

February 3, 1970
Passed on File

Reprinted 2/13
SENATE FILE 1185

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

Passed Senate, Date.....*2-12-77*..... Passed House, Date

Vote: Ayes*56*..... Nays*4*..... Vote: Ayes Nays

Approved

A BILL FOR

1 An Act relating to electric transmission lines and the power
2 of eminent domain exercised by electric utilities.

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

4 Section 1. Section four hundred eighty-nine point one
5 (489.1), Code 1966, is hereby amended as follows:

6 1. By inserting in line two (2) after the word "shall"
7 the word "construct,".

8 2. By inserting in line three (3) after the word "any"
9 the words "power generating plant,".

10 3. By striking from lines eight (8) through eleven (11),
11 inclusive, the words ", or from the board of supervisors in
12 the county or each of the respective counties in which such
13 transmission line is to be constructed or operated,".

14 Sec. 2. Section four hundred eighty-nine point two (489.2),
15 Code 1966, is hereby amended by striking lines seventeen (17)
16 through twenty-four (24), inclusive, and inserting in lieu
17 thereof the following:

18 "As conditions precedent to the filing of a petition with
19 the commission requesting a franchise, and not less than six
20 months prior to the filing of such petition, the person, com-
21 pany, or corporation shall hold informational meetings in
22 each county in which real property or rights therein will be
23 affected. A member of the commission or his designee shall
24 serve as the presiding officer at each meeting and no formal
25 record of the meeting shall be required.

1 The meeting shall be held at a location reasonably acces-
2 sible to all persons, companies, or corporations which may be
3 affected by the granting of the franchise.

4 The person, company, or corporation seeking the franchise
5 shall give notice of the informational meeting to each person,
6 company, or corporation determined to be the landowner affected
7 by the proposed project. For the purposes of this section,
8 'landowner' means a person, company, or corporation listed on
9 the tax assessment rolls as responsible for the payment of
10 real estate taxes imposed on the property and 'transmission
11 line' means any line carrying thirty-four point five kilovolts
12 or more and extending a distance of not less than one mile.

13 The notice shall:

14 1. State the facts required in a petition for a franchise
15 as provided in section four hundred eighty-nine point three
16 (489.3) of the Code and shall designate the time and place
17 of the meeting.

18 2. Be served by certified mail with return requested not
19 less than twenty days previous to the time set for the meet-
20 ing.

21 3. Be published in a newspaper of general circulation in
22 the county once each week for three consecutive weeks if a
23 landowner is a nonresident of this state, or if his residence
24 is not known.

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

26 No person, company, or corporation shall negotiate or pur-
27 chase any easements or other interests in land in any county
28 known to be affected by the proposed project prior to the in-
29 formational meeting."

30 Sec. 3. Section four hundred eighty-nine point three (489.3),
31 Code 1966, is hereby amended as follows:

32 1. By inserting in subsection three (3), line two (2),
33 after the word "lines" the words "or the location of the pro-
34 posed power generating plant".

35 2. By inserting in subsection six (6), line two (2),

1 after the word "line" the words "or the estimated maximum
2 voltage to be generated by a power generating plant".

3 3. By striking from subsection seven (7), line two (2),
4 the words "is desired" and inserting in lieu thereof the words
5 "will be used".

6 4. By striking all of subsection eight (8), and inserting
7 in lieu thereof the following:

8 "An allegation that the proposed construction is necessary
9 to serve a public use and represents a reasonable relation-
10 ship to an overall plan of transmitting electricity in the
11 public interest and substantiation of such allegations, in-
12 cluding but not limited to, a showing of the following:

13 a. The relationship of the proposed project to present
14 and future economic development of the area.

15 b. The relationship of the proposed project to comprehen-
16 sive electric utility planning.

17 c. The relationship of the proposed project to the needs
18 of the public presently served and future projections based
19 on population trends.

20 d. The relationship of the proposed project to the exist-
21 ing electric utility system and parallel existing utility
22 routes.

23 e. The relationship of the proposed project to any other
24 power system planned for the future.

25 f. The possible use of alternative routes and methods of
26 supply.

27 g. The relationship of the proposed project to the pres-
28 ent and future land use and zoning ordinances.

29 h. The inconvenience or undue injury which may result to
30 property owners as a result of the proposed project.

31 The commission may waive the proof required for such alle-
32 gations which are not applicable to a particular proposed
33 project."

34 5. By inserting at the end thereof the following new sub-
35 section:

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

4 Sec. 4. Section four hundred eighty-nine point four (489.4),
5 Code 1966, is hereby amended as follows:

6 1. By striking from line one (1) the words "board or".

7 2. By striking from line four (4) the word "may" and
8 inserting in lieu thereof the word "shall".

9 3. By striking from line fourteen (14) the words "board
10 or".

11 4. By striking from line fifteen (15) the words "line or
12 lines" and inserting in lieu thereof the words "power gener-
13 ating plant or transmission lines".

14 5. By inserting in line sixteen (16) after the word "use"
15 the words "and represents a reasonable relationship to an
16 overall plan of transmitting electricity in the public inter-
17 est".

18 6. By inserting in line twenty-one (21) after the word
19 "route" the words "or site".

20 Sec. 5. Section four hundred eighty-nine point five
21 (489.5), Code 1966, is hereby amended as follows:

22 1. By striking from line two (2) the words "board or".

23 2. By striking from line thirteen (13) the words "board
24 or".

25 3. By striking from line twenty-one (21) the words "board
26 or".

27 4. By striking from lines twenty-three (23) and twenty-
28 four (24) the words "board or".

29 Sec. 6. Section four hundred eighty-nine point six (489.6),
30 Code 1966, as amended by chapter three hundred sixty-two (362),
31 section one (1), Acts of the Sixty-second General Assembly, is
32 hereby repealed and the following enacted in lieu thereof:

33 "When the commission grants a franchise to any person, com-
34 pany, or corporation for the construction, erection, mainten-
35 ance, and operation of a power generating plant or transmission

1 lines, wires, and cables for the generation and transmission
2 of electricity, such person, company, or corporation shall be
3 vested with the right of eminent domain to such extent as the
4 commission may approve and find necessary for public use.”

5 Sec. 7. Section four hundred eighty-nine point seven (489.7),
6 Code 1966, is hereby amended by striking from line eleven (11)
7 the words “board or”.

8 Sec. 8. Section four hundred eighty-nine point eight
9 (489.8), Code 1966, is hereby amended by striking from lines
10 ten (10) and eleven (11) the words “said line” and inserting
11 in lieu thereof the words “a power generating plant or trans-
12 mission lines”.

13 Sec. 9. Section four hundred eighty-nine point ten (489.10),
14 Code 1966, is hereby amended as follows:

15 1. By striking from line two (2) the words “transmission
16 line or” and inserting in lieu thereof the words “power
17 generating plant or transmission”.

18 2. By striking from line twelve (12) the words “board of”.

19 Sec. 10. Section four hundred eighty-nine point eleven
20 (489.11), Code 1966, is hereby amended as follows:

21 1. By striking from line one (1) the words “board or”.

22 2. By striking from line two (2) the words “granting
23 the franchise”.

24 3. By inserting in line six (6) after the word “lines”
25 the words “or site of a power generating plant”.

26 4. By striking from line nine (9) the words “board or”.

27 5. By striking all of such section after the period in
28 line twelve (12).

29 Sec. 11. Section four hundred eighty-nine point thirteen
30 (489.13), Code 1966, is hereby amended as follows:

31 1. By striking from line five (5) the words “board or”.

32 2. By inserting in line thirty-seven (37) after the word
33 “franchises,” the words “power generating plants”.

34 3. By inserting in line forty-one (41) after the word “ex-
35 isting” the words “power generating plants, transmission”.

1 Sec. 12. Section four hundred eighty-nine point fifteen
2 (489.15), Code 1966, is hereby amended as follows:

3 1. By striking from line five (5) the words "board or".

4 2. By striking from lines twenty-four (24) and twenty-
5 five (25) the words "right of eminent domain" and inserting
6 in lieu thereof the word "franchise".

7 3. By striking from lines forty-three (43) through forty-
8 five (45), inclusive, the words "or with the county board of
9 supervisors in the county the land is situated".

10 4. By striking from lines fifty (50) and fifty-one (51)
11 the words "or board of supervisors".

12 5. By striking from line fifty-seven (57) the words "or
13 board of supervisors".

14 6. By striking from line sixty (60) the words "or board
15 of supervisors".

16 7. By striking from lines sixty-five (65) and sixty-six
17 (66) the words "or the board of supervisors".

18 8. By striking from line seventy-three (73) the words
19 "or board of supervisors,".

20 Sec. 13. Section four hundred eighty-nine point twenty-
21 one (489.21), Code 1966, is hereby amended by striking from
22 line five (5) the words "board or".

23 Sec. 14. Section four hundred eighty-nine point twenty-
24 two (489.22), Code 1966, is hereby amended as follows:

25 1. By striking from line seven (7) the words "board or".

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

27 Sec. 15. Chapter four hundred eighty-nine (489), Code
28 1966, is hereby amended by adding at the end thereof the
29 following new section:

30 "Any person, company, or corporation aggrieved by the ac-
31 tion of the commission in granting or failing to grant a
32 franchise under the provisions of this chapter, shall be
33 entitled to the rehearing and appeal procedures provided in
34 sections four hundred ninety A point twelve (490A.12) through
35 four hundred ninety A point nineteen (490.19), inclusive,

1 Amend Senate File 1185 as follows:

2 1. Page 1, by striking lines 18 through 25, inclusive.

Withdrawn 2-12

3 2. Page 2, by striking lines 1 through 29, inclusive, and
4 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 whose
8 property pass the facilities for which the franchise is
9 sought with written notice by ordinary mail not less than ten
10 days prior to the time of the initial contact for the procurement
11 of right of way if such procurement is for property rights less
12 than title fee simple. Such written notice shall include but
13 not be limited to a general description of the proposed project, the
14 purpose of the proposed project, the general nature of the right
15 of way desired, a description of the procedures required to
16 secure a franchise, a statement that the power of condemnation
17 can only be granted by the Iowa state commerce commission
18 after a public hearing for which any landowner subject to con-
19 demnation will be given notice and the opportunity to appear and
20 object, and such other information as the commission may
21 prescribe. The commission shall prescribe the form and manner
22 of providing such notice to the landowner, non-resident land-
23 owner, landowners under a disability or otherwise not readily
24 available.

Withdrawn 2-12

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 the
28 real property and for purposes of providing written informa-
29 tion the term "transmission line" means any line carrying
30 thirty-four point five kilovolts or more and extending a
31 distance of not less than two miles.

32 3. Page 2, by striking lines 32 through 35, inclusive.

33 4. Page 3, by striking lines 1, 2, 34 and 35.

34 5. Page 4, by striking lines 1, 2 and 3 and renumbering
35 the subsections as required.

36 6. Page 3, by inserting after line 30, the
37 following subparagraph:

38 "h. An allegation that the commission rules and regulations
39 have been complied with in respect to the providing of written
40 information to landowners concerning the project as required
41 by section four hundred eighty-nine point two (489.2) of
42 the Code."

Withdrawn 2-12

Withdrawn 2-12

43 7. Page 4, by striking lines 7, 8, 11, 12, 13, 18 and 19,
44 and by renumbering the subsections as required.

45 8. Page 4, by striking lines 32 through 35, inclusive.

46 9. Page 5, by striking lines 1 through 4, inclusive, and
47 inserting in lieu thereof the following:

48 "is hereby amended by adding at the end thereof the
49 following new paragraph:

50 When the commission grants a franchise to any person,
51 company, or corporation for the construction, erection,
52 maintenance, and operation of a transmission lines, wires,
53 and cables for the transmission of electricity, such person,
54 company, or corporation shall be vested with the power of
55 condemnation to such extent as the commission may approve
56 and find necessary for public use."

57 10. Page 5, by striking lines 8 through 12, inclusive.

58 11. Page 5, by striking lines 14 through 18, inclusive,
59 and inserting in lieu thereof the following: "Code 1966,
60 is hereby amended by striking from line twelve (12) the

Withdrawn 2-12

- 61 words 'board of'.
62 12. Page 5, by striking lines 24 and 25, and renumbering
63 the subsections as required.
64 13. Page 5, by striking lines 30 through 35, inclusive,
65 and inserting in lieu thereof the following: "(489.13),
66 Code 1966, is hereby amended by striking from line five (5)
67 the words 'board or'."
68 14. Page 6, by striking lines 30 through 33, inclusive,
69 and inserting in lieu thereof the following:
70 "Rehearing and appeal procedures for any person, company,
71 or corporation aggrieved by the action of the commission in
72 granting or failing to grant a franchise under the provisions
73 of this chapter, shall be as provided in".
74 15. By renumbering the foregoing sections.

Filed
February 6, 1970

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

- 1 Amend Senate File 1185 as follows:
2 1. Page 1, lines 19 and 20 by striking the words
3 "six months" and inserting in lieu thereof the words
4 "thirty days".
5 2. Page 2, line 22, by inserting a period
6 after the word "weeks" and by striking the remainder
7 of lines 22, 23, and 24.

*Withdrawn
2-12*

Filed - *Withdrawn 2-10*
February 10, 1970

By SHAFF, BRILES, POTGETER,
VAN GILST and KEITH

- 1 Amend the DeKoster, et al., amendment to Senate File 1185, filed
February 6,
2 1970, found on pages 399 through 401 of the Senate
3 Journal, as follows:
4 By inserting after line 1 the following new
5 division:
6 "Page 1, by striking lines 8 and 9 and re-
7 numbering the following subsection."

Filed
February 9, 1970

By DeKOSTER

- 1 Amend Senate File 1185 as follows:
2 1. Page 1, line 23, by striking the words "or
3 his designee" and inserting in lieu thereof ", the
4 counsel of the commission, or a hearing examiner desig-
5 nated by the commission".
6 2. Page 2, line 10, by inserting after the word
7 "property" the following "and any person, company or
8 corporation in possession of or residing on the property".

*Withdrawn
2-12*

Filed - *Withdrawn 2-12*
February 10, 1970

By SHAFF

February 13, 1970

SENATE FILE 1185

Commerce

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

Passed Senate, Date.....*2-12-70*..... Passed House, Date.....*4-6-70*.....

Vote: Ayes.....*56*..... Nays.....*4*..... Vote: Ayes.....*79*..... Nays.....*34*.....

Approved.....

*House receded and passed 4-13-70
aye 96, nays 10*

A BILL FOR

- 1 An Act relating to electric transmission lines and the power
- 2 of eminent domain exercised by electric utilities.
- 3 *Be It Enacted by the General Assembly of the State of Iowa:*
- 4 Section 1. Section four hundred eighty-nine point one
- 5 (489.1), Code 1966, is hereby amended as follows:
- 6 1. By inserting in line two (2) after the word "shall"
- 7 the word "construct,".
- 8 2. By striking from lines eight (8) through eleven (11),
- 9 inclusive, the words ", or from the board of supervisors in
- 10 the county or each of the respective counties in which such
- 11 transmission line is to be constructed or operated,".
- 12 Sec. 2. Section four hundred eighty-nine point two (489.2),
- 13 Code 1966, is hereby amended by striking lines seventeen (17)
- 14 through twenty-four (24), inclusive, and inserting in lieu
- 15 thereof the following:
- 16 "As conditions precedent to the filing of a petition with
- 17 the commission requesting a franchise *for a new trans-*
- 18 *mission line*, and not less than *thirty days*
- 19 prior to the filing of such petition, the person, com-
- 20 pany, or corporation shall hold informational meetings in
- 21 each county in which real property or rights therein will be
- 22 affected. A member of the commission, *the counsel of the*
- 23 *commission*, or a hearing examiner designated by the commission shall
- 24 serve as the presiding officer at each meeting and *present*
- 25 *an agenda for such meeting which shall include a summary of*

1 *the legal rights of the affected landowners. No formal*
2 *record of the meeting shall be required.*

3 The meeting shall be held at a location reasonably acces-
4 sible to all persons, companies, or corporations which may be
5 affected by the granting of the franchise.

6 The person, company, or corporation seeking the franchise
7 *for a new transmission line*
8 shall give notice of the informational meeting to each person
9 company, or corporation determined to be the landowner affected
10 by the proposed project *and any person, company or*
11 *corporation in possession of or residing on the property.*

12 For the purposes of this section,

13 'landowner' means a person, company, or corporation listed on
14 the tax assessment rolls as responsible for the payment of
15 real estate taxes imposed on the property and 'transmission
16 line' means any line carrying thirty-four point five kilovolts
17 or more and extending a distance of not less than one mile
18 *across privately owned real estate.*

19 *The notice shall set forth the name of the applicant;*
20 *state the applicant's principal place of business; state the*
21 *general description and purpose of the proposed project; state*
22 *the general nature of the right of way desired; provide a map*
23 *showing the route of the proposed project; advise that the*
24 *landowner has the right to be present at such meetings and*
25 *to file objections with the commerce commission; designate the*
26 *place and time of the meeting; be served not less than thirty*
27 *days prior to the time set for the meeting by certified mail*
28 *with return receipt requested; and be published once in a*
29 *newspaper of general circulation in the county at least one*
30 *week and not more than three weeks before the time of the meet-*
31 *ing and such publication shall be considered notice to landowners*
32 *whose residence is not known.*

33 No person, company, or corporation *seeking rights under*
34 *this chapter* shall negotiate or purchase
35 any easements or other interests in land in any county

1 known to be affected by the proposed project prior to the in-
2 formational meeting.”

3 Sec. 3. Section four hundred eighty-nine point three (489.3),
4 Code 1966, is hereby amended as follows:

5 1. By striking from subsection seven (7), line two (2),
6 the words “is desired” and inserting in lieu thereof the words
7 “will be used”.

8 2. By striking all of subsection eight (8), and inserting
9 in lieu thereof the following:

10 “An allegation that the proposed construction is necessary
11 to serve a public use and represents a reasonable relation-
12 ship to an overall plan of transmitting electricity in the
13 public interest and substantiation of such allegations, in-
14 cluding but not limited to, a showing of the following:

15 a. The relationship of the proposed project to present
16 and future economic development of the area.

17 b. The relationship of the proposed project to comprehen-
18 sive electric utility planning.

19 c. The relationship of the proposed project to the needs
20 of the public presently served and future projections based
21 on population trends.

22 d. The relationship of the proposed project to the exist-
23 ing electric utility system and parallel existing utility
24 routes.

25 e. The relationship of the proposed project to any other
26 power system planned for the future.

27 f. The possible use of alternative routes and methods of
28 supply.

29 g. The relationship of the proposed project to the pres-
30 ent and future land use and zoning ordinances.

31 h. The inconvenience or undue injury which may result to
32 property owners as a result of the proposed project.

33 The commission may waive the proof required for such alle-
34 gations which are not applicable to a particular proposed
35 project.”

1 (66) the words "or the board of supervisors".

2 8. By striking from line seventy-three (73) the words
3 "or board of supervisors,".

4 Sec. 12. Section four hundred eighty-nine point twenty-
5 one (489.21), Code 1966, is hereby amended by striking from
6 line five (5) the words "board or".

7 Sec. 13. Section four hundred eighty-nine point twenty-
8 two (489.22), Code 1966, is hereby amended as follows:

9 1. By striking from line seven (7) the words "board or".

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

11 Sec. 14. Chapter four hundred eighty-nine (489), Code
12 1966, is hereby amended by adding at the end thereof the
13 following new section:

14 "Any person, company, or corporation aggrieved by the ac-
15 tion of the commission in granting or failing to grant a
16 franchise under the provisions of this chapter, shall be
17 entitled to the rehearing and appeal procedures provided in
18 sections four hundred ninety A point twelve (490A.12) through
19 four hundred ninety A point nineteen (490A.19), inclusive,
20 of the Code"

EXPLANATION

This bill amends the law on electric transmission lines and provides (1) that an electric utility shall petition for a franchise to construct power generating facilities in addition to transmission lines as is presently provided by law; (2) that prior to filing the petition for a franchise with the commerce commission, the utility shall hold hearings 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; (3) that the granting of the franchise vests the power of eminent domain in the utility for the particular projects, rather than providing that the utility apply for a permit from the commerce commission to exercise the power of eminent domain as the law provides; (4) that any person, company, or corporation aggrieved by the action of the commission in granting or failing to grant a franchise, is given the right of a rehearing and appeal to the courts; and (5) the public utility is required to get the franchise from the Iowa State Commerce Commission and counties will no longer be authorized to grant franchises.

HOUSE AMENDMENT TO SENATE FILE 1185

1 Amend Senate File 1185, as amended and passed by the
2 Senate and reprinted, 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
6 time prior to plans for transmission line projects
7 becoming common knowledge, title to and interests in
8 land have been acquired for considerations less than is
9 its fair value, sometimes to the disadvantage of widows,
10 orphans, aged and infirm persons, and others to whom the
11 state is bound to assure the equal protection of its laws,
12 not merely in terms but in fact and substance; NOW
13 THEREFORE,

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

17 3. Page 2, by striking lines 1 through 35, inclusive.

18 4. Page 3, by striking lines 1 and 2.

19 5. Page 3, by striking from line 30 the words "and future
20 land use and".

21 6. Page 3, line 32, by inserting after the word "project
22 the words "insofar as they are known or reasonably foreseen
23 by the applicant".

24 7. Page 4, by striking lines 1 through 5, inclusive.

25 8. Page 4, by striking lines 29 through 35, inclusive,
26 and inserting in lieu thereof the following:

27 "hereby amended as follows:

28 1. By striking from line four (4) the words 'board or'.

29 2. By striking from line eight (8) the words 'board or'.

30 3. By striking from line thirteen (13) the words 'board
31 or'.

32 4. By striking from line eighteen (18) the words 'board
33 or'.

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

36 9. Page 5, by striking lines 1 and 2.

*Senate refused
to concur 4/10
House recused 4/13*

Senate 5

37 10. Page 5, by striking lines 20 through 35, inclusive,
38 and inserting in lieu thereof the following:

39 Sec. 11. Section four hundred eighty-nine point
40 fifteen (489.15), Code 1966, is hereby amended as follows:

41 1. By striking from line four (4) the word "thereupon"
42 and inserting in lieu thereof the words "upon filing an
43 application and complying with the requirements of this
44 section".

45 2. By striking from line five (5) the words "board or".

46 3. By inserting after line thirty-five (35) the following:

47 "As a condition precedent to the vesting of the power of
48 eminent domain for the construction of a transmission line,
49 an application shall be filed with the commission therefor.
50 Not less than thirty days prior to the filing of such
51 application the person, company, or corporation making the
52 application shall hold at least one informational meeting
53 in each county in which real property or rights therein will
54 be affected. A member of the commission or a hearing examiner
55 designated by the commission shall serve as the presiding
56 officer at each meeting and present an agenda for such
57 meeting which shall include a summary of the rights and
58 remedies of landowners, as provided by statute and the
59 rules and regulations of the commission, in cases in which
60 the power of eminent domain is invoked to acquire real
61 property or an interest therein. No formal record of the
62 meeting shall be required. Every application shall be
63 under oath, by the applicant or if the applicant is a
64 corporation, by its principal officer or his designee, and
65 such application shall contain (1) a statement that the
66 meetings herein provided were in fact held, and (2) a
67 statement that no title to land or interest therein
68 has been acquired by the applicant or any person, company,
69 or corporation in behalf of the applicant, primarily for
70 the construction of the transmission lines or, in the
71 alternative, a statement listing all such purchases, the
72 title or interest acquired, from whom, and the amount
73 paid.

74 The meeting shall be held at a location reasonably
75 accessible to all persons, companies, or corporations
76 which may be affected by the granting of the power of
77 eminent domain.

78 The person, company, or corporation seeking the power
79 of eminent domain shall give notice of the informational
80 meeting to each landowner affected by the proposed project
81 including those from whom title to and interests in land
82 have been acquired and any person, company, or corporation
83 shown of record to be in possession of or residing on the
84 property.

85 For the purposes of this section, 'landowner' means a
86 person, company, or corporation listed on the tax
87 assessment rolls as responsible for the payment of real
88 estate taxes imposed on property, and 'transmission line'

Senate 6

89 means any line carrying thirty-four point five kilovolts
90 or more and extending a distance of not less than one
91 mile across privately-owned real estate.

92 The notice shall set forth the name of applicant; the
93 applicant's principal place of business; the general
94 description and purpose of the proposed project; the
95 general nature of the right-of-way desired; a map showing
96 the route of the proposed project; that the landowner has
97 a right to be present at such meeting and to file objections
98 with the commerce commission; and a designation of the
99 time and place of the meeting; and shall be served by
100 certified mail with return requested not less than twenty
101 days previous to the time set for the meeting; and shall
102 be published once in a newspaper of general circulation
103 in the county at least one week and not more than three
104 weeks before the date set for the informational meeting.
105 Such publication shall be considered notice to a land-
106 owner and any party in possession whose whereabouts is
107 not known."

108 4. By striking from lines forty-three (43) through
109 forty-five (45), inclusive, the words "or with the
110 county board of supervisors in the county the land is
111 situated".

112 5. By striking from lines fifty (50) and fifty-one
113 (51) the words "or board of supervisors".

114 6. By striking from line fifty-seven (57) the words
115 "or board of supervisors".

116 7. By striking from line sixty (60) the words "or
117 board of supervisors".

118 8. By striking from lines sixty-five (65) and sixty-
119 six (66) the words "or the board of supervisors".

120 9. By striking from line seventy-three (73) the words
121 "or board of supervisors,".

122 11. Page 6, by striking lines 1 through 3, inclusive.

123 12. Page 6, line 16, by inserting after the word
124 "franchise" the words "or the power of eminent domain".

125 13. Page 6, line 17, by inserting after the word "to"
126 the words "and limited to".

127 14. Page 6, by inserting after line 20 the following new
128 section:

129 Chapter four hundred eighty-nine (489), Code 1966, is
130 hereby amended by adding thereto the following new section:

131 "If any person shall sell, lease, or otherwise grant
132 any title to or interest in land in any county which in
133 any manner is used in connection with such proposed
134 transmission lines project in that county, the
135 consideration for which is less than that paid for
136 similar titles or interests after holding the informational
137 meeting required by this Act, he may file a complaint
138 with the commission, provided the transaction took place
139 not more than three years before such meeting. The
140 commission shall hold or cause to be held a hearing upon

Senate 7

141 such complaint, with not less than twenty days notice to
142 the applicant. The commission may in its discretion hold
143 a single hearing on all complaints from a county or portion
144 thereof. Whenever the commission shall find, upon good
145 cause shown, that the consideration paid for a title to
146 or interest in land, prior to the holding of the
147 informational meetings required herein, is substantially
148 less in amount or value than the general level of
149 considerations paid after the holding of such meetings, the
150 commission shall by order require the applicant to pay the
151 aggrieved landowner the difference between the general level
152 of such considerations and the consideration paid by the
153 applicant for the title or interest in question. This
154 section shall be deemed to be a part of every contract for
155 the transfer of any title to or interest in land for
156 transmission line use, anything in the contract to the
157 contrary notwithstanding, but shall have no retroactive
158 application to contracts entered prior to the effective date
159 of this Act."

Received from the House
April 8, 1970

SENATE FILE 1185

- 1 Amend the commerce committee amendment to
2 Senate File 1185 filed March 23, 1970, by striking all
3 after line two and inserting in lieu thereof the following:
4 "1. "By striking all after line four, page three and
5 inserting in lieu thereof the following:
6 1. By inserting in subsection three (3), line two (2),
7 after the word "lines" the words "or the location of the pro-
8 posed power generating plant".
9 2. By inserting in subsection six (6), line two (2),
10 after the word "line" the words "or the estimated maximum
11 voltage to be generated by a power generating plant".
12 3. By striking from subsection seven (7), line two (2),
13 the words "is desired" and inserting in lieu thereof the words
14 "will be used".
15 4. By striking all of subsection eight (8), and inserting
16 in lieu thereof the following:
17 "An allegation that the proposed construction is necessary
18 to serve a public use and represents a reasonable relation-
19 ship to an overall plan of transmitting electricity in the
20 public interest and substantiation of such allegations, in-
21 cluding but not limited to, a showing of the following:
22 a. The relationship of the proposed project to present
23 and future economic development of the area.
24 b. The relationship of the proposed project to comprehen-
25 sive electric utility planning.
26 c. The relationship of the proposed project to the needs
27 of the public presently served and future projections based
28 on population trends.
29 d. The relationship of the proposed project to the exist-
30 ing electric utility system and parallel existing utility
31 routes.
32 e. The relationship of the proposed project to any other
33 power system planned for the future.
34 f. The possible use of alternative routes and methods of
35 supply.
36 g. The relationship of the proposed project to the pres-
37 ent and future land use and zoning ordinances.
38 h. The inconvenience or undue injury which may result to
39 property owners as a result of the proposed project.
40 The commission may waive the proof required for such alle-
41 gations which are not applicable to a particular proposed
42 project."
43 5. By inserting at the end thereof the following new sub-
44 section:
45 "An affidavit stating that informational meetings were held
46 in each county which the proposed project will affect and the
47 time and place of each meeting."
48 Sec. 4. Section four hundred eighty-nine point four (489.4),
49 Code 1966, is hereby amended as follows:
50 1. By striking from line one (1) the words "board or".

House 8

51 2. By striking from line four (4) the word "may" and
52 inserting in lieu thereof the word "shall".

53 3. By striking from line fourteen (14) the words "board
54 or".

55 4. By striking from line fifteen (15) the words "line or
56 lines" and inserting in lieu thereof the words "power gener-
57 ating plant or transmission lines".

58 5. By inserting in line sixteen (16) after the word "use"
59 the words "and represents a reasonable relationship to an
60 overall plan of transmitting electricity in the public inter-
61 est".

62 6. By inserting in line twenty-one (21) after the word
63 "route" the words "or site".

64 Sec. 5. Section four hundred eighty-nine point five
65 (489.5), Code 1966, is hereby amended as follows:

66 1. By striking from line two (2) the words "board or"..

67 2. By striking from line thirteen (13) the words "board
68 or".

69 3. By striking from line twenty-one (21) the words "board
70 or".

71 4. By striking from lines twenty-three (23) and twenty-
72 four (24) the words "board or".

73 Sec. 6. Section four hundred eighty-nine point six (489.6),
74 Code 1966, as amended by chapter three hundred sixty-two (362),
75 section one (1), Acts of the Sixty-second General Assembly, is
76 hereby repealed and the following enacted in lieu thereof:

77 "When the commission grants a franchise to any person, com-
78 pany, or corporation for the construction, erection, mainte-
79 nance, and operation of a power generating plant or transmission
80 lines, wires, and cables for the generation and transmission
81 of electricity, such person, company, or corporation shall be
82 vested with the right of eminent domain to such extent as the
83 commission may approve and find necessary for public use."

84 Sec. 7. Section four hundred eighty-nine point seven (489.7),
85 Code 1966, is hereby amended by striking from line eleven (11)
86 the words "board or".

87 Sec. 8. Section four hundred eighty-nine point eight
88 (489.8), Code 1966, is hereby amended by striking from lines
89 ten (10) and eleven (11) the words "said line" and inserting
90 in lieu thereof the words "a power generating plant or trans-
91 mission lines".

92 Sec. 9. Section four hundred eighty-nine point ten (489.10),
93 Code 1966, is hereby amended as follows:

94 1. By striking from line two (2) the words "transmission
95 line or" and inserting in lieu thereof the words "power
96 generating plant or transmission".

97 2. By striking from line twelve (12) the words "board of".

98 Sec. 10. Section four hundred eighty-nine point eleven
99 (489.11), Code 1966, is hereby amended as follows:

100 1. By striking from line one (1) the words "board or".

101 2. By striking from line two (2) the words "granting
102 the franchise".

House 9

- 103 3. By inserting in line six (6) after the word "lines"
104 the words "or site of a power generating plant".
105 4. By striking from line nine (9) the words "board or".
106 5. By striking all of such section after the period in
107 line twelve (12).
108 Sec. 11. Section four hundred eighty-nine point thirteen
109 (489.13), Code 1966, is hereby amended as follows:
110 1. By striking from line five (5) the words "board or".
111 2. By inserting in line thirty-seven (37) after the word
112 "franchises," the words "power generating plants".
113 3. By inserting in line forty-one (41) after the word "ex-
114 isting" the words "power generating plants, transmission".
115 Sec. 12. Section four hundred eighty-nine point fifteen
116 (489.15), Code 1966, is hereby amended as follows:
117 1. By striking from line five (5) the words "board or".
118 2. By striking from lines twenty-four (24) and twenty-
119 five (25) the words "right of eminent domain" and inserting
120 in lieu thereof the word "franchise".
121 3. By striking from lines forty-three (43) through forty-
122 five (45), inclusive, the words "or with the county board of
123 supervisors in the county the land is situated".
124 4. By striking from lines fifty (50) and fifty-one (51)
125 the words "or board of supervisors".
126 5. By striking from line fifty-seven (57) the words "or
127 board of supervisors".
128 6. By striking from line sixty (60) the words "or board
129 of supervisors".
130 7. By striking from lines sixty-five (65) and sixty-six
131 (66) the words "or board of supervisors".
132 8. By striking from line seventy-three (73) the words
133 "or board of supervisors".
134 Sec. 13. Section four hundred eighty-nine point twenty-
135 one (489.21), Code 1966, is hereby amended by striking from
136 line five (5) the words "board or".
137 Sec. 14. Section four hundred eighty-nine point twenty-
138 two (489.22), Code 1966, is hereby amended as follows:
139 1. By striking from line seven (7) the words "board or".
140 2. By striking from line eight (8) the words "board or".
141 Sec. 15. Chapter four hundred eighty-nine (489), Code
142 1966, is hereby amended by adding at the end thereof the
143 following new section:
144 "Any person, company, or corporation aggrieved by the ac-
145 tion of the commission in granting or failing to grant a
146 franchise under the provisions of this chapter, shall be
147 entitled to the rehearing and appeal procedures provided in
148 sections four hundred ninety A point twelve (490A.12) through
149 four hundred ninety A point nineteen (490A.19), inclusive,
150 of the Code."

Filed *Richard M. Gorman*
4/2
April 2, 1970

GANNON of Jasper

SENATE FILE 1185

- 1 Amend Senate File 1185, as amended, passed and reprinted by the
2 Senate as follows:
- 3 1. Page 1, by striking lines 12 through 25, inclusive.
 - 4 2. Page 2, by striking lines 1 through 35, inclusive.
 - 5 3. Page 3, by striking lines 1 and 2.
 - 6 4. Page 3, by striking from line 30 the words "and future
7 land use and".
 - 8 5. Page 3, line 32, by inserting after the word "project"
9 the words "insofar as they are known or reasonably foreseen
10 by the applicant".
 - 11 6. Page 4, by striking lines 1 through 5, inclusive.
 - 12 7. Page 4, by striking lines 26 through 35, inclusive.
 - 13 8. Page 5, by striking lines 1 and 2.
 - 14 9. Page 5, by striking lines 20 through 35, inclusive, and
15 inserting in lieu thereof the following:
16 Section four hundred eighty-nine point fifteen (489.15),
17 Code 1966, is hereby amended as follows:
 - 18 1. By striking from line four (4) the word "thereupon"
19 and inserting in lieu thereof the words "upon filing an
20 application and complying with the requirements of this
21 section".
 - 22 2. By striking from line five (5) the words "board or".
 - 23 3. By inserting after line thirty-five (35) the follow-
24 ing:
25 "As a condition precedent to the vesting of the power of
26 eminent domain for the construction of a transmission line,
27 an application shall be filed with the commission therefor.
28 Not less than thirty days prior to the filing of such applica-
29 tion the person, company, or corporation making the application
30 shall hold at least one informational meeting in each county
31 in which real property or rights therein will be affected. A mem-
32 ber of the commission or a hearing examiner designated by the
33 commission shall serve as the presiding officer at each meeting
34 and present an agenda for such meeting which shall include a
35 summary of the rights and remedies of landowners, as provided
36 by statute and the rules and regulations of the commission,
37 in cases in which the power of eminent domain is invoked to
38 acquire real property or an interest therein. No formal record
39 of the meeting shall be required. Every application shall be
40 under oath, by the applicant or if the applicant is a corpora-
41 tion, by its principal officer or his designee, and such applica-
42 tion shall contain (1) a statement that the meetings herein pro-
43 vided were in fact held, and (2) a statement that no title to
44 land of interest therein has been acquired by the applicant or any
45 person, company, or corporation in behalf of the applicant, pri-
46 marily for the construction of the transmission lines or, in
47 the alternative, a statement listing all such purchases, the
48 title or interest acquired, from whom, and the amount paid.
49 The meeting shall be held at a location reasonably acces-
50 sible to all persons, companies, or corporations which may be

House 8

51 affected by the granting of the power of eminent domain.

52 The person, company, or corporation seeking the power of
53 eminent domain shall give notice of the informational meeting
54 to each landowner affected by the proposed project including
55 those from whom title to and interests in land have been ac-
56 quired and any person, company, or corporation shown of record
57 to be in possession of or residing on the property.

58 For the purposes of this section, 'landowner' means a
59 person, company, or corporation listed on the tax assessment
60 rolls as responsible for the payment of real estate taxes
61 imposed on property, and 'transmission line' means any line
62 carrying thirty-four point five kilovolts or more and extend-
63 ing a distance of not less than one mile across privately-owned
64 real estate.

65 The notice shall set forth the name of applicant; the
66 applicant's principal place of business; the general descrip-
67 tion and purpose of the proposed project; the general nature
68 of the right-of way desired; a map showing the route of the
69 proposed project; that the landowner has a right to be present
70 at such meeting and to file objections with the commerce com-
71 mission; and a designation of the time and place of the meeting;
72 and shall be served by certified mail with return requested
73 not less than twenty days previous to the time set for the
74 meeting; and shall be published once in a newspaper of general
75 circulation in the county at least one week and not more than
76 three weeks before the date set for the informational meeting.
77 Such publication shall be considered notice to a landowner and
78 any party in possession whose whereabouts is not known."

79 4. By striking from lines forty-three (43) through forty-
80 five (45), inclusive, the words "or with the county board of
81 supervisors in the county the land is situated".

82 5. By striking from lines fifty (50) and fifty-one (51)
83 the words "or board of supervisors".

84 6. By striking from line fifty-seven (57) the words "or
85 board of supervisors".

86 7. By striking from line sixty (60) the words "or board
87 of supervisors".

88 8. By striking from lines sixty-five (65) and sixty-six
89 (66) the words "or the board of supervisors".

90 9. By striking from line seventy-three (73) the words
91 "or board of supervisors,".

92 10. Page 6, by striking lines 1 through 3, inclusive.

93 11. Page 6, line 17 by inserting after the word "to" the words
94 "and limited to".

95 12. Page 6, by striking from lines 15 and 16 the words "a
96 franchise" and inserting in lieu thereof the words "the power
97 of eminent domain".

98 13. Page 6, by inserting after line 20 the following new sec-
99 tion:

100 Chapter four hundred eighty-nine (489), Code 1966, is
101 hereby amended by adding thereto the following new section:

102 "If any person shall sell, lease, or otherwise grant

House 9

103 any title to or interest in land in any county which in any
104 manner is used in connection with such proposed transmission
105 lines project in that county, the consideration for which is
106 less than that paid for similar titles or interests after holding
107 the informational meeting required by this Act, he may file
108 a complaint with the commission, provided the transaction
109 took place not more than three years before such meeting. The
110 commission shall hold or cause to be held a hearing upon such
111 complaint, with not less than twenty days notice to the applicant.
112 The commission may in its discretion hold a single hearing on all
113 complaints from a county or portion thereof. Whenever the com-
114 mission shall find, upon good cause shown, that the consideration
115 paid for a title to or interest in land, prior to the holding of
116 the informational meetings required herein, is substantially less
117 in amount or value than the general level of considerations paid
118 after the holding of such meetings, the commission shall by order
119 require the applicant to pay the aggrieved landowner the dif-
120 ference between the general level of such considerations and
121 the consideration paid by the applicant for the title or interest
122 in question. This section shall be deemed to be a part of every
123 contract for the transfer of any title to or interest in land for
124 transmission line use, anything in the contract to the contrary
125 notwithstanding, but shall have no retroactive application to
126 contracts entered prior to the effective date of this act."

Filed - *Adopted as amended 4/6*
March 23, 1970

COMMITTEE ON COMMERCE
HAROLD O. FISCHER, Chairman

-
- 1 Amend the commerce committee amendment filed March 23,
 - 2 1970, to Senate File 1185, as passed by the Senate and re-
 - 3 printed, by striking lines 95 through 97 inclusive in lieu
 - 4 thereof the following:
 - 5 12. Page 6, line 16, by inserting after the
 - 6 word "franchise" the words "or the power of eminent
 - 7 domain".

Filed - *Adopted 4/6*
March 25, 1970

KOCH of Woodbury

1 Amend the committee on commerce amendment to Senate
2 File 1185, filed March 23, 1970, and appearing on pages 1151
3 through 1153 of the House Journal, by inserting after line
4 126 the following:

5 14. Page 1, by inserting after line 2 the following new para-
6 graph:

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

Filed - *Adopted 4/6*
March 26, 1970

HOLDEN of Scott

Senate 6

SENATE FILE 1185

- 1 Amend the DeKoster, O'Malley amendment to Senate
- 2 File 1185, filed February 11, 1970, as follows:
- 3 1. By inserting after line 1 the following new
- 4 division:
- 5 "Page 1, by striking lines 8 and 9 and re-
- 6 numbering the following subsection."

Filed - *Adopted 2-12*
February 11, 1970

By DeKOSTER

SENATE FILE 1185

- 1 Amend Senate File 1185 as follows:
- 2 1. Page 1, line 19, by inserting after the word
- 3 "franchise" the words "for a new transmission line".
- 4 2. Page 2, line 4, by inserting at the end thereof
- 5 the words "for a new transmission line".
- 6 3. Page 2, line 12, by striking the period (.) and
- 7 inserting in lieu thereof the words "across privately
- 8 owned real estate."

Filed - *Adopted 2-12*
February 11, 1970

By DeKOSTER

SENATE FILE 1185

- 1 Amend Senate File 1185 by inserting after the word
- 2 "affected" in line 23, page one, the following "such
- 3 condition precedent shall not be required on projects
- 4 covered by existing easements."

Filed - *Withdrawn 2-12*
February 11, 1970

By MOGGED

SENATE FILE 1185

- 1 Amend Senate File 1185, page 2, line 25, by inserting
- 2 after the word "landowner" the words "under this chapter".

Filed
February 11, 1970

By POTGETER

Senate 7

SENATE FILE 1185

- 1 Amend Senate File 1185, page 2, line 26, after the word
- 2 "corporation" by inserting the words "seeking rights under
- 3 this chapter".

Filed

February 11, 1970

By POTGETER

SENATE FILE 1185

- 1 Amend Senate File 1185 as follows:
- 2 1. Page 2, by striking lines 32 through 35, inclusive.
- 3 2. Page 3, by striking lines 1 and 2.
- 4 3. Page 4, by striking lines 7, 8, 11, 12, 13, 18 and 19,
- 5 and by renumbering the subsections as required.
- 6 4. Page 4, by striking lines 32 through 35, inclusive.
- 7 5. Page 5, by striking lines 1 through 4, inclusive, and
- 8 inserting in lieu thereof the following:
- 9 "is hereby amended by adding at the end thereof the
- 10 following new paragraph:
- 11 When the commission grants a franchise to any person,
- 12 company, or corporation for the construction, erection,
- 13 maintenance, and operation of a transmission lines, wires,
- 14 and cables for the transmission of electricity, such person,
- 15 company, or corporation shall be vested with the power of
- 16 condemnation to such extent as the commission may approve
- 17 and find necessary for public use."
- 18 6. Page 5, by striking lines 8 through 12, inclusive.
- 19 7. Page 5, by striking lines 14 through 18, inclusive,
- 20 and inserting in lieu thereof the following: "Code 1966,
- 21 is hereby amended by striking from line twelve (12) the
- 22 words 'board of'."
- 23 8. Page 5, by striking lines 24 and 25, and renumbering
- 24 the subsection as required.
- 25 9. Page 5, by striking lines 30 through 35, inclusive,
- 26 and inserting in lieu thereof the following:
- 27 "(489.13), Code 1966, is hereby amended by striking
- 28 from line five (5) the words 'board or'."

Filed - *Adopted as amended 2-12*

February 11, 1970

By DeKOSTER and O'MALLEY

-
- 1 Amend the DeKoster-O'Malley amendment to Senate File
 - 2 1185, filed February 11, 1970, found on page 458 of the
 - 3 Senate Journal as follows:
 - 4 1. Line 4, by striking the figures "7, 8,".
 - 5 2. Line 9, by striking the word "is".
 - 6 3. Line 13, by striking the word "a".
 - 7 4. Line 22, by striking the words "board of" and
 - 8 inserting the words "board or".

Filed and adopted
February 12, 1970

By DeKOSTER

SENATE FILE 1185

- 1 Amend Senate File 1185 as follows:
2 1. Page 1, lines 19 and 20, by striking the words "six months"
3 and inserting in lieu thereof "thirty days".
4 2. Page 1, lines 23, by striking the words "or his designee" and
5 inserting in lieu thereof the following: ", the counsel of the
6 commission, or a hearing examiner designated by the commission".
7 3. Page 1, line 24, by striking the word "no" and inserting in
8 lieu thereof the following: "present an agenda for such meeting
9 which shall include a summary of the legal rights of the affected
10 landowners. No".
11 4. Page 2, line 7, by inserting after the word "project" the
12 following: "and any person, company or corporation in possession
13 of or residing on the property".
14 5. Page 2, by striking lines 13 through 25, inclusive, and inserting
15 in lieu thereof the following:
16 "The notice shall set forth the name of the applicant; state the
17 applicant's principal place of business; state the general description
18 and purpose of the proposed project; state the general nature of
19 the right of way desired; provide a map showing the route of the
20 proposed project; advise that the landowner has the right to be
21 present at such meetings and to file objections with the commerce
22 commission; designate the place and time of the meeting; be served
23 not less than thirty days prior to the time set for the meeting by
24 certified mail with return receipt requested; and be published
25 once in a newspaper of general circulation in the county and such
26 publication shall be considered notice to landowners whose residence
27 is not known."
28 6. Page 2, line 26, by inserting after the word "corporation"
29 the following: "seeking rights under this chapter".

Filed - *Adopted as amended 2-12*
February 11, 1970

By RIGLER

- 1 Amend Senate File 1185, page 2, by striking lines 13
2 through 25, inclusive, and inserting in lieu thereof
3 the following:
4 "The notice shall set forth the name of the applicant,
5 the applicant's principle place of business, the general
6 description and purpose of the proposed project, the
7 general nature of the right of way desired, a map showing
8 the route of the proposed project, that the landowner has
9 a right to be present at such meeting and to file objections
10 with the commerce commission, and a designation of the time
11 and place of the meeting, and shall be served by certified
12 mail with return receipt requested not less than thirty
13 days previous to the time set for the meeting, and shall
14 be published once in a newspaper of general circulation
15 in the county. Such publication shall be considered notice
16 to landowners whose residence is not known."

Filed - *Withdrawn 2-12*
February 11, 1970

By DeKOSTER

- 1 Amend the Rigler amendment to Senate File 1185, filed
- 2 February 11, 1970, found on page 459 of the Senate Journal,
- 3 by inserting in line 25 after the word "county" the words
- 4 "at least one week and not more than three weeks before the
- 5 time of the meeting".

Filed and adopted
February 12, 1970

By MOWRY