

Angelo
Fartz
Bulkcom

SSB - 3175
Local Government
Succeeded By
①/HF 2327

SENATE FILE _____
BY (PROPOSED COMMITTEE ON
LOCAL GOVERNMENT BILL
BY CHAIRPERSON ANGELO)

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

A BILL FOR

1 An Act relating to certain procedures for the purchase or
2 condemnation of interest in private property by a utility
3 subject to the jurisdiction of the Iowa utilities board.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23

1 Section 1. Section 6B.2A, Code Supplement 1999, is amended
2 by adding the following new subsection:

3 NEW SUBSECTION. 4. If the acquiring agency is a person
4 required to obtain a franchise under chapter 478, compliance
5 with section 478.2 satisfies the requirements of this section.

6 Sec. 2. Section 6B.2B, Code Supplement 1999, is amended by
7 adding the following new subsection:

8 NEW SUBSECTION. 3. If the acquiring agency is a person
9 required to obtain a franchise under chapter 478, compliance
10 with sections 478.2 and 478.6 satisfies the requirements of
11 this section.

12 Sec. 3. Section 6B.45, Code Supplement 1999, is amended by
13 adding the following new unnumbered paragraph:

14 NEW UNNUMBERED PARAGRAPH. A utility or person under the
15 jurisdiction of the utilities board of the department of
16 commerce, or any other utility conferred the right by statute
17 to condemn private property, may obtain a written waiver
18 signed by the owner to allow negotiations prior to the
19 expiration of the thirty-day waiting period.

20 Sec. 4. Section 478.2, unnumbered paragraphs 2 and 5, Code
21 1999, are amended to read as follows:

22 As conditions precedent to the filing of a petition with
23 the utilities board requesting a franchise for a new
24 transmission line, and not less than thirty days prior to the
25 filing of such petition, the person, company, or corporation
26 shall hold informational meetings in each county in which real
27 property or rights will be affected. A member of the board,
28 the counsel of the board, or a hearing examiner designated by
29 the board shall serve as the presiding officer at each meeting
30 and, shall present an agenda for such meeting which shall
31 include a summary of the legal rights of the affected
32 landowners, and shall distribute and review the statement of
33 individual rights required under section 6B.2B. No A formal
34 record of the meeting shall not be required.

35 The notice shall set forth the name of the applicant; state

1 the applicant's principal place of business; state the general
 2 description and purpose of the proposed project; state the
 3 general nature of the right-of-way right-of-way desired; state
 4 the possibility that the right-of-way may be acquired by
 5 condemnation if approved by the utilities board; provide a map
 6 showing the route of the proposed project; provide a
 7 description of the process used by the utilities board in
 8 making a decision on whether to approve a franchise or grant
 9 the right to take property by eminent domain; advise that the
 10 landowner has the right to be present at such meetings and to
 11 file objections with the utilities board; designate the place
 12 and time of the meeting; be served not less than thirty days
 13 prior to the time set for the meeting by certified mail with
 14 return receipt requested; and be published once in a newspaper
 15 of general circulation in the county at least one week and not
 16 more than three weeks before the time of the meeting and such
 17 publication shall be considered notice to landowners whose
 18 residence is not known.

19 Sec. 5. Section 478.6, unnumbered paragraph 2, Code 1999,
 20 is amended to read as follows:

21 Where a petition seeks the use of the right of eminent
 22 domain over specific parcels of real property, the board shall
 23 prescribe the notice to be served upon the owners of record
 24 and parties in possession of said the property over which the
 25 use of the right of eminent domain is sought. The notice
 26 shall include the statement of individual rights required
 27 pursuant to section 6B.2B.

28 EXPLANATION

29 This bill amends provisions of the Code relating to
 30 condemnation of property by a utility.
 31 Code section 6B.2A is amended to provide that the
 32 requirement of notice of an informational meeting when a
 33 utility is condemning property for construction of an electric
 34 transmission line is deemed to satisfy the public improvement
 35 notice requirements of eminent domain.

1 Code section 6B.2B is amended to provide that the
2 requirement that an acquiring agency negotiate in good faith
3 and provide the landowner with a statement of individual
4 rights is satisfied by the notice, public meeting, and hearing
5 requirements of a utility condemning property for construction
6 of an electric transmission line. The bill makes
7 corresponding amendments to Code sections 478.2 and 478.6 to
8 add the statement of individual rights to the information to
9 be mailed with the notice to the landowner by the utility and
10 to be provided at the informational meeting held on the
11 project.

12 The bill also amends Code section 478.2 to require that the
13 notice of informational meeting provide a description of the
14 process followed by the utility when granting a franchise or
15 condemning property and state the possibility that the right-
16 of-way may be acquired by condemnation.

17 The bill also amends Code section 478.6 to require that the
18 statement of individual rights be mailed to each landowner
19 along with the notice of hearing on condemnation required by
20 that section.

21 Code section 6B.45 is amended to allow a utility to obtain
22 a written waiver from the landowner allowing the utility to
23 negotiate with the landowner prior to expiration of the 30-day
24 period after information on the utility's method of appraisal
25 is mailed to the landowner.

26
27
28
29
30
31
32
33
34
35

RE-PRINTED

FILED FEB 23 '00

SENATE FILE 2327
BY COMMITTEE ON LOCAL
GOVERNMENT

(SUCCESSOR TO SSB 3175)

Passed Senate, ^(P. 663) Date 3-14-00 Passed House, ^(P. 1704) Date 4/24/00
Vote: Ayes 47 Nays 0 Vote: Ayes 91 Nays 0
Approved 3/10/00

^(P. 1351) Re-Passed 4/25/00
Vote 47-0

A BILL FOR

1 An Act relating to certain procedures for the purchase or
2 condemnation of interest in private property by a utility
3 subject to the jurisdiction of the Iowa utilities board.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22

SF 2327

1 Section 1. Section 6B.2A, Code Supplement 1999, is amended
2 by adding the following new subsection:

3 NEW SUBSECTION. 4. If the acquiring agency is a person
4 required to obtain a franchise under chapter 478, compliance
5 with section 478.2 satisfies the requirements of this section.

6 Sec. 2. Section 6B.2B, Code Supplement 1999, is amended by
7 adding the following new subsection:

8 NEW SUBSECTION. 3. If the acquiring agency is a person
9 required to obtain a franchise under chapter 478, compliance
10 with sections 478.2 and 478.6 satisfies the requirements of
11 this section.

12 Sec. 3. Section 6B.45, Code Supplement 1999, is amended by
13 adding the following new unnumbered paragraph:

14 NEW UNNUMBERED PARAGRAPH. A utility or person under the
15 jurisdiction of the utilities board of the department of
16 commerce, or any other utility conferred the right by statute
17 to condemn private property, may obtain a written waiver
18 signed by the owner to allow negotiations prior to the
19 expiration of the thirty-day waiting period.

20 Sec. 4. Section 478.2, unnumbered paragraphs 2 and 5, Code
21 1999, are amended to read as follows:

22 As conditions precedent to the filing of a petition with
23 the utilities board requesting a franchise for a new
24 transmission line, and not less than thirty days prior to the
25 filing of such petition, the person, company, or corporation
26 shall hold informational meetings in each county in which real
27 property or rights will be affected. A member of the board,
28 the counsel of the board, or a hearing examiner designated by
29 the board shall serve as the presiding officer at each meeting
30 and, shall present an agenda for such meeting which shall
31 include a summary of the legal rights of the affected
32 landowners, and shall distribute and review the statement of
33 individual rights required under section 6B.2B. No A formal
34 record of the meeting shall not be required.

35 The notice shall set forth the name of the applicant; state

1 the applicant's principal place of business; state the general
2 description and purpose of the proposed project; state the
3 general nature of the ~~right-of-way~~ right-of-way desired; state
4 the possibility that the right-of-way may be acquired by
5 condemnation if approved by the utilities board; provide a map
6 showing the route of the proposed project; provide a
7 description of the process used by the utilities board in
8 making a decision on whether to approve a franchise or grant
9 the right to take property by eminent domain; advise that the
10 landowner has the right to be present at such meetings and to
11 file objections with the utilities board; designate the place
12 and time of the meeting; be served not less than thirty days
13 prior to the time set for the meeting by certified mail with
14 return receipt requested; and be published once in a newspaper
15 of general circulation in the county at least one week and not
16 more than three weeks before the time of the meeting and such
17 publication shall be considered notice to landowners whose
18 residence is not known.

19 Sec. 5. Section 478.6, unnumbered paragraph 2, Code 1999,
20 is amended to read as follows:

21 Where a petition seeks the use of the right of eminent
22 domain over specific parcels of real property, the board shall
23 prescribe the notice to be served upon the owners of record
24 and parties in possession of ~~said~~ the property over which the
25 use of the right of eminent domain is sought. The notice
26 shall include the statement of individual rights required
27 pursuant to section 6B.2B.

28 EXPLANATION

29 This bill amends provisions of the Code relating to
30 condemnation of property by a utility.

31 Code section 6B.2A is amended to provide that the
32 requirement of notice of an informational meeting when a
33 utility is condemning property for construction of an electric
34 transmission line is deemed to satisfy the public improvement
35 notice requirements of eminent domain.

1 Code section 6B.2B is amended to provide that the
2 requirement that an acquiring agency negotiate in good faith
3 and provide the landowner with a statement of individual
4 rights is satisfied by the notice, public meeting, and hearing
5 requirements of a utility condemning property for construction
6 of an electric transmission line. The bill makes
7 corresponding amendments to Code sections 478.2 and 478.6 to
8 add the statement of individual rights to the information to
9 be mailed with the notice to the landowner by the utility and
10 to be provided at the informational meeting held on the
11 project.

12 The bill also amends Code section 478.2 to require that the
13 notice of informational meeting provide a description of the
14 process followed by the utility when granting a franchise or
15 condemning property and state the possibility that the right-
16 of-way may be acquired by condemnation.

17 The bill also amends Code section 478.6 to require that the
18 statement of individual rights be mailed to each landowner
19 along with the notice of hearing on condemnation required by
20 that section.

21 Code section 6B.45 is amended to allow a utility to obtain
22 a written waiver from the landowner allowing the utility to
23 negotiate with the landowner prior to expiration of the 30-day
24 period after information on the utility's method of appraisal
25 is mailed to the landowner.

26
27
28
29
30
31
32
33
34
35

SENATE FILE 2327

S-5089

1 Amend Senate File 2327 as follows:

2 1. Page 1, line 5, by inserting after the word
3 "section." the following: "If the acquiring agency is
4 a person required to obtain a permit under chapter
5 479, compliance with section 479.5 satisfies the
6 requirements of this section."

7 2. Page 1, line 11, by inserting after the word
8 "section." the following: "If the acquiring agency is
9 a person required to obtain a permit under chapter
10 479, compliance with section 479.5 satisfies the
11 requirements of this section."

12 3. Page 2, by inserting after line 27, the
13 following:

14 "Sec. ____ . Section 479.5, unnumbered paragraphs 3
15 and 6, Code 1999, are amended to read as follows:

16 A pipeline company shall hold informational
17 meetings in each county in which real property or
18 property rights will be affected at least thirty days
19 prior to filing the petition for a new pipeline. A
20 member of the board or a person designated by the
21 board shall serve as the presiding officer at each
22 meeting and, shall present an agenda for the meeting
23 which shall include a summary of the legal rights of
24 the affected landowners, and shall distribute and
25 review the statement of individual rights required
26 under section 6B.2B. No A formal record of the
27 meeting shall not be required.

28 The notice shall set forth the name of the
29 applicant; the applicant's principal place of
30 business; the general description and purpose of the
31 proposed project; the general nature of the right-of-
32 way desired; the possibility that the right-of-way may
33 be acquired by condemnation if approved by the
34 utilities board; a map showing the route of the
35 proposed project; a description of the process used by
36 the utilities board in making a decision on whether to
37 approve a permit including the right to take property
38 by eminent domain; that the landowner has a right to
39 be present at such meeting and to file objections with
40 the board; and a designation of the time and place of
41 the meeting; ~~and.~~ The notice shall be served by
42 certified mail with return receipt requested not less
43 than thirty days previous to the time set for the
44 meeting; and shall be published once in a newspaper of
45 general circulation in the county. The publication
46 shall be considered notice to landowners whose
47 residence is not known and to each person in
48 possession of or residing on the property provided a
49 good faith effort to notify can be demonstrated by the
50 pipeline company.

S-5089

-1-

S-5089

Page 2

1 Sec. ____ . Section 479.7, Code 1999, is amended by
2 adding the following new unnumbered paragraph:
3 NEW UNNUMBERED PARAGRAPH. Where a petition seeks
4 the use of the right of eminent domain over specific
5 parcels of real property, the board shall prescribe
6 the notice to be served upon the owners of record and
7 parties in possession of the property over which the
8 use of the right of eminent domain is sought. The
9 notice shall include the statement of individual
10 rights required pursuant to section 6B.2B."
11 4. By renumbering as necessary.

By JEFF ANGELO

S-5089 FILED MARCH 8, 2000

*Adopted
3/14/00
(p. 662)*

1 Section 1. Section 6B.2A, Code Supplement 1999, is amended
2 by adding the following new subsection:

3 NEW SUBSECTION. 4. If the acquiring agency is a person
4 required to obtain a franchise under chapter 478, compliance
5 with section 478.2 satisfies the requirements of this section.
6 If the acquiring agency is a person required to obtain a
7 permit under chapter 479, compliance with section 479.5
8 satisfies the requirements of this section.

9 Sec. 2. Section 6B.2B, Code Supplement 1999, is amended by
10 adding the following new subsection:

11 NEW SUBSECTION. 3. If the acquiring agency is a person
12 required to obtain a franchise under chapter 478, compliance
13 with sections 478.2 and 478.6 satisfies the requirements of
14 this section. If the acquiring agency is a person required to
15 obtain a permit under chapter 479, compliance with section
16 479.5 satisfies the requirements of this section.

17 Sec. 3. Section 6B.45, Code Supplement 1999, is amended by
18 adding the following new unnumbered paragraph:

19 NEW UNNUMBERED PARAGRAPH. A utility or person under the
20 jurisdiction of the utilities board of the department of
21 commerce, or any other utility conferred the right by statute
22 to condemn private property, may obtain a written waiver
23 signed by the owner to allow negotiations prior to the
24 expiration of the thirty-day waiting period.

25 Sec. 4. Section 478.2, unnumbered paragraphs 2 and 5, Code
26 1999, are amended to read as follows:

27 As conditions precedent to the filing of a petition with
28 the utilities board requesting a franchise for a new
29 transmission line, and not less than thirty days prior to the
30 filing of such petition, the person, company, or corporation
31 shall hold informational meetings in each county in which real
32 property or rights will be affected. A member of the board,
33 the counsel of the board, or a hearing examiner designated by
34 the board shall serve as the presiding officer at each meeting
35 and, shall present an agenda for such meeting which shall

1 include a summary of the legal rights of the affected
2 landowners, and shall distribute and review the statement of
3 individual rights required under section 6B.2B. No A formal
4 record of the meeting shall not be required.

5 The notice shall set forth the name of the applicant; state
6 the applicant's principal place of business; state the general
7 description and purpose of the proposed project; state the
8 general nature of the right-of-way right-of-way desired; state
9 the possibility that the right-of-way may be acquired by
10 condemnation if approved by the utilities board; provide a map
11 showing the route of the proposed project; provide a
12 description of the process used by the utilities board in
13 making a decision on whether to approve a franchise or grant
14 the right to take property by eminent domain; advise that the
15 landowner has the right to be present at such meetings and to
16 file objections with the utilities board; designate the place
17 and time of the meeting; be served not less than thirty days
18 prior to the time set for the meeting by certified mail with
19 return receipt requested; and be published once in a newspaper
20 of general circulation in the county at least one week and not
21 more than three weeks before the time of the meeting and such
22 publication shall be considered notice to landowners whose
23 residence is not known.

24 Sec. 5. Section 478.6, unnumbered paragraph 2, Code 1999,
25 is amended to read as follows:

26 Where a petition seeks the use of the right of eminent
27 domain over specific parcels of real property, the board shall
28 prescribe the notice to be served upon the owners of record
29 and parties in possession of said the property over which the
30 use of the right of eminent domain is sought. The notice
31 shall include the statement of individual rights required
32 pursuant to section 6B.2B.

33 Sec. 6. Section 479.5, unnumbered paragraphs 3 and 6, Code
34 1999, are amended to read as follows:

35 A pipeline company shall hold informational meetings in

1 each county in which real property or property rights will be
2 affected at least thirty days prior to filing the petition for
3 a new pipeline. A member of the board or a person designated
4 by the board shall serve as the presiding officer at each
5 meeting and, shall present an agenda for the meeting which
6 shall include a summary of the legal rights of the affected
7 landowners, and shall distribute and review the statement of
8 individual rights required under section 6B.2B. No A formal
9 record of the meeting shall not be required.

10 The notice shall set forth the name of the applicant; the
11 applicant's principal place of business; the general
12 description and purpose of the proposed project; the general
13 nature of the right-of-way desired; the possibility that the
14 right-of-way may be acquired by condemnation if approved by
15 the utilities board; a map showing the route of the proposed
16 project; a description of the process used by the utilities
17 board in making a decision on whether to approve a permit
18 including the right to take property by eminent domain; that
19 the landowner has a right to be present at such meeting and to
20 file objections with the board; and a designation of the time
21 and place of the meeting; and. The notice shall be served by
22 certified mail with return receipt requested not less than
23 thirty days previous to the time set for the meeting; and
24 shall be published once in a newspaper of general circulation
25 in the county. The publication shall be considered notice to
26 landowners whose residence is not known and to each person in
27 possession of or residing on the property provided a good
28 faith effort to notify can be demonstrated by the pipeline
29 company.

30 Sec. 7. Section 479.7, Code 1999, is amended by adding the
31 following new unnumbered paragraph:

32 NEW UNNUMBERED PARAGRAPH. Where a petition seeks the use
33 of the right of eminent domain over specific parcels of real
34 property, the board shall prescribe the notice to be served
35 upon the owners of record and parties in possession of the

1 property over which the use of the right of eminent domain is
2 sought. The notice shall include the statement of individual
3 rights required pursuant to section 6B.2B.

4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35

SENATE FILE 2327

H-8396

1 Amend Senate File 2327, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 2, by inserting after line 23 the
4 following:

5 "Sec. ____ . Section 478.2, unnumbered paragraph 6,
6 Code 1999, is amended to read as follows:

7 No person, company, or corporation seeking rights
8 under this chapter shall negotiate or purchase any
9 easements or other interests in land in any county
10 known to be affected by the proposed project prior to
11 the informational meeting. The person seeking rights
12 under this chapter shall deliver in person the
13 statement of individual rights required by section
14 6B.2B to any landowner who did not attend the
15 informational meeting."

16 2. Page 3, by inserting after line 29 the
17 following:

18 "Sec. ____ . Section 479.5, unnumbered paragraph 7,
19 Code 1999, is amended to read as follows:

20 A pipeline company seeking rights under this
21 chapter shall not negotiate or purchase any easements
22 or other interests in land in any county known to be
23 affected by the proposed project prior to the
24 informational meeting. The person seeking rights
25 under this chapter shall deliver in person the
26 statement of individual rights required by section
27 6B.2B to any landowner who did not attend the
28 informational meeting."

29 3. By renumbering as necessary.

By COMMITTEE ON LOCAL GOVERNMENT
HOUSER of Pottawattamie, Chairperson

H-8396 FILED MARCH 17, 2000

SENATE FILE 2327

H-8557

1 Amend the amendment, H-8396, to Senate File 2327,
2 as amended, passed, and reprinted by the Senate, as
3 follows:

4 1. Page 1, line 12, by striking the words
5 "deliver in person" and inserting the following:
6 "serve".

7 2. Page 1, line 15, by inserting after the word
8 "meeting" the following: "in the same manner that
9 notice of the meeting was served".

By FALLON of Polk

H-8557 FILED MARCH 27, 2000

01/8
4/21/00

SENATE FILE 2327

H-8396

1 Amend Senate File 2327, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 2, by inserting after line 23 the
4 following:

5 "Sec. _____. Section 478.2, unnumbered paragraph 6,
6 Code 1999, is amended to read as follows:

7 No person, company, or corporation seeking rights
8 under this chapter shall negotiate or purchase any
9 easements or other interests in land in any county
10 known to be affected by the proposed project prior to
11 the informational meeting. The person seeking rights
12 under this chapter shall deliver in person the
13 statement of individual rights required by section
14 6B.2B to any landowner who did not attend the
15 informational meeting."

16 2. Page 3, by inserting after line 29 the
17 following:

18 "Sec. _____. Section 479.5, unnumbered paragraph 7,
19 Code 1999, is amended to read as follows:

20 A pipeline company seeking rights under this
21 chapter shall not negotiate or purchase any easements
22 or other interests in land in any county known to be
23 affected by the proposed project prior to the
24 informational meeting. The person seeking rights
25 under this chapter shall deliver in person the
26 statement of individual rights required by section
27 6B.2B to any landowner who did not attend the
28 informational meeting."

29 3. By renumbering as necessary.

By COMMITTEE ON LOCAL GOVERNMENT
HOUSER of Pottawattamie, Chairperson

H-8396 FILED MARCH 17, 2000

Withdrawn
4/24/00
(P. 1703)

SENATE FILE 2327

H-8993

1 Amend Senate File 2327, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. By striking everything after the enacting
4 clause and inserting the following:

5 "Section 1. Section 6B.2A, subsection 3, as
6 enacted by 2000 Iowa Acts, House File 2528, section 3,
7 is amended to read as follows:

8 3. If the acquiring agency is a person required to
9 obtain a franchise under chapter 478, compliance with
10 section 478.2 shall satisfy the ~~notice~~ requirements of
11 this section. If the acquiring agency is a person
12 required to obtain a permit under chapter 479,
13 compliance with section 479.5 shall satisfy the ~~notice~~
14 requirements of this section."

By MUNDIE of Webster

H-8993 FILED APRIL 19, 2000

Adopted 4-24-00
(P. 1703)

acquiring agency is a person required to obtain a permit under chapter 479, compliance with section 479.5 shall satisfy the notice requirements of this section.

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 2327, Seventy-eighth General Assembly.

MICHAEL E. MARSHALL
Secretary of the Senate

Approved 3/10, 2000

THOMAS J. VILSACK
Governor

SENATE FILE 2327

AN ACT
RELATING TO CERTAIN PROCEDURES FOR THE PURCHASE OR CONDEMNATION OF INTEREST IN PRIVATE PROPERTY BY A UTILITY SUBJECT TO THE JURISDICTION OF THE IOWA UTILITIES BOARD.

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

Section 1. Section 6B.2A, subsection 3, as enacted by 2000 Iowa Acts, House File 2528, section 3, is amended to read as follows:

3. If the acquiring agency is a person required to obtain a franchise under chapter 478, compliance with section 478.2 shall satisfy the notice requirements of this section. If the