

House File 565

H-1048

1 Amend the amendment, H-1036, to House File 565, as follows:

2 1. By striking page 1, line 1, through page 4, line 3, and
3 inserting:

4 <Amend House File 565 as follows:

5 1. By striking everything after the enacting clause and
6 inserting:

7 <Section 1. Section 479B.7, Code 2023, is amended by adding
8 the following new subsection:

9 NEW SUBSECTION. 3. If a pipeline route is readjusted due to
10 an objection filed pursuant to this section, the board shall
11 not require a pipeline company to resubmit an application for a
12 permit pursuant to section 479B.4.

13 Sec. 2. Section 479B.15, Code 2023, is amended to read as
14 follows:

15 **479B.15 Entry for land surveys.**

16 After the informational meeting or after the filing of a
17 petition if no informational meeting is required, a pipeline
18 company may enter upon private land, subject to section
19 479B.34, for the purpose of surveying and examining the land to
20 determine direction or depth of pipelines by giving ten days'
21 written notice by restricted certified mail to the landowner
22 as defined in [section 479B.4](#) and to any person residing on or
23 in possession of the land. The entry for land surveys shall
24 not be deemed a trespass and may be aided by injunction. The
25 pipeline company shall pay the actual damages caused by the
26 entry, survey, and examination.

27 Sec. 3. Section 479B.20, subsection 5, Code 2023, is amended
28 to read as follows:

29 5. If the pipeline company or its contractor does not
30 comply with the requirements of [this section](#), with the land
31 restoration plan or line location, or with an independent
32 agreement on land restoration executed in accordance with
33 subsection 10, the county board of supervisors may petition the
34 board for an order requiring corrective action to be taken. In
35 addition, the county board of supervisors may file a complaint

1 with the board seeking imposition of civil penalties under
2 section 479B.21. If a landowner files a complaint pursuant to
3 this section, a committee composed of a farmer, the designated
4 pipeline company point of contact pursuant to subsection 1, and
5 a member of the board of supervisors or their appointee where
6 the complaint originated shall hear the complaint.

7 Sec. 4. Section 479B.28, Code 2023, is amended to read as
8 follows:

9 **479B.28 Negotiated fee.**

10 1. In lieu of a one-time lump sum payment for an easement or
11 other property interest allowing a pipeline to cross property
12 or allowing underground storage of hazardous liquids, a
13 landowner and the pipeline company may negotiate an annual fee,
14 to be paid over a fixed number of years. Unless the easement
15 provides otherwise, the annual fee shall run with the land and
16 shall be payable to the owner of record.

17 2. A landowner may cancel an agreement under subsection 1
18 for up to seven days following the execution of the contract,
19 or for the period of time an attorney takes to complete a
20 review of such contract, whichever period is longer.

21 Sec. 5. Section 479B.29, subsection 2, Code 2023, is amended
22 to read as follows:

23 2. A claim for damage for future crop deficiency within
24 the easement strip shall not be precluded from renegotiation
25 under [section 6B.52](#) on the grounds that it was apparent at the
26 time of settlement unless the settlement expressly releases the
27 pipeline company from claims for damage to the productivity of
28 the soil. The landowner shall notify the pipeline company in
29 writing ~~fourteen days prior to harvest in each year to assess~~
30 crop deficiency for as long as crop loss is present due to
31 pipeline construction, and may submit a global positioning
32 system yield map to demonstrate such crop loss.

33 Sec. 6. NEW SECTION. 479B.34 Pipeline companies —
34 requirements.

35 1. Notwithstanding section 479B.15, a pipeline company

1 designee shall not, without the consent of the landowner,
2 inspect or assess real property belonging to a landowner.

3 2. A pipeline company shall not contact a landowner more
4 frequently than five business days from the date of the
5 pipeline company's last contact with such landowner, except if
6 the landowner consents to such contact.

7 3. A pipeline company shall provide a different company
8 representative at any time upon the request of a landowner.

9 4. A pipeline company shall provide ethics training
10 from a third party approved by the board to all company
11 representatives.

12 5. A pipeline company operating in the state shall establish
13 and maintain an internet site allowing landowners to file
14 complaints with the pipeline company. The pipeline company
15 shall provide the board a copy of received complaints.

16 6. A pipeline company shall consult with a landowner about
17 the location of safety fixtures prior to installing the safety
18 fixtures.

19 7. A pipeline company shall provide fertilizer, additives,
20 and manure to a landowner, free of charge, where damage from
21 pipeline construction or operation has caused a loss of crop
22 yield for two years following the construction or last entry to
23 the real property causing crop damage.

24 8. If a pipeline company representative requires entry
25 onto a landowner's real property due to a leak, rupture, or
26 improvement to pipeline equipment, the pipeline company shall
27 attempt to provide notice to the landowner prior to entering
28 onto the real property. A landowner may present an estimate
29 of crop damage created by the pipeline company's entry to a
30 committee composed of a farmer, the designated pipeline company
31 point of contact pursuant to section 479B.20, subsection 1, and
32 a member of the county board of supervisors in the county where
33 the damage occurred following a complaint filed through the
34 internet site established in subsection 5.

35 Sec. 7. EFFECTIVE DATE. This Act, being deemed of immediate

1 importance, takes effect upon enactment.

2 Sec. 8. APPLICABILITY. This Act applies to a pipeline
3 company that has yet to be granted a permit from the utilities
4 board on or after the effective date of this Act.>

5 2. Title page, line 1, by striking <specified utility
6 construction> and inserting <hazardous liquid pipeline>>

MOMMSEN of Clinton