

Senate Concurrent Resolution 6 - Introduced

SENATE CONCURRENT RESOLUTION NO. 6

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1 A Concurrent Resolution urging the Iowa Utilities Board
2 to deny the use of eminent domain in relation to
3 carbon capture pipeline projects.

4 WHEREAS, the Fifth Amendment to the Constitution of
5 the United States declares that private property shall
6 not be taken for public use without just compensation,
7 and the Constitution of the State of Iowa, Article 1,
8 section 18, states "Private property shall not be taken
9 for public use without just compensation first being
10 made"; and

11 WHEREAS, the use of eminent domain is
12 constitutionally limited to public use, constrained to
13 public convenience and necessity; and

14 WHEREAS, pipelines transporting captured carbon
15 dioxide do not meet this constitutional standard as
16 a transport system for an industrial product used by
17 private, for-profit companies, and will exclusively
18 benefit private companies, not the general public; and

19 WHEREAS, the installation of carbon capture
20 pipelines will compromise the productivity of valuable
21 agricultural land, disrupt and damage carefully
22 installed patterned drainage tile systems, and threaten
23 the proper soil conditions necessary for optimal crop
24 growth; and

25 WHEREAS, Iowa Code section 479B.9 restricts
26 hazardous pipeline project permitting by the Iowa
27 Utilities Board, stating: "A permit shall not

28 be granted to a pipeline company unless the board
1 determines that the proposed services will promote the
2 public convenience and necessity"; and

3 WHEREAS, to contend that a carbon capture pipeline
4 project promotes public convenience and necessity
5 because it is needed to fight climate change is
6 speculative, as man-made climate change is highly
7 debatable and not clearly settled science, and public
8 policy should only be adopted based upon fully known
9 and established science; and

10 WHEREAS, the federal and state constitutions were
11 written specifically to keep economic power from
12 being a factor in deciding whether to use the power of
13 eminent domain; and

14 WHEREAS, the dissenting justices in the United
15 States Supreme Court decision *Kelo vs. City of New*
16 *London* warned, "The beneficiaries [of this decision]
17 are likely to be those citizens with disproportionate
18 influence and power in the political process, including
19 large corporations and development firms. As for the
20 victims, the government now has license to transfer
21 property from those with fewer resources to those with
22 more"; and

23 WHEREAS, Founding Father John Adams warned,
24 "Property must be secured or liberty cannot exist",
25 and "The moment the idea is admitted into society,
26 that property is not as sacred as the laws of God, and
27 that there is not a force of law and public justice
28 to protect it, anarchy and tyranny commence"; NOW
29 THEREFORE,

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30 BE IT RESOLVED BY THE SENATE, THE HOUSE OF
1 REPRESENTATIVES CONCURRING, That the General Assembly
2 urges the Iowa Utilities Board to uphold and protect
3 the private property rights of landowners and farmers
4 pursuant to the Constitution of the United States, the
5 Constitution of the State of Iowa, and the laws of
6 this state, and deny the use of the power of eminent
7 domain to private companies constructing carbon capture
8 pipelines.