

13 the further allegation that the petitioner is the nearest electric utility
14 to the proposed point of service.

15 The petition shall also state that the filing thereof constitutes an
16 application for a temporary construction permit and shall also have
17 endorsed thereon the approval of the appropriate highway authority
18 or railroad concerned if such line is to be constructed over, across or
19 along a public highway or railroad.

20 Upon receipt of such petition the commission shall consider same
21 and may grant a temporary construction permit in whole or in part
22 or upon such terms, conditions and restrictions, and with such modi-
23 fications as to location as may seem to it just and proper, however,
24 no finding of public use will be made at the time of the issuance of
25 the permit, such finding to be made, if substantiated by petitioner, at
26 the subsequent consideration of the propriety of granting a franchise
27 for the line subject to the permit. The signature of one commissioner
28 on such permit shall be sufficient. The issuance of such permit shall
29 constitute temporary authority for the permit holder to construct the
30 line for which the permit is granted.

31 Upon the granting of such temporary construction permit the com-
32 mission shall cause the publication of notice required by section 489.5
33 and all other requirements shall be complied with as in the manner
34 provided for the granting of a franchise. If a hearing is required
35 then the petitioner shall make a sufficient and proper showing thereat
36 before a franchise will be issued for the line. Any franchise issued
37 will be subject to all applicable provisions of this chapter.

38 Notwithstanding anything foregoing, if the commission shall deter-
39 mine that a franchise should not be granted, or that further restric-
40 tions, conditions or modifications are required, or if the petitioner
41 shall fail to make a sufficient and proper showing of the necessity for
42 the granting of a franchise within six months of the granting of the
43 temporary construction permit, the permit issued hereunder shall be-
44 come null and void and the permit holder may be required to take such
45 action deemed necessary by the commission to remove, modify or re-
46 locate the construction undertaken by virtue of the temporary permit
47 issued hereunder.

Approved May 5, 1971.

Italics indicate new material added to existing statutes; brackets indicate deletions from existing statutes.
However, see Editor's note, page iii.

CHAPTER 238†

ELECTRIC TRANSMISSION LINES

H. F. 32

AN ACT to remove references to the granting of a franchise to an electric utility company by the county board of supervisors.

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

1 SECTION 1. Section four hundred eighty-nine point six (489.6),
2 Code 1971, is amended as follows:
3 489.6 Taking under eminent domain. Upon the filing of such

†See Editor's note, page iii.

4 objections or when a petition involves the taking of property under
 5 the right of eminent domain the commission shall set the matter for
 6 hearing and fix a time and place therefor. Said hearing shall be not
 7 less than thirty days from the date of last publication and at the
 8 offices of the commission before which said matter is pending, unless
 9 a different place is specified in the notice thereof. Written notice of
 10 the time and place of such hearing shall be served by the commission,
 11 by ordinary mail, on the applicant, and those having filed objections.
 12 If no objections are filed as hereinbefore provided and the petition
 13 does not involve the taking of property under the right of eminent
 14 domain the commission may grant a franchise without hearing there-
 15 on, however, nothing herein shall be construed as prohibiting the
 16 commission from conducting a hearing if it deems it necessary.

17 Where a petition seeks the use of the right of eminent domain over
 18 specific parcels of real property, the commission shall prescribe the
 19 notice to be served upon the owners of record and parties in posses-
 20 sion of said property over which the use of the right of eminent
 21 domain is sought.

22 When the commission grants a franchise to any person, company,
 23 or corporation for the construction, erection, maintenance, and opera-
 24 tion of transmission lines, wires, and cables for the transmission of
 25 electricity, such person, company, or corporation shall be vested with
 26 the power of condemnation to such extent as the commission may
 27 approve and find necessary for public use.

Approved February 19, 1971.

CHAPTER 239

PIPE LINES DEFINED

H. F. 23

AN ACT relating to the definition of pipeline and pipeline company.

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

1 SECTION 1. Section four hundred ninety point one (490.1), Code
 2 1971, is amended as follows:

3 490.1 **Purpose and policy.** It is hereby declared to be the purpose
 4 and policy of the legislature in enacting this law to confer upon the
 5 commerce commission the power and authority to supervise the trans-
 6 portation or transmission of [gas, gasoline, oils or motor fuels and/
 7 or inflammable fluid] *any solid, liquid, or gaseous substance, except*
 8 *water*, within or through this state by [pipe line] *pipeline*, whether
 9 specifically mentioned herein or not, and the power and authority to
 10 supervise the underground storage of gas, so as to protect the safety
 11 and welfare of the public in [their] *its* use of any public [and/or] *or*
 12 private highways, grounds, waters and streams of any kind in this
 13 state.

1 SEC. 2. Section four hundred ninety point two (490.2), Code 1971,
 2 is amended as follows:

3 490.2 **Definitions.** The term ["pipe line"] "*pipeline*" insofar as