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FILED FEB 21 2000

SENATE FILE 2213
BY COMMITTEE ON NATURAL
RESOURCES and ENVIRONMENT

(SUCCESSOR TO SF 2155)

Passed Senate, Date (P.630) 3/13/00 Passed House, Date (P.1579) 4-18-00
Vote: Ayes 46 Nays 2 Vote: Ayes 98 Nays 0
Approved 4-25-00

A BILL FOR

1 An Act relating to on-site presence of a pipeline company
2 representative during farmland improvements near pipelines.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

SF 2213

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1 Section 1. Section 479.48, subsection 5, Code Supplement
2 1999, is amended to read as follows:

3 5. If a pipeline right-of-way is abandoned for pipeline
4 use, but the pipe is not removed from the right-of-way, the
5 pipeline company shall remain subject to section 479.49, shall
6 remain responsible for the additional costs of subsequent
7 tiling as provided for in section 479.47, shall mark the
8 location of the line in response to a notice of proposed
9 excavation in accordance with chapter 480, and shall remain
10 subject to the damage provisions of this chapter in the event
11 access to or excavation relating to the pipe is required. The
12 landowner shall provide reasonable access to the pipeline in
13 order to carry out the responsibilities of this subsection.

14 Sec. 2. NEW SECTION. 479.49 FARMLAND IMPROVEMENTS.

15 A landowner or contractor may require a representative of
16 the pipeline company to be present on-site, at no charge to
17 the landowner, at all times during each phase and separate
18 activity related to a farmland improvement within fifty feet
19 of either side of a pipeline. If the pipeline company and the
20 contractor constructing the farmland improvement mutually
21 agree that a representative of the pipeline company is not
22 required to be present, the requirements of this section are
23 waived in relation to the farmland improvement which would
24 have otherwise made the requirements of this section
25 applicable. A farmland improvement includes, but is not
26 limited to, the terracing of farmland and tiling.

27 Sec. 3. Section 479A.27, subsection 5, Code Supplement
28 1999, is amended to read as follows:

29 5. If a pipeline right-of-way is abandoned for pipeline
30 use, but the pipe is not removed from the right-of-way, the
31 pipeline company shall remain subject to section 479A.28,
32 shall remain responsible for the additional costs of
33 subsequent tiling as provided for in section 479A.26, shall
34 mark the location of the line in response to a notice of
35 proposed excavation in accordance with chapter 480, and shall

1 remain subject to the damage provisions of this chapter in the
2 event access to or excavation relating to the pipe is
3 required. The landowner shall provide reasonable access to
4 the pipeline in order to carry out the responsibilities of
5 this subsection.

6 Sec. 4. NEW SECTION. 479A.28 FARMLAND IMPROVEMENTS.

7 A landowner or contractor may require a representative of
8 the pipeline company to be present on-site, at no charge to
9 the landowner, at all times during each phase and separate
10 activity related to a farmland improvement within fifty feet
11 of either side of a pipeline. If the pipeline company and the
12 contractor constructing the farmland improvement mutually
13 agree that a representative of the pipeline company is not
14 required to be present, the requirements of this section are
15 waived in relation to the farmland improvement which would
16 have otherwise made the requirements of this section
17 applicable. A farmland improvement includes, but is not
18 limited to, the terracing of farmland and tiling.

19 Sec. 5. Section 479B.32, subsection 5, Code Supplement
20 1999, is amended to read as follows:

21 5. If a pipeline right-of-way is abandoned for pipeline
22 use, but the pipe is not removed from the right-of-way, the
23 pipeline company shall remain subject to section 479B.33,
24 shall remain responsible for the additional costs of
25 subsequent tiling as provided for in section 479B.31, shall
26 mark the location of the line in response to a notice of
27 proposed excavation in accordance with chapter 480, and shall
28 remain subject to the damage provisions of this chapter in the
29 event access to or excavation relating to the pipe is
30 required. The landowner shall provide reasonable access to
31 the pipeline in order to carry out the responsibilities of
32 this subsection.

33 Sec. 6. NEW SECTION. 479B.33 FARMLAND IMPROVEMENTS.

34 A landowner or contractor may require a representative of
35 the pipeline company to be present on-site, at no charge to

1 the landowner, at all times during each phase and separate
2 activity related to a farmland improvement within fifty feet
3 of either side of a pipeline. If the pipeline company and the
4 contractor constructing the farmland improvement mutually
5 agree that a representative of the pipeline company is not
6 required to be present, the requirements of this section are
7 waived in relation to the farmland improvement which would
8 have otherwise made the requirements of this section
9 applicable. A farmland improvement includes, but is not
10 limited to, the terracing of farmland and tiling.

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EXPLANATION

12 This bill provides that a landowner or contractor may
13 require a representative of a pipeline company to be present
14 on-site, at no charge to the landowner, at all times during
15 each phase and separate activity related to a farmland
16 improvement within 50 feet of either side of a pipeline. The
17 bill provides that if the pipeline company and the contractor
18 mutually agree that a representative of the pipeline company
19 is not required to be present, the on-site requirements are
20 waived. The bill provides that if a pipeline right-of-way is
21 abandoned for pipeline use, but the pipe is not removed from
22 the right-of-way, the pipeline company remains subject to the
23 provisions of this bill. The bill applies to pipelines,
24 interstate natural gas pipelines, and hazardous liquid
25 pipelines.

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SENATE FILE 2213

S-5050

- 1 Amend Senate File 2213 as follows:
2 1. Page 1, line 20, by inserting before the word
3 "contractor" the following: "landowner or".
4 2. Page 2, line 12, by inserting before the word
5 "contractor" the following: "landowner or".
6 3. Page 3, line 4, by inserting before the word
7 "contractor" the following: "landowner or".

By KITTY REHBERG

S-5050 FILED MARCH 1, 2000

Adopted
3/9/00 (p. 602)

SENATE FILE 2213

S-5059

- 1 Amend Senate File 2213 as follows:
2 1. Page 1, line 5, by inserting after the figure
3 "479.49" the following: "unless otherwise agreed to
4 in writing by the landowner and the pipeline company".
5 2. Page 1, line 19, by striking the words "the
6 pipeline company" and inserting the following: "any
7 combination of the pipeline company, the landowner,".
8 3. Page 1, line 31, by inserting after the figure
9 "479A.28" the following: "unless otherwise agreed to
10 in writing by the landowner and the pipeline company".
11 4. Page 2, line 11, by striking the words "the
12 pipeline company" and inserting the following: "any
13 combination of the pipeline company, the landowner,".
14 5. Page 2, line 23, by inserting after the figure
15 "479B.33" the following: "unless otherwise agreed to
16 in writing by the landowner and the pipeline company".
17 6. Page 3, line 3, by striking the words "the
18 pipeline company" and inserting the following: "any
19 combination of the pipeline company, the landowner,".

By STEVE KING

S-5059 FILED MARCH 6, 2000

W/D
3/9/00
(p. 601)

SENATE FILE 2213

S-5128

1 Amend Senate File 2213 as follows:

2 1. Page 1, line 25, by inserting after the word
3 "applicable." the following: "The requirements of
4 this section are met if the pipeline company, where
5 facilities permit, provides to the contractor and
6 landowner all physical access necessary for precise
7 electronic location of the pipe."

8 2. Page 2, line 17, by inserting after the word
9 "applicable." the following: "The requirements of
10 this section are met if the pipeline company, where
11 facilities permit, provides to the contractor and
12 landowner all physical access necessary for precise
13 electronic location of the pipe."

14 3. Page 3, line 9, by inserting after the word
15 "applicable." the following: "The requirements of
16 this section are met if the pipeline company, where
17 facilities permit, provides to the contractor and
18 landowner all physical access necessary for precise
19 electronic location of the pipe."

By MICHAEL E. GRONSTAL

S-5128 FILED MARCH 13, 2000

LOST

(P. 630)

SENATE FILE 2213

S-5129

1 Amend Senate File 2213 as follows:

2 1. Page 1, line 3, by striking the word "If", and
3 inserting the following: "If Unless otherwise agreed
4 to in writing by the landowner and the pipeline
5 company, if"."

6 2. Page 1, line 29, by striking the word "If",
7 and inserting the following: "If Unless otherwise
8 agreed to in writing by the landowner and the pipeline
9 company, if"."

10 3. Page 2, line 21, by striking the word "If",
11 and inserting the following: "If Unless otherwise
12 agreed to in writing by the landowner and the pipeline
13 company, if"."

By STEVE KING

S-5129 FILED MARCH 13, 2000

ADOPTED

(P. 630)

1 Section 1. Section 479.48, subsection 5, Code Supplement
2 1999, is amended to read as follows:

3 5. If Unless otherwise agreed to in writing by the
4 landowner and the pipeline company, if a pipeline right-of-way
5 is abandoned for pipeline use, but the pipe is not removed
6 from the right-of-way, the pipeline company shall remain
7 subject to section 479.49, shall remain responsible for the
8 additional costs of subsequent tiling as provided for in
9 section 479.47, shall mark the location of the line in
10 response to a notice of proposed excavation in accordance with
11 chapter 480, and shall remain subject to the damage provisions
12 of this chapter in the event access to or excavation relating
13 to the pipe is required. The landowner shall provide
14 reasonable access to the pipeline in order to carry out the
15 responsibilities of this subsection.

16 Sec. 2. NEW SECTION. 479.49 FARMLAND IMPROVEMENTS.

17 A landowner or contractor may require a representative of
18 the pipeline company to be present on-site, at no charge to
19 the landowner, at all times during each phase and separate
20 activity related to a farmland improvement within fifty feet
21 of either side of a pipeline. If the pipeline company and the
22 landowner or contractor constructing the farmland improvement
23 mutually agree that a representative of the pipeline company
24 is not required to be present, the requirements of this
25 section are waived in relation to the farmland improvement
26 which would have otherwise made the requirements of this
27 section applicable. A farmland improvement includes, but is
28 not limited to, the terracing of farmland and tiling.

29 Sec. 3. Section 479A.27, subsection 5, Code Supplement
30 1999, is amended to read as follows:

31 5. If Unless otherwise agreed to in writing by the
32 landowner and the pipeline company, if a pipeline right-of-way
33 is abandoned for pipeline use, but the pipe is not removed
34 from the right-of-way, the pipeline company shall remain
35 subject to section 479A.28, shall remain responsible for the

1 additional costs of subsequent tiling as provided for in
2 section 479A.26, shall mark the location of the line in
3 response to a notice of proposed excavation in accordance with
4 chapter 480, and shall remain subject to the damage provisions
5 of this chapter in the event access to or excavation relating
6 to the pipe is required. The landowner shall provide
7 reasonable access to the pipeline in order to carry out the
8 responsibilities of this subsection.

9 Sec. 4. NEW SECTION. 479A.28 FARMLAND IMPROVEMENTS.

10 A landowner or contractor may require a representative of
11 the pipeline company to be present on-site, at no charge to
12 the landowner, at all times during each phase and separate
13 activity related to a farmland improvement within fifty feet
14 of either side of a pipeline. If the pipeline company and the
15 landowner or contractor constructing the farmland improvement
16 mutually agree that a representative of the pipeline company
17 is not required to be present, the requirements of this
18 section are waived in relation to the farmland improvement
19 which would have otherwise made the requirements of this
20 section applicable. A farmland improvement includes, but is
21 not limited to, the terracing of farmland and tiling.

22 Sec. 5. Section 479B.32, subsection 5, Code Supplement
23 1999, is amended to read as follows:

24 5. If Unless otherwise agreed to in writing by the
25 landowner and the pipeline company, if a pipeline right-of-way
26 is abandoned for pipeline use, but the pipe is not removed
27 from the right-of-way, the pipeline company shall remain
28 subject to section 479B.33, shall remain responsible for the
29 additional costs of subsequent tiling as provided for in
30 section 479B.31, shall mark the location of the line in
31 response to a notice of proposed excavation in accordance with
32 chapter 480, and shall remain subject to the damage provisions
33 of this chapter in the event access to or excavation relating
34 to the pipe is required. The landowner shall provide
35 reasonable access to the pipeline in order to carry out the

1 responsibilities of this subsection.

2 Sec. 6. NEW SECTION. 479B.33 FARMLAND IMPROVEMENTS.

3 A landowner or contractor may require a representative of
4 the pipeline company to be present on-site, at no charge to
5 the landowner, at all times during each phase and separate
6 activity related to a farmland improvement within fifty feet
7 of either side of a pipeline. If the pipeline company and the
8 landowner or contractor constructing the farmland improvement
9 mutually agree that a representative of the pipeline company
10 is not required to be present, the requirements of this
11 section are waived in relation to the farmland improvement
12 which would have otherwise made the requirements of this
13 section applicable. A farmland improvement includes, but is
14 not limited to, the terracing of farmland and tiling.

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SENATE FILE 2213

AN ACT

RELATING TO ON-SITE PRESENCE OF A PIPELINE COMPANY
REPRESENTATIVE DURING FARMLAND IMPROVEMENTS NEAR PIPELINES.

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

Section 1. Section 479.48, subsection 5, Code Supplement 1999, is amended to read as follows:

5. ¶ Unless otherwise agreed to in writing by the landowner and the pipeline company, if a pipeline right-of-way is abandoned for pipeline use, but the pipe is not removed from the right-of-way, the pipeline company shall remain subject to section 479.49, shall remain responsible for the

additional costs of subsequent tiling as provided for in section 479.47, shall mark the location of the line in response to a notice of proposed excavation in accordance with chapter 480, and shall remain subject to the damage provisions of this chapter in the event access to or excavation relating to the pipe is required. The landowner shall provide reasonable access to the pipeline in order to carry out the responsibilities of this subsection.

Sec. 2. NEW SECTION. 479.49 FARMLAND IMPROVEMENTS.

A landowner or contractor may require a representative of the pipeline company to be present on-site, at no charge to the landowner, at all times during each phase and separate activity related to a farmland improvement within fifty feet of either side of a pipeline. If the pipeline company and the landowner or contractor constructing the farmland improvement mutually agree that a representative of the pipeline company is not required to be present, the requirements of this section are waived in relation to the farmland improvement which would have otherwise made the requirements of this section applicable. A farmland improvement includes, but is not limited to, the terracing of farmland and tiling.

Sec. 3. Section 479A.27, subsection 5, Code Supplement 1999, is amended to read as follows:

5. ¶ Unless otherwise agreed to in writing by the landowner and the pipeline company, if a pipeline right-of-way is abandoned for pipeline use, but the pipe is not removed from the right-of-way, the pipeline company shall remain subject to section 479A.28, shall remain responsible for the additional costs of subsequent tiling as provided for in section 479A.26, shall mark the location of the line in response to a notice of proposed excavation in accordance with chapter 480, and shall remain subject to the damage provisions of this chapter in the event access to or excavation relating to the pipe is required. The landowner shall provide reasonable access to the pipeline in order to carry out the responsibilities of this subsection.

Sec. 4. NEW SECTION. 479A.28 FARMLAND IMPROVEMENTS.

A landowner or contractor may require a representative of the pipeline company to be present on-site, at no charge to the landowner, at all times during each phase and separate activity related to a farmland improvement within fifty feet of either side of a pipeline. If the pipeline company and the landowner or contractor constructing the farmland improvement mutually agree that a representative of the pipeline company is not required to be present, the requirements of this section are waived in relation to the farmland improvement which would have otherwise made the requirements of this section applicable. A farmland improvement includes, but is not limited to, the terracing of farmland and tiling.

Sec. 5. Section 479B.32, subsection 5, Code Supplement 1999, is amended to read as follows:

5. If Unless otherwise agreed to in writing by the landowner and the pipeline company, if a pipeline right-of-way is abandoned for pipeline use, but the pipe is not removed from the right-of-way, the pipeline company shall remain subject to section 479B.33, shall remain responsible for the additional costs of subsequent tiling as provided for in section 479B.31, shall mark the location of the line in response to a notice of proposed excavation in accordance with chapter 480, and shall remain subject to the damage provisions of this chapter in the event access to or excavation relating to the pipe is required. The landowner shall provide reasonable access to the pipeline in order to carry out the responsibilities of this subsection.

Sec. 6. NEW SECTION. 479B.33 FARMLAND IMPROVEMENTS.

A landowner or contractor may require a representative of the pipeline company to be present on-site, at no charge to the landowner, at all times during each phase and separate activity related to a farmland improvement within fifty feet of either side of a pipeline. If the pipeline company and the landowner or contractor constructing the farmland improvement mutually agree that a representative of the pipeline company is not required to be present, the requirements of this section are waived in relation to the farmland improvement

which would have otherwise made the requirements of this section applicable. A farmland improvement includes, but is not limited to, the terracing of farmland and tiling.

MARY E. KRAMER
President of the Senate

BRENT SIEGRIST
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 2213, Seventy-eighth General Assembly.

MICHAEL E. MARSHALL
Secretary of the Senate

Approved 4/25, 2000

THOMAS J. VILSACK
Governor