

of the electors of that city. The proposition may be submitted to the electors at any general or special election called by the county board of supervisors for this purpose.

2. The proposition shall be placed upon the ballot by the board of supervisors if requested by the hospital's board of trustees or governing commission and the request is endorsed by a petition for this purpose signed by qualified electors of the county equal in number to five percent of the votes cast for president of the United States or governor, as the case may be, at the last general election. Upon the approval of the proposition the hospital, its assets and liabilities, shall become the property of the county and this chapter shall govern its future management.

a. The question for a memorial hospital established by a city under chapter 37 shall be submitted in substantially the following form: "Shall the hospital of, Iowa, be transferred to and become the property of, and be managed by the county of, Iowa under provision of chapter 347 of the Code of Iowa?"

b. The question for a memorial hospital established by a county under chapter 37 or a county hospital supported by revenue bonds and organized under chapter 347A shall be submitted in substantially the following form: "Shall the hospital of, Iowa, organized and governed under chapter of the Code of Iowa be changed to be established and governed under chapter 347 of the Code of Iowa?"

3. For the purpose of computing whether or not the proposition is carried, if the hospital is a memorial hospital established by a city under the provisions of chapter 37, the votes of the residents of that city shall be counted both for the purpose of ascertaining whether or not the proposition is carried within the city and also for the purpose of ascertaining whether or not the proposition is carried within the county.

Approved May 2, 1994

CHAPTER 1136

ELECTRIC TRANSMISSION LINE FRANCHISES

S.F. 2157

AN ACT relating to electric transmission line franchises.

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

Section 1. Section 478.1, Code 1993, is amended to read as follows:
478.1 FRANCHISE.

A person shall not construct, erect, maintain, or operate a transmission line, wire, or cable which ~~operates~~ is capable of operating at an electric voltage of thirty-four and one-half kilovolts or more along, over, or across any public highway or grounds outside of cities for the transmission, distribution, or sale of electric current, without first procuring from the utilities board within the utilities division of the department of commerce a franchise granting authority as provided in this chapter. However, a franchise shall not be required for electric lines constructed entirely within the boundaries of property owned by a person primarily engaged in the transmission or distribution of electric power or entirely within the boundaries of property owned by the end user of the electric power.

If the transmission line, wire, or cable ~~operates~~ is capable of operating only at an electric voltage of less than thirty-four and one-half kilovolts, no franchise is required. However, the utilities board shall retain jurisdiction over all such lines, wires or cables and shall prescribe the contents of a written notice and map to be timely provided to the board and affected parties including owners of electric supply lines located within six-tenths of one mile of proposed

construction of such lines, wires or cables. A person who seeks to construct, erect, maintain or operate a transmission line, wire or cable which will operate at an electric voltage of less than thirty-four and one-half kilovolts outside of cities and which cannot secure the necessary voluntary easements to do so may petition the board pursuant to section 478.3, subsection 1 for a franchise granting authority for such construction, erection, maintenance or operation, and for the use of the right of eminent domain.

Sec. 2. Section 478.2, unnumbered paragraph 4, Code 1993, is amended to read as follows:

The person, company, or corporation seeking the franchise for a new transmission line shall give notice of the informational meeting to each person, company, or corporation determined to be the landowner affected by the proposed project and any person, company or corporation in possession of or residing on the property. For the purposes of this section, "landowner" means a person, company, or corporation listed on the tax assessment rolls as responsible for the payment of real estate taxes imposed on the property and "transmission line" means any line ~~carrying~~ capable of operating at thirty-four point five and one-half kilovolts or more and extending a distance of not less than one mile across privately owned real estate.

Sec. 3. Section 478.3, subsection 2, unnumbered paragraph 1, Code 1993, is amended to read as follows:

Petitions for transmission lines ~~carrying~~ capable of operating at thirty-four point five and one-half kilovolts or more and extending a distance of not less than one mile across privately owned real estate shall also set forth an allegation that the proposed construction represents a reasonable relationship to an overall plan of transmitting electricity in the public interest and substantiation of such allegations, including but not limited to, a showing of the following:

Sec. 4. Section 478.13, Code 1993, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. An extension of a franchise is not required for an electric transmission line which has been permanently retired from operation at thirty-four and one-half kilovolts or more but which remains in service at a lower voltage. The board shall be notified of changes in operating status.

Sec. 5. Section 478.21, Code 1993, is amended to read as follows:

478.21 NONUSER.

Unless ~~if~~ the improvement for which a franchise is granted is not constructed in whole or in part within two years from the granting thereof, it date the franchise is granted, the franchise shall be forfeited and the utilities board which granted the franchise shall cancel and revoke the same franchise and make a record thereof of the revocation, unless the person holding the franchise petitions the board for an extension of time. Upon a showing of sufficient justification for the delay of construction, the board may grant an extension of time for not more than an additional two years. An extension of time shall only be allowed for franchises granted on or after July 1, 1994.

Approved May 2, 1994