

Reported Recommending
Ind. Postponed
Passed House
Failed to Pass House
Passed Senate
Failed to Pass Senate

House File 532

April 8, 1947.
To Sifting Committee.

By CONSERVATION OF
RESOURCES.

A BILL FOR

An Act relating to hydro-electric generating plants or projects and making it unlawful for any person, firm, association or corporation to engage in the business of constructing, maintaining or operating a hydro-electric generating plant or system within the State of Iowa without first having obtained from the Executive Council of the State a certificate of convenience and necessity therefor, and providing the procedure for the obtaining and the issuance of such a certificate, and penalties for violations.

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

1 Section 1. It shall be unlawful for any person, firm,
2 association or corporation to engage in the business of
3 constructing, maintaining or operating within this State
4 any hydro-electric generating plant or project without
5 first having obtained from the Executive Council of
6 Iowa a certificate of convenience and necessity declaring
7 that the public convenience and necessity require such
8 construction, maintenance or operation.

1 Sec. 2. No certificate of convenience and necessity
2 shall be issued by the Executive Council except after a
3 public hearing thereon. The Executive Council shall,
4 upon the filing of an application for such a certificate,

5 fix the time of the public hearing thereon and shall
6 prescribe the notice which shall be given by the Applicant.
7 Any interested person, firm, association, corporation,
8 municipality, State Board or Commission may intervene
9 and participate in such proceeding and at such hearing.

1 Sec. 3. Before the Executive Council shall issue
2 a certificate of convenience and necessity, it shall
3 first be satisfied that the public convenience and
4 necessity will be promoted thereby, that the applicant
5 has the financial ability to carry out the terms and
6 conditions imposed, and the applicant has in writing
7 agreed to accept, abide by and comply with such
8 reasonable terms and conditions as the Executive Council
9 may require and impose.

1 Sec. 4. The Executive Council shall prescribe such
2 rules and regulations as it may determine necessary for
3 the administration of the provisions of this act and may
4 amend such regulations at any time.

1 Sec. 5. The Executive Council shall, upon the filing
2 of an application, require the applicant to deposit with
3 the Secretary of the Executive Council such amount as the
4 Council shall determine, to pay the expenses to be
5 incurred by the Executive Council in its investigations
6 and in conducting the proceedings, and the Executive
7 Council may, from time to time as it deems necessary,
8 require the deposit of additional amounts for such

9 purpose.

1 Sec. 6. The Executive Council may at any time for
2 just cause or upon the failure of the applicant to comply
3 with and to obey the terms and conditions attached to
4 the issuance of any certificate, or when the public
5 convenience and necessity demands, alter, amend or
6 revoke any certificate issued under the provisions of
7 this act.

1 Sec. 7. Any person, firm, association or corporation
2 who shall violate the provisions of section one (1)
3 hereof, shall be guilty of a misdemeanor and upon
4 conviction shall be punished by a fine of not less than
5 one hundred dollars nor more than one thousand dollars,
6 or shall be imprisoned in the County Jail for not less
7 than thirty days nor more than six months, or by both
8 such fine and imprisonment. Each separate day that
9 a violation occurs shall constitute a separate offense.

1 Sec. 8. Any person, firm, association, corporation
2 or municipality which now has already constructed and
3 is now maintaining or operating any such hydro-electric
4 generating plant or project shall, within six months
5 from the effective date of this act, file with the
6 Executive Council an application for a certificate of
7 convenience and necessity to maintain and operate such
8 plant or project. The Executive Council shall thereupon
9 issue to such applicant a certificate of convenience

10 and necessity under the provisions of this act subject
11 to such terms and conditions as in the judgment of the
12 Executive Council the public convenience and necessity
13 require.

1 Sec. 9. If any part of this act shall for any
2 reason be declared invalid, it shall not affect or
3 invalidate any of the other provisions thereof.

1 Sec. 10. This act being deemed of immediate importance
2 shall be in full force and effect after its passage and
3 publication in the Ocheyedon Press, a
4 newspaper published at Ocheyedon, Iowa,
5 and the Lockridge Times, a newspaper
6 published at Lockridge, Iowa.

EXPLANATION OF H. F. 532

Because of the economic and practical questions involved and of the fact that a hydro-electric generating plant would be constructed upon the rivers of the state and would use those waters and further because there are few, if any, sites or places where a hydro-electric generating plant could be economically constructed and operated, it is necessary and proper to place the control of and the right to engage in business of this character in the State Executive Council and to require a certificate of convenience and necessity in order to insure the proper regulation of such a business. The Executive Council being composed of elective officers is the best place in which to lodge this authority and control.