

Substituted for SF 2296 3/14/94 (P.644)

HOUSE FILE 2362
BY COMMITTEE ON TRANSPORTATION

MAR 4 1994

Place On Calendar

(SUCCESSOR TO HSB 714)

Passed House, ^(P.503) Date 3-9-94 Passed Senate, ^(P.812) Date 3/28/94
Vote: Ayes 99 Nays 0 Vote: Ayes 47 Nays 0
Approved March 31, 1994

A BILL FOR

1 An Act relating to hazardous liquid pipeline condemnation and
2 providing an effective date.

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

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HF 2362

1 Section 1. Section 306.19, Code 1993, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 7. If the agency determines that it is
4 necessary to relocate an interstate hazardous liquid pipeline
5 as defined by the federal Hazardous Liquid Pipeline Safety Act
6 of 1979, 49 U.S.C. § 2001, et seq., the agency shall have the
7 authority to institute and maintain proceedings on behalf of
8 the pipeline company for the condemnation of replacement
9 property rights. The replacement property rights shall be
10 equal in substance to the pipeline company's existing rights,
11 except that if the issue of width was not addressed, the
12 replacement property rights shall be for a width and location
13 deemed appropriate and necessary for the needs of the pipeline
14 company, as determined by the agency. The replacement
15 property rights of the pipeline company shall be subordinate
16 to the rights of the agency only to the extent necessary for
17 the construction and maintenance of the designated road.
18 Within a reasonable time after completion of the pipeline
19 replacement, all previously owned property rights of the
20 pipeline company no longer required for operation and
21 maintenance of the pipeline shall be released or conveyed to
22 the appropriate parties. The authority of the agency under
23 this subsection may only be exercised upon execution of a
24 relocation agreement between the agency and the pipeline
25 company.

26 Sec. 2. EFFECTIVE DATE. This Act, being deemed of
27 immediate importance, takes effect upon enactment.

28 EXPLANATION

29 This bill provides an agency having jurisdiction and
30 control over a road with the authority to condemn property on
31 behalf of a pipeline company for relocation of an interstate
32 hazardous liquid pipeline. Currently an agency with
33 jurisdiction and control over a road has the authority to
34 maintain proceedings for condemnation for the maintenance,
35 relocation, establishment, or improvement of a road. The bill

1 requires the agency to negotiate for replacement property
2 rights that are equal in substance to the company's existing
3 rights, except that if the issue of width was not addressed,
4 the replacement rights shall be as appropriate and necessary
5 for the needs of the pipeline company. It provides that the
6 replacement property rights of the pipeline company are
7 subordinate to the agency only to the extent necessary for
8 construction and maintenance of the road.

9 This bill is effective upon enactment.

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HSB 714

Spenner - Chair
Eddie
Halvorson

TRANSPORTATION
HOUSE FILE 2362
BY (PROPOSED COMMITTEE ON
TRANSPORTATION BILL BY
CHAIRPERSON SPENNER)

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to hazardous liquid pipeline condemnation.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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2 the following new subsection:

3 NEW SUBSECTION. 7. If the agency determines that it is
4 necessary to relocate an interstate hazardous liquid pipeline
5 as defined by the federal Hazardous Liquid Pipeline Safety Act
6 of 1979, 49 U.S.C. § 2001, et seq., the agency shall have the
7 authority to institute and maintain proceedings on behalf of
8 the pipeline company for the condemnation of replacement
9 property rights. The replacement property rights shall be for
10 a width and location deemed appropriate and necessary for the
11 needs of the pipeline company, as determined by the agency.
12 The replacement property rights of the pipeline company shall
13 be subordinate to the rights of the agency only to the extent
14 necessary for the construction and maintenance of the
15 designated road. Within a reasonable time after completion of
16 the pipeline replacement, all previously owned property rights
17 of the pipeline company no longer required for operation and
18 maintenance of the pipeline shall be released or conveyed to
19 the appropriate parties. The authority of the agency under
20 this subsection may only be exercised upon execution of a
21 relocation agreement between the agency and the pipeline
22 company.

23 Sec. 2. EFFECTIVE DATE. This Act, being deemed of
24 immediate importance, takes effect upon enactment.

25 EXPLANATION

26 This bill provides an agency having jurisdiction and
27 control over a road with the authority to condemn property on
28 behalf of a pipeline company for relocation of an interstate
29 hazardous liquid pipeline. Currently an agency with
30 jurisdiction and control over a road has the authority to
31 maintain proceedings for condemnation for the maintenance,
32 relocation, establishment, or improvement of a road. The bill
33 requires the agency to negotiate for replacement property as
34 appropriate and necessary for the needs of the pipeline
35 company and provides that the replacement property rights of

1 the pipeline company are subordinate to the agency only to the
2 extent necessary for construction and maintenance of the road.

3 This bill is effective upon enactment.

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HOUSE FILE 2362

AN ACT
RELATING TO HAZARDOUS LIQUID PIPELINE CONDEMNATION AND PROVIDING
AN EFFECTIVE DATE.

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

Section 1. Section 306.19, Code 1993, is amended by adding the following new subsection:

NEW SUBSECTION. 7. If the agency determines that it is necessary to relocate an interstate hazardous liquid pipeline as defined by the federal Hazardous Liquid Pipeline Safety Act of 1979, 49 U.S.C. § 2001, et seq., the agency shall have the authority to institute and maintain proceedings on behalf of the pipeline company for the condemnation of replacement property rights. The replacement property rights shall be equal in substance to the pipeline company's existing rights, except that if the issue of width was not addressed, the replacement property rights shall be for a width and location deemed appropriate and necessary for the needs of the pipeline company, as determined by the agency. The replacement property rights of the pipeline company shall be subordinate to the rights of the agency only to the extent necessary for the construction and maintenance of the designated road. Within a reasonable time after completion of the pipeline replacement, all previously owned property rights of the pipeline company no longer required for operation and maintenance of the pipeline shall be released or conveyed to the appropriate parties. The authority of the agency under this subsection may only be exercised upon execution of a relocation agreement between the agency and the pipeline company.

Sec. 2. EFFECTIVE DATE. This Act, being deemed of immediate importance, takes effect upon enactment.

HAROLD VAN MAANEN
Speaker of the House

LEONARD L. BOSWELL
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 2362, Seventy-fifth General Assembly.

ELIZABETH ISAACSON
Chief Clerk of the House

Approved *March 31*, 1994

TERRY E. BRANSTAD
Governor