

S-5168

1 Amend the amendment, S-5157, to House File 2459,
2 as amended, passed, and reprinted by the House, as
3 follows:

4 1. Page 8, after line 4 by inserting:

5 <Sec. ____ . NEW SECTION. 478.6A Merchant line
6 franchises — requirements — limitations.

7 1. a. For purposes of this section, "bifurcation"
8 means the conducting of two separate hearings when
9 a petition involves the taking of property under
10 eminent domain, one hearing considering whether the
11 proposed line is necessary to serve a public use and
12 represents a reasonable relationship to an overall plan
13 of transmitting electricity in the public interest, and
14 the other considering the granting of eminent domain
15 authority.

16 b. For purposes of this section, "merchant
17 line" means a high-voltage direct current electric
18 transmission line which does not provide for the
19 erection of electric substations at intervals of less
20 than fifty miles, which substations are necessary
21 to accommodate both the purchase and sale to persons
22 located in this state of electricity generated or
23 transmitted by the franchisee.

24 2. A petition for a franchise to construct a
25 merchant line, in addition to any other applicable
26 requirements pursuant to this chapter, shall be subject
27 to all of the following:

28 a. The board shall not permit the bifurcation in
29 any manner of a petition and shall reject any request
30 by a petitioner for bifurcation.

31 b. Notwithstanding section 478.10, the sale and
32 transfer of a merchant line, by voluntary or judicial
33 sale or otherwise, shall not carry with it the transfer
34 of the franchise.

35 c. Notwithstanding section 478.21, if a petition

1 that involves the taking of property under eminent
2 domain is not approved by the board and a franchise
3 granted within three years following the date of
4 the first informational meeting held in any county
5 regarding the petition, pursuant to section 478.2, the
6 utilities board shall reject the petition and make a
7 record of the rejection. A petitioner may not file a
8 petition for the same or a similar project that has
9 been rejected under this subsection within sixty months
10 following the date of rejection.

11 d. The board shall not grant a petition that
12 involves the taking of property under eminent domain
13 unless a minimum of seventy-five percent of the
14 easements necessary to construct the project have been
15 obtained voluntarily.

16 e. In considering whether to grant a petition that
17 involves the taking of property under eminent domain,
18 section 478.3, subsection 3, is not applicable, and
19 the term "*public*" shall be interpreted to be limited to
20 consumers located in this state.>

21 2. Page 9, after line 10 by inserting:

22 <Sec. ____ . EFFECTIVE UPON ENACTMENT. The following
23 provision of this division of this Act, being deemed of
24 immediate importance, takes effect upon enactment:

25 1. The section of this Act enacting section 478.6A.

26 Sec. ____ . APPLICABILITY. The section of this
27 division of this Act enacting section 478.6A is
28 applicable to petitions for franchise filed on or after
29 November 1, 2014, that have not been approved by the
30 utilities board on or after the effective date of this
31 Act, and to petitions for franchise filed on or after
32 the effective date of this Act.>

33 3. Title page, line 4, after <date> by inserting
34 <and applicability>

35 4. By renumbering as necessary.

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