusive.

Filed *with Drew 4/10*
April 7, 1970

By RIGLER

1 Amend the commerce committee amendment filed March 23,
2 1970, to Senate File 1184, as passed by the Senate and
3 reprinted, as follows:

4 1. By striking line 45 through 47 inclusive and in-
5 serting in lieu thereof the following:

6 9. Page 1, by striking lines 24 and 25 and
7 inserting in lieu thereof the words "affected
8 by the proposed project including those from
9 whom title to and interests in land have been
10 acquired and any person, company or corporation
11 shown of record to be in possession of or residing
12 on the property."

13 2. Line 94, by inserting after the word "grant" the
14 words "a permit or".

Filed - *Adopted 4/2*
March 25, 1970

KOCH of Woodbury

1 Amend the committee on commerce amendment to Senate
2 File 1184, filed March 23, 1970, and appearing on pages
3 1149 through 1151 of the House Journal by inserting after
4 line 99 the following:

5 18. Page 1, by inserting after line 2 the following new
6 paragraph:

7 WHEREAS, the general assembly finds that from time to
8 time prior to plans for pipeline and like projects becoming
9 common knowledge, title to and interests in land have been
10 acquired for considerations less than is its fair value.
11 sometimes to the disadvantage of widows, orphans, aged and
12 infirm persons, and others to whom the state is bound to
13 assure the equal protection of its laws, not merely in terms
14 but in fact and substance; NOW THEREFORE, .

Filed - *Adopted 4/2*
March 26, 1970

HOLDEN of Scott

1 Amend the committee on commerce amendment, filed March
2 23, 1970, and appearing on pages 1151 through 1153, inclusive,
3 of the House Journal, to Senate File 1185, as amended and
4 passed by the Senate, as follows:

5 1. By striking line 3 and inserting in lieu thereof the
6 following:

7 1. Page 1, by striking lines 14 through 25, inclusive,
8 and inserting in lieu thereof the words "through twenty-four
9 (24), inclusive."

10 2. By striking line 12 and inserting in lieu thereof the
11 following:

12 7. Page 4, by striking lines 29 through 35, inclusive,
13 and inserting in lieu thereof the following:

14 hereby amended as follows:

15 1. By striking from line four (4) the words "board or".

16 2. By striking from line eight (8) the words "board or".

17 3. By striking from line thirteen (13) the words "board
18 or".

19 4. By striking from line eighteen (18) the words "board
20 or".

21 5. By striking from line twenty-one (21) the words
22 "board or".

Filed
March 30, 1970

HOLDEN of Scott

1 Amend the committee on commerce amendment filed
2 March 23, 1970, and appearing on pages 1149 through 1151,
3 inclusive, of the House Journal, to Senate File 1184,
4 as amended and passed by the Senate, as follows:
5 1. By striking line 3 and by inserting in lieu thereof
6 the following:
7 "1. Page 1, by striking lines 4 through 8, inclusive,
8 and insert-".
9 2. By striking lines 13 and 14 and inserting in lieu
10 thereof the following:
11 "(3) By inserting after line forty-two (42) the
12 following:
13 'As a condition precedent to the vesting of the power'.
14 3. By renumbering all subsequent paragraphs of the
15 committee amendment.

Filed - *adapted 4/2*
March 31, 1970

HOLDEN of Scott

1 Amend the committee on commerce amendment, filed
2 March 23, 1970, and appearing on pages 1149 through 1151,
3 inclusive, of the House Journal, to Senate File 1184,
4 as amended and passed by the Senate, as follows:
5 1. By striking line 3 and by inserting in lieu thereof
6 the following:
7 "1. Page 1, by striking lines 4 through 8,
8 inclusive, and insert-".
9 2. By striking lines 13 and 14 and inserting in
10 lieu thereof the following:
11 "(3) By inserting after line forty-two (42) the
12 following:
13 'As a condition precedent to the vesting of the power'."

Filed - *in Johnson 4/2*
March 30, 1970

HOLDEN of Scott

1 Amend the committee on commerce amendment to Senate File 1184
2 by adding the following as a new section:
3 "Any pipeline company that intends to use the power of
4 eminent domain in conjunction with a permit to construct,
5 maintain, and operate a pipeline or lines must secure approval
6 of the state commerce commission prior to filing an application
7 for permit under this section.
8 Failure to receive approval from the state commerce commission
9 for the right of eminent domain prior to filing an application
10 for permit under this section shall preclude said pipeline
11 company from securing the right of eminent domain in conjunction
12 with the purposes of any permit issued under this section."

Offered from the floor and lost
April 2, 1970

JOHNSTON of Johnson

86

1 Amend the commerce committee amendment to Senate File 1184
2 as follows:
3 By striking lines sixty-six (66) through ninety-two (92)
4 on pages 1150 and 1151 of the House Journal of March 23.

Offered from the floor and lost
April 2, 1970

KREAMER of Polk
RADL of Linn