

5 by purchase or condemnation, and for repair, alteration, maintenance,  
6 and operation of the present and future works of improvement”.

Approved March 25, 1963.

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## CHAPTER 285

### ELECTRIC TRANSMISSION LINES

S. F. 254

AN ACT to amend chapter four hundred eighty-nine (489), Code 1962, relating to electric transmission lines to clarify the authority of the commerce commission to determine whether such lines serve the public use before authorization of franchise or eminent domain.

*Be It Enacted by the General Assembly of the State of Iowa:*

1 SECTION 1. Section four hundred eighty-nine point five (489.5),  
2 Code 1962, is amended by inserting the following new sentence after  
3 the word and period “proper.” in line twenty-two (22): “Before grant-  
4 ing such franchise, the board or commission shall make a finding that  
5 the proposed line or lines are necessary to serve a public use.”.

1 SEC. 2. Section four hundred eighty-nine point fourteen (489.14),  
2 Code 1962, is amended by adding after the first sentence of said section  
3 the following sentence: “The burden of proving the necessity for  
4 public use shall be on the person, company or corporation seeking the  
5 right of eminent domain.”.

1 SEC. 3. Section four hundred eighty-nine point fourteen (489.14),  
2 Code 1962, is amended by striking from lines five (5) and six (6) the  
3 words “may be necessary and as prescribed and approved by the board  
4 or commission”, and substituting in lieu thereof the following: “the  
5 board or commission may approve, prescribe and find to be necessary  
6 for public use”.

1 SEC. 4. The provisions of this Act shall not affect the rights of any  
2 persons in any pending actions in any courts of this state.

Approved April 26, 1963.