

JAN 11 1971
Commerce, Pass 1/21, Pass 2/8
Sen.

HOUSE FILE 32

By HOLDEN, STROMER, PRIEBE,
and FISCHER of Grundy
(Briles, Griffin,
Ollenburg, and Smith)

Passed House, Date 1-26-71 Passed Senate, Date 2-11-71
Vote: Ayes 88 Nays 1 Vote: Ayes 45 Nays 0
Approved 2-19-71

A BILL FOR

1 An Act to remove references to the granting of a franchise
2 to an electric utility company by the county board of
3 supervisors.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 Section 1. Section four hundred eighty-nine point six
6 (489.6), Code 1971, is amended as follows:
7 489.6 TAKING UNDER EMINENT DOMAIN. Upon the filing of
8 such objections or when a petition involves the taking of
9 property under the right of eminent domain the ~~board-er~~
10 commission shall set the matter for hearing and fix a time
11 and place therefor. Said hearing shall be not less than
12 thirty days from the date of last publication and at the
13 offices of the ~~board-er~~ commission before which said matter
14 is pending, unless a different place is specified in the
15 notice thereof. Written notice of the time and place of such
16 hearing shall be served by the ~~board-er~~ commission, by
17 ordinary mail, on the applicant, and those having filed
18 objections. If no objections are filed as hereinbefore
19 provided and the petition does not involve the taking of
20 property under the right of eminent domain the ~~board-er~~ com-
21 mission may grant a franchise without hearing thereon,
22 however, nothing herein shall be construed as prohibiting the
23 ~~board-er~~ commission from conducting a hearing if it deems it
24 necessary.
25 Where a petition seeks the use of the right of eminent

1 domain over specific parcels of real property, the commission
2 shall prescribe the notice to be served upon the owners of
3 record and parties in possession of said property over which
4 the use of the right of eminent domain is sought.

5 When the commission grants a franchise to any person,
6 company, or corporation for the construction, erection, main-
7 tenance, and operation of transmission lines, wires, and cables
8 for the transmission of electricity, such person, company, or
9 corporation shall be vested with the power of condemnation
10 to such extent as the commission may approve and find necessary
11 for public use.

12 EXPLANATION

13 This bill is corrective legislation to remove the powers to
14 grant a franchise by the county board of supervisors from
15 section 489.6 of the Code. The power has already been removed
16 from other sections of chapter 489.

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