

# Senate Study Bill 3175

## Bill Text

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

1 3 NEW SUBSECTION. 4. If the acquiring agency is a person  
1 4 required to obtain a franchise under chapter 478, compliance  
1 5 with section 478.2 satisfies the requirements of this section.

1 6 Sec. 2. Section [6B.2B](#), Code Supplement 1999, is amended by  
1 7 adding the following new subsection:

1 8 NEW SUBSECTION. 3. If the acquiring agency is a person  
1 9 required to obtain a franchise under chapter 478, compliance  
1 10 with sections 478.2 and 478.6 satisfies the requirements of  
1 11 this section.

1 12 Sec. 3. Section [6B.45](#), Code Supplement 1999, is amended by  
1 13 adding the following new unnumbered paragraph:

1 14 NEW UNNUMBERED PARAGRAPH. A utility or person under the  
1 15 jurisdiction of the utilities board of the department of  
1 16 commerce, or any other utility conferred the right by statute  
1 17 to condemn private property, may obtain a written waiver  
1 18 signed by the owner to allow negotiations prior to the  
1 19 expiration of the thirty-day waiting period.

1 20 Sec. 4. Section [478.2](#), unnumbered paragraphs 2 and 5, Code  
1 21 1999, are amended to read as follows:

1 22 As conditions precedent to the filing of a petition with  
1 23 the utilities board requesting a franchise for a new  
1 24 transmission line, and not less than thirty days prior to the  
1 25 filing of such petition, the person, company, or corporation  
1 26 shall hold informational meetings in each county in which real  
1 27 property or rights will be affected. A member of the board,  
1 28 the counsel of the board, or a hearing examiner designated by  
1 29 the board shall serve as the presiding officer at each meeting  
1 30

~~and~~

~~shall~~ present an agenda for such meeting which shall

1 31 include a summary of the legal rights of the affected  
1 32 landowners, and shall distribute and review the statement of  
1 33 individual rights required under section 6B.2B.

~~No~~

~~A~~ formal

1 34 record of the meeting shall not be required.

1 35 The notice shall set forth the name of the applicant; state  
2 1 the applicant's principal place of business; state the general  
2 2 description and purpose of the proposed project; state the  
2 3 general nature of the

~~right of way~~

~~right-of-way~~ desired; state

2 4 the possibility that the right-of-way may be acquired by  
2 5 condemnation if approved by the utilities board; provide a map  
2 6 showing the route of the proposed project; provide a  
2 7 description of the process used by the utilities board in  
2 8 making a decision on whether to approve a franchise or grant  
2 9 the right to take property by eminent domain; advise that the  
2 10 landowner has the right to be present at such meetings and to  
2 11 file objections with the utilities board; designate the place  
2 12 and time of the meeting; be served not less than thirty days

2 13 prior to the time set for the meeting by certified mail with  
2 14 return receipt requested; and be published once in a newspaper  
2 15 of general circulation in the county at least one week and not  
2 16 more than three weeks before the time of the meeting and such  
2 17 publication shall be considered notice to landowners whose  
2 18 residence is not known.

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

2 21 Where a petition seeks the use of the right of eminent  
2 22 domain over specific parcels of real property, the board shall  
2 23 prescribe the notice to be served upon the owners of record  
2 24 and parties in possession of

~~—said~~

- the property over which the  
2 25 use of the right of eminent domain is sought. The notice  
2 26 shall include the statement of individual rights required  
2 27 pursuant to section 6B.2B.

2 28 EXPLANATION

2 29 This bill amends provisions of the Code relating to  
2 30 condemnation of property by a utility.

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

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

3 12 The bill also amends Code section 478.2 to require that the  
3 13 notice of informational meeting provide a description of the  
3 14 process followed by the utility when granting a franchise or  
3 15 condemning property and state the possibility that the right-  
3 16 of-way may be acquired by condemnation.

3 17 The bill also amends Code section 478.6 to require that the  
3 18 statement of individual rights be mailed to each landowner  
3 19 along with the notice of hearing on condemnation required by  
3 20 that section.

3 21 Code section 6B.45 is amended to allow a utility to obtain  
3 22 a written waiver from the landowner allowing the utility to  
3 23 negotiate with the landowner prior to expiration of the 30-day  
3 24 period after information on the utility's method of appraisal  
3 25 is mailed to the landowner.

3 26 LSB 6712XC 78

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