

Reprinted 2/10/83

FILED FEB 2 1983

SENATE FILE 177

BY COMMITTEE ON AGRICULTURE
(Approved 2/2 (p. 317))

Passed Senate, Date 2-8-83 (p. 264) Passed House, Date 3-11-83 (p. 697)

Vote: Ayes 45 Nays 1 Vote: Ayes 94 Nays 0

Approved May 12, 1983 (p. 1719)

A BILL FOR

1 An Act relating to the obligation of a pipeline company to stake
2 and mark its pipelines when subsequent earthwork or excavation
3 occurs.

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

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S.F. 177

1 Section 1. Section 479.47, unnumbered paragraph 2, Code
2 1983, is amended by striking the paragraph and inserting in
3 lieu thereof the following:

4 Before performing earthwork, tiling, or excavation within
5 three hundred feet of an existing pipeline, a landowner,
6 contractor, or representative of either shall notify the
7 pipeline company or its representative by telephone. The
8 pipeline company shall mark the location of the existing
9 pipeline within forty-eight hours of notification with
10 appropriate marker flags or stakes on the land surface directly
11 above the pipeline for a distance of one hundred fifty feet
12 either side of the proposed work site. Markers shall be
13 placed at twenty-five foot intervals along the pipeline route
14 indicating the diameter of the pipeline. The pipeline company
15 shall not charge the landowner or contractor for the placement
16 of the markers. Excavation, earthwork, or tiling shall not
17 be commenced in that area until the markers are in place and
18 the pipeline company representative is present.

19 Sec. 2. This Act, being deemed of immediate importance,
20 takes effect from and after its publication in the Storm Lake
21 Register, a newspaper published in Storm Lake, Iowa, and in
22 The Cedar Valley Times, a newspaper published in Vinton, Iowa.

23 EXPLANATION

24 This bill requires that a pipeline company must mark the
25 route of its pipeline with indications of the line's diameter
26 when earthwork, excavations, or tiling is to occur within
27 three hundred feet of the pipeline and requires the presence
28 of a pipeline company representative.

29 The bill takes effect upon publication.

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S.F. 177

SENATE FILE 177

S-3038

- 1 Amend Senate File 177 as follows:
2 1. Page 1, line 7, by striking the word "telephone"
3 and inserting in lieu thereof the words "calling the
4 pipeline company telephone number listed on the
5 roadside right of way marker".
6 2. Page 1, line 18, by inserting after the word
7 "present" the words "and has notified the contractor
8 of the depth at the site of crossing".

S-3038 FILED
FEBRUARY 3, 1983
Adopted 2/5 (p. 264)

BY EMIL HUSAK
ARNE WALDSTEIN
BILL HUTCHINS

SENATE FILE 177

S-3049

- 1 Amend Senate File 177 as follows:
2 1. Page 1, by inserting after line 18 the
3 following:
4 "A landowner may request the pipeline company to
5 periodically inspect the depth of the existing pipeline
6 at reasonable periods of time. If the pipeline is
7 found to be less than the thirty-inch depth requirement
8 the pipeline company shall place a warning on the
9 existing signs placed on the fence where the pipeline
10 currently runs through the landowner's property.
11 The pipeline company shall inform and warn the
12 landowner if the existing pipeline has less than the
13 thirty-inch depth requirement."

S-3049 FILED
FEBRUARY 7, 1983
Lost 2/8 (p. 264)

BY JOHN JENSEN
RICHARD VANDE HOEF
JACK HESTER

SENATE FILE 177

S-3054

- 1 Amend Senate File 177 as follows:
2 1. Page 1, by inserting after line 18 the following:
3 "If a landowner believes the pipeline on his pro-
4 perty has inadequate cover, he shall inform the pipe-
5 line company who shall investigate and inform the
6 landowner of its findings."

S-3054 FILED & WITHDRAWN
FEBRUARY 8, 1983
W/ 2/8 (p. 364)

BY ARNE WALDSTEIN
EMIL J. HUSAK

Has. Co. 2/14

Senate File 177

Agriculture: Halvorson of Webster, Chair; Copenhaver, De Groot, Fogarty and Pellett.

FILE 177

Amend per 3/37, to Seno 2/21, (p 470)

BY COMMITTEE ON AGRICULTURE

(AS AMENDED AND PASSED BY THE SENATE FEBRUARY 8, 1983)

Passed Senate, Date 3-31-83 (p. 1068) Passed House, Date 2-11-83 (p. 697)

Vote: Ayes 38 Nays 8 Vote: Ayes 94 Nays 0

Approved May 12, 1983 (p. 1715)

*Motion to reconsider (p. 1068)
Reconsidered & passed 4-18-83 (p. 1258)
45-1*

*Repassed House as further amended by Senate
4-25-83 (p. 1553)
94-0*

A BILL FOR

1 An Act relating to the obligation of a pipeline company to stake
2 and mark its pipelines when subsequent earthwork or excavation
3 occurs.

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

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_____ = New Language
by the Senate

1 Section 1. Section 479.47, unnumbered paragraph 2, Code
2 1983, is amended by striking the paragraph and inserting in
3 lieu thereof the following:

4 Before performing earthwork, tiling, or excavation within
5 three hundred feet of an existing pipeline, a landowner,
6 contractor, or representative of either shall notify the
7 pipeline company or its representative by calling the pipeline
8 company telephone number listed on the roadside right of way
9 marker. The pipeline company shall mark the location of the
10 existing pipeline within forty-eight hours of notification
11 with appropriate marker flags or stakes on the land surface
12 directly above the pipeline for a distance of one hundred
13 fifty feet either side of the proposed work site. Markers
14 shall be placed at twenty-five foot intervals along the
15 pipeline route indicating the diameter of the pipeline. The
16 pipeline company shall not charge the landowner or contractor
17 for the placement of the markers. Excavation, earthwork,
18 or tiling shall not be commenced in that area until the markers
19 are in place and the pipeline company representative is present
20 and has notified the contractor of the depth at the site of
21 crossing.

22 Sec. 2. This Act, being deemed of immediate importance,
23 takes effect from and after its publication in the Storm Lake
24 Register, a newspaper published in Storm Lake, Iowa, and in
25 The Cedar Valley Times, a newspaper published in Vinton, Iowa.

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SENATE FILE 177

H-3137

1 Amend Senate File 177 as amended, passed and
2 reprinted by the Senate as follows:
3 1. Page 1, line 10, by striking the words "forty-
4 eight hours" and inserting in lieu thereof the words
5 "two days, excluding Saturdays and Sundays,".
6 2. Page 1, line 14, by inserting after the word
7 "intervals" the words ", where physically possible,".
8 3. Page 1, line 21, by inserting after the word
9 "crossing." the words "The pipeline company
10 representative shall be present during all the
11 excavation, earthwork, or tiling within the marked
12 area."

H-3137 FILED FEBRUARY 21, 1983 BY COMMITTEE ON AGRICULTURE
Adopted as amended by 3147 3/11 (p. 692)

SENATE FILE 177

H-3147

1 Amend amendment H-3137 to Senate File 177 as
2 amended, passed and reprinted by the Senate as follows:
3 1. Page 1, by striking lines 3 through 5.

H-3147 FILED FEBRUARY 23, 1983 BY COPENHAVER of Buchanan
Adopted 3/11/83 (p. 692)

SENATE FILE 177

H-3242

1 Amend Senate File 177 as amended, passed and
2 reprinted by the Senate, as follows:
3 1. Page 1, line 5, by inserting after the word
4 "landowner" the words "or tenant".
5 2. Page 1, line 6, by striking the words
6 "representative of either" and inserting in lieu
7 thereof the words "their representative".
8 3. Page 1, line 16, by inserting after the word
9 "landowner" the word ", tenant,".

H-3242 FILED MARCH 10, 1983 BY SPEAR of Lee
A & B Adopted 3/11/83 (p. 693)
C - Adopted as amended by 3244 3/11 (p. 697)

SENATE FILE 177

H-3244

1 Amend amendment H-3242 to Senate File 177 as
2 follows:

3 1. Page 1, by striking lines 5 through 7 and
4 inserting in lieu thereof the following:

5 "1. Page 1, line 6, by striking the words
6 "representative of either" and inserting in lieu
7 thereof the following: "the representative of
8 any one of them".

H-3244 FILED MARCH 11, 1983 BY SPEAR of Lee
ADOPTED (p. 647)

SENATE FILE 177

H-3243

1 Amend amendment H-3242 to Senate File 177 as
2 amended, passed and reprinted by the Senate, as
3 follows:

4 1. Page 1, line 4, by striking the word "or"
5 and inserting ",,".

H-3243 FILED MARCH 11, 1983 BY SPEAR of Lee
ADOPTED BY UNANIMOUS CONSENT (p. 643)

SENATE AMENDMENT TO HOUSE AMENDMENT
TO SENATE FILE 177

H-3785

1 Amend the House amendment S-3228 to Senate File
2 177 as amended, passed and reprinted by the Senate,
3 as follows:

4 1. Page 1, line 17, by striking the word "area."
5 and inserting in lieu thereof the following: "area
6 when that area is any one of the following:

7 (1) Land located outside the corporate limits
8 of a city.

9 (2) Agricultural land within the corporate limits
10 of a city.

11 (3) Nonagricultural land within the corporate
12 limits of a city when the pipeline facility is operated
13 at a pressure in excess of one hundred fifty pounds
14 per square inch.

15 As used in this paragraph agricultural land means
16 land of one or more acres suitable for cultivation
17 for the production of crops, fruit or other
18 horticultural purposes or for the grazing or production
19 of livestock."

H-3785 FILED APRIL 18, 1983

RECEIVED FROM THE SENATE

House concurred 4/25/83 (p. 1553)

HOUSE AMENDMENT TO SENATE FILE 177

S-3228

1 Amend Senate File 177 as amended, passed and
 2 reprinted by the Senate, as follows:
 3 1. Page 1, line 5, by inserting after the word
 4 "landowner" the words ", tenant".
 5 2. Page 1, line 6, by striking the words
 6 "representative of either" and inserting in lieu
 7 thereof the following "the representative of any one
 8 of them".
 9 3. Page 1, line 14, by inserting after the word
 10 "intervals" the words ", where physically possible,".
 11 4. Page 1, line 16, by inserting after the word
 12 "landowner" the word ", tenant,".
 13 5. Page 1, line 21, by inserting after the word
 14 "crossing." the words "The pipeline company
 15 representative shall be present during all the
 16 excavation, earthwork, or tiling within the marked
 17 area."

S-3228 FILED
 MARCH 15, 1983

RECEIVED FROM THE HOUSE

*Senate amended (3402) & concurred 3/31/83 (p. 1068)
 Motion to reconsider (p. 1069)
 Reconsidered, amended (3454) & concurred 4/18/83 (p. 1282)*

SENATE FILE 177

S-3402

1 Amend the House amendment S-3228 to Senate File
 2 177 as amended, passed, and reprinted by the Senate
 3 as follows:
 4 1. Page 1, line 17, by striking the word "area."
 5 and inserting in lieu thereof the words "area on
 6 agricultural land. This requirement for having a
 7 pipeline representative present does not apply to
 8 pipeline facilities located within the corporate
 9 limits of cities which are operated at a pressure
 10 of one hundred fifty pounds per square inch or less
 11 and which are not located on agricultural lands.
 12 As used in this paragraph agricultural land means
 13 land of one or more acres suitable for cultivation
 14 for the production of crops, fruit or other
 15 horticultural purposes and for the grazing or
 16 production of livestock."

S-3402 FILED
 MARCH 29, 1983

BY EMIL J. HUSAK
 ARNE WALDSTEIN

*Adopted 3/31/83 (p. 1068)
 Motion to reconsider (p. 1069)
 Reconsidered & passed out of order
 with adoption of 3454 4/16 (p. 1282)*

SENATE FILE 177

S-3431

1 Amend the House amendment S-3228 to Senate File
2 177 as amended, passed, and reprinted by the Senate
3 as follows:

4 1. Page 1, line 17, by striking the word "area."
5 and inserting in lieu thereof the words "area. This
6 requirement for having a pipeline representative pre-
7 sent does not apply to pipeline facilities located
8 within the corporate limits of cities which are operated
9 at a pressure of one hundred fifty pounds per square
10 inch or less and which are not located on agricultural
11 lands. As used in this paragraph agricultural land
12 means land of one or more acres suitable for cultivation
13 for the production of crops, fruit or other horticultural
14 purposes and for the grazing or production of livestock."

S-3431 FILED

APRIL 5, 1983

11/10 4/8/83 (p. 1287)

BY DOUGLAS RITSEMA

SENATE FILE 177

S-3454

1 Amend the House amendment S-3228 to Senate File
2 177 as amended, passed and reprinted by the Senate,
3 as follows:

4 1. Page 1, line 17, by striking the word "area."
5 and inserting in lieu thereof the following: "area
6 when that area is any one of the following:
7 (1) Land located outside the corporate limits
8 of a city.
9 (2) Agricultural land within the corporate limits
10 of a city.
11 (3) Nonagricultural land within the corporate
12 limits of a city when the pipeline facility is operated
13 at a pressure in excess of one hundred fifty pounds
14 per square inch.
15 As used in this paragraph agricultural land means
16 land of one or more acres suitable for cultivation
17 for the production of crops, fruit or other
18 horticultural purposes or for the grazing or production
19 of livestock."

S-3454 FILED

APRIL 6, 1983

Adopted 4/18 (p. 1288)

BY DOUGLAS RITSEMA

ARNE WALDSTEIN

SENATE FILE 177

AN ACT

RELATING TO THE OBLIGATION OF A PIPELINE COMPANY TO STAKE
AND MARK ITS PIPELINES WHEN SUBSEQUENT EARTHWORK OR
EXCAVATION OCCURS.

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

Section 1. Section 479.47, unnumbered paragraph 2, Code
1983, is amended by striking the paragraph and inserting in
lieu thereof the following:

Before performing earthwork, tiling, or excavation within
three hundred feet of an existing pipeline, a landowner,
tenant, contractor, or the representative of any one of them
shall notify the pipeline company or its representative by
calling the pipeline company telephone number listed on the
roadside right-of-way marker. The pipeline company shall
mark the location of the existing pipeline within forty-eight
hours of notification with appropriate marker flags or stakes
on the land surface directly above the pipeline for a distance
of one hundred fifty feet either side of the proposed work
site. Markers shall be placed at twenty-five foot intervals,
where physically possible, along the pipeline route indicating
the diameter of the pipeline. The pipeline company shall
not charge the landowner, tenant, or contractor for the
placement of the markers. Excavation, earthwork, or tiling
shall not be commenced in that area until the markers are
in place and the pipeline company representative is present
and has notified the contractor of the depth at the site of
crossing. The pipeline company representative shall be present
during all the excavation, earthwork, or tiling within the
marked area when that area is any one of the following:

- (1) Land located outside the corporate limits of a city.
- (2) Agricultural land within the corporate limits of a
city.

(3) Nonagricultural land within the corporate limits of
a city when the pipeline facility is operated at a pressure
in excess of one hundred fifty pounds per square inch.
As used in this paragraph agricultural land means land of one
or more acres suitable for cultivation for the production
of crops, fruit or other horticultural purposes or for the
grazing or production of livestock.

Sec. 2. This Act, being deemed of immediate importance,
takes effect from and after its publication in the Storm Lake
Register, a newspaper published in Storm Lake, Iowa, and in
The Cedar Valley Times, a newspaper published in Vinton, Iowa.

ROBERT T. ANDERSON
President of the Senate

DONALD D. AVENSON
Speaker of the House

I hereby certify that this bill originated in the Senate and
is known as Senate File 177, Seventieth General Assembly.

K. MARIE THAYER
Secretary of the Senate

Approved May 13, 1983

TERRY E. BRANSTAD
Governor

S.F. 177