

See Commerce 3/15
Amend for 5507 - Do Pass 3/22 (p. 970)

MAR 4 1988

Place On Calendar

HOUSE FILE 2387

BY COMMITTEE ON SMALL BUSINESS
AND COMMERCE

(Formerly House Study Bill 690)

Passed House, Date 3/9/88 (p. 680) Passed Senate, Date 3/29/88 (p. 1099)

Vote: Ayes 93 Nays 0 Vote: Ayes 48 Nays 0

Approved May 6, 1988

Approved House 4/4/88 (p. 1347)
94-0

A BILL FOR

- 1 An Act relating to the construction of cable systems and
- 2 telegraph and telephone lines in the state.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

HOUSE FILE 2387

H-5323

1 Amend House File 2387 as follows:

- 2 1. Page 1, lines 8 and 9, by striking the words
- 3 "or any private individual" and inserting the
- 4 following: "~~or-any-private-individual~~".

H-5323 FILED MARCH 7, 1988 BY MAULSBY of Calhoun
4/10 3/9 (p. 277)

HF 23

HOUSE FILE 2387

S-5507

- 1 Amend House File 2387 as passed by the House, as
- 2 follows:
- 3 1. Page 1, line 10, by inserting after the word
- 4 "therefore." the following: "However, construction of
- 5 a telegraph or telephone line or cable system along a
- 6 primary road is subject to rules adopted by the state
- 7 department of transportation."

S-5507 Adopted 3/29 (p. 1098)
Filed March 22, 1988

BY COMMITTEE ON COMMERCE
WILLIAM PALMER, Chairperson

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1 Section 1. Section 477.1, Code 1987, is amended to read as
2 follows:

3 477.1 RIGHT OF WAY.

4 Any person, or firm, and any corporation organized-for-such
5 purpose, within or without the state, may construct a
6 telegraph or telephone line or cable system along the public
7 roads of the state, or across or under the rivers or over,
8 under, or through any lands belonging to the state or any
9 private individual, and may erect the or install necessary
10 fixtures therefor.

11 Sec. 2. Section 477.2, Code 1987, is amended to read as
12 follows:

13 477.2 REMOVAL OF LINES AND CABLE SYSTEMS.

14 When any road along which ~~said~~ the telegraph or telephone
15 line or cable system has been constructed ~~shall-be~~ or
16 installed is changed, the person, firm or corporation shall,
17 upon ninety days' notice in writing, remove ~~said~~ the telegraph
18 or telephone lines or cable system to ~~said~~ the road as
19 established. The notice may be served upon any agent or
20 operator in the employ of ~~such~~ the person, firm or
21 corporation.

22 Sec. 3. Section 477.3, Code 1987, is amended to read as
23 follows:

24 477.3 CONSTRUCTION -- INSTALLATION -- DAMAGES.

25 ~~Such~~ The fixtures shall not be so constructed ~~as-to~~ or
26 installed in a manner which causes inconvenience to the public
27 in the use of any road or in the navigation of any stream; nor
28 shall they be ~~set-up~~ erected or installed on the private
29 grounds of any individual without paying the individual a just
30 equivalent for the damage the individual ~~thereby~~ sustains by
31 the construction or installation.

32 Sec. 4. Section 477.4, Code 1987, is amended to read as
33 follows:

34 477.4 CONDEMNATION.

35 If the person over or through whose lands ~~such~~ this

1 telegraph or telephone line or cable system passes claims more
2 damages ~~therefor~~ than the proprietor of ~~such~~ the line or cable
3 system is willing to pay, the amount ~~thereof~~ of damages
4 sustained may be determined in the same manner as provided for
5 taking private property for works of internal improvement.

6 EXPLANATION

7 This bill allows any person, firm, or corporation to con-
8 struct a cable system along the public roads of this state, or
9 across or under the rivers, or over, under, or through any
10 lands belonging to the state or any private individual.

11 The person, firm, or corporation may also erect or install
12 necessary fixtures for the cable system. However, under
13 section 477.3, the fixtures may not be constructed or
14 installed in a manner which causes inconvenience to the public
15 in the use of any road or in the navigation of any stream.

16 Also, damages sustained by an individual by the construction
17 or installation of the cable system must be paid.

18 The bill also expands the extent to which a telegraph or
19 telephone may be constructed so that they can be constructed
20 under or through lands belonging to the state or private
21 individuals rather than just over such land.

22 SUCCESSOR TO HSB 690 (LSB 8169HC)

23 COMPANION TO LSB 8173SC

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SENATE AMENDMENT TO HOUSE FILE 2387

H-6071

1 Amend House File 2387 as passed by the House, as
2 follows:

3 1. Page 1, line 10, by inserting after the word
4 "therefor." the following: "However, construction of
5 a telegraph or telephone line or cable system along a
6 primary road is subject to rules adopted by the state
7 department of transportation."

H-6071 FILED MARCH 30, 1966 RECEIVED FROM THE SENATE
House concurred 4/4 (p. 1347)

LSB 690

House Study Bill 690
Small Business and Commerce: Blanshan, Chair: Chapman, Groninga, Harbor and
Schnekloth.

BUSINESS AND COMMERCE

now

HOUSE FILE 2387

BY (PROPOSED COMMITTEE ON SMALL
BUSINESS AND COMMERCE BILL)

Passed House, Date _____ Passed Senate, Date _____

Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____

Approved _____

A BILL FOR

1 An Act relating to the construction of cable systems and
2 telegraph and telephone lines in the state.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 477.1, Code 1987, is amended to read as
2 follows:

3 477.1 RIGHT OF WAY.

4 Any person, or firm, and any or corporation organized for
5 such purpose, within or without the state, may construct a
6 telegraph or telephone line or cable system along the public
7 roads of the state, or across or under the rivers or over,
8 under, or through any lands belonging to the state or any
9 private individual, and may erect the or install necessary
10 fixtures therefor for the telegraph or telephone line or cable
11 system.

12 Sec. 2. Section 477.2, Code 1987, is amended to read as
13 follows:

14 477.2 REMOVAL OF LINES AND CABLE SYSTEMS.

15 When any road along which said the telegraph or telephone
16 line or cable system has been constructed shall be or
17 installed is changed, the person, firm, or corporation shall,
18 upon ninety days' notice in writing, remove said the telegraph
19 or telephone lines or cable system to said the road as
20 established. The notice may be served upon any agent or
21 operator in the employ of such the person, firm, or
22 corporation.

23 Sec. 3. Section 477.3, Code 1987, is amended to read as
24 follows:

25 477.3 CONSTRUCTION -- INSTALLATION -- DAMAGES.

26 Such The fixtures shall not be so constructed as to or
27 installed in a manner which causes inconvenience to the public
28 in the use of any road or in the navigation of any stream; nor
29 shall they be set-up erected or installed on the private
30 grounds of any individual without paying the individual a just
31 equivalent for the damage the individual thereby sustains by
32 the construction or installation.

33 Sec. 4. Section 477.4, Code 1987, is amended to read as
34 follows:

35 477.4 CONDEMNATION.

1 If the person over or through whose lands such the
2 telegraph or telephone line or cable system passes claims more
3 damages therefor than the proprietor of such the line or cable
4 system is willing to pay, the amount thereof of damages
5 sustained may be determined in the same manner as provided for
6 taking private property for works of internal improvement.

7 EXPLANATION

8 This bill allows any person, firm, or corporation to con-
9 struct a cable system along the public roads of this state, or
10 across or under the rivers, or over, under, or through any
11 lands belonging to the state or any private individual.

12 The person, firm, or corporation may also erect or install
13 necessary fixtures for the cable system. However, under
14 section 477.3, the fixtures cannot be constructed or installed
15 in a manner which causes inconvenience to the public in the
16 use of any road or in the navigation of any stream. Also,
17 damages sustained by an individual by the construction or
18 installation of the cable system must be paid.

19 The bill also expands the extent to which telegraph or
20 telephone lines may be constructed so that they can be con-
21 structed under or through lands belonging to the state or
22 private individuals rather than just over such land.

23 COMPANION TO LSB 8173SC

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HOUSE FILE 2387

AN ACT

RELATING TO THE CONSTRUCTION OF CABLE SYSTEMS AND TELEGRAPH AND TELEPHONE LINES IN THE STATE.

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

Section 1. Section 477.1, Code 1987, is amended to read as follows:

477.1 RIGHT OF WAY.

Any person, or firm, and any corporation organized for such purpose, within or without the state, may construct a telegraph or telephone line or cable system along the public roads of the state, or across or under the rivers or over, under, or through any lands belonging to the state or any private individual, and may erect the or install necessary fixtures therefor. However, construction of a telegraph or telephone line or cable system along a primary road is subject to rules adopted by the state department of transportation.

Sec. 2. Section 477.2, Code 1987, is amended to read as follows:

477.2 REMOVAL OF LINES AND CABLE SYSTEMS.

When any road along which said the telegraph or telephone line or cable system has been constructed shall be or installed is changed, the person, firm or corporation shall, upon ninety days' notice in writing, remove said the telegraph or telephone lines or cable system to said the road as established. The notice may be served upon any agent or operator in the employ of such the person, firm or corporation.

Sec. 3. Section 477.3, Code 1987, is amended to read as follows:

477.3 CONSTRUCTION -- INSTALLATION -- DAMAGES.

Such the fixtures shall not be so constructed as to or installed in a manner which causes inconvenience to the public in the use of any road or in the navigation of any stream; nor

shall they be set-up erected or installed on the private grounds of any individual without paying the individual a just equivalent for the damage the individual thereby sustains by the construction or installation.

Sec. 4. Section 477.4, Code 1987, is amended to read as follows:

477.4 CONDEMNATION.

If the person over or through whose lands such this telegraph or telephone line or cable system passes claims more damages therefor than the proprietor of such the line or cable system is willing to pay, the amount thereof of damages sustained may be determined in the same manner as provided for taking private property for works of internal improvement.

DONALD D. AVENSON
Speaker of the House

JO ANN ZIMMERMAN
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 2387, Seventy-second General Assembly.

JOSEPH O'HERN
Chief Clerk of the House

Approved  1988

TERRY E. BRANSTAD
Governor

HF 2387