

House File 2551

H-8339

1 Amend House File 2551 as follows:

2 1. By striking everything after the enacting clause and  
3 inserting:

4 <Section 1. Section 478.16, Code 2024, is amended to read  
5 as follows:

6 **478.16 Electric transmission lines — federally registered  
7 planning authority transmission plans.**

8 1. Development and investment in high-voltage transmission  
9 is urgently needed to ensure the reliable, adequate, secure,  
10 and stable delivery of electricity to consumers. To ensure  
11 reliable electric service to the people of Iowa as a matter  
12 of public policy, it is the intent of the general assembly  
13 to express a preference for further investment in Iowa  
14 transmission infrastructure by electric transmission owners who  
15 have already dedicated significant resources to develop the  
16 infrastructure on which Iowans rely.

17 ~~1.~~ 2. As used in [this section](#), unless the context otherwise  
18 requires:

19 *a.* "Electric transmission line" means a high-voltage  
20 electric transmission line located in this state with a  
21 capacity of one hundred kilovolts or more and any associated  
22 electric transmission facility, including any substation or  
23 other equipment located in this state.

24 *b.* "Electric transmission owner" means an individual or  
25 entity who, as of July 1, 2020, owns and maintains an electric  
26 transmission line that is required for rate-regulated electric  
27 utilities, municipal electric utilities, and rural electric  
28 cooperatives in this state to provide electric service to the  
29 public for compensation.

30 *c.* "Incumbent electric transmission owner" means any of the  
31 following, which may be formed, located, or headquartered in  
32 any state:

33 (1) A public utility or a municipally owned utility that  
34 owns, operates, and maintains an electric transmission line in  
35 this state.

1 (2) An electric cooperative corporation or association or  
2 municipally owned utility that owns an electric transmission  
3 facility in this state and has turned over the functional  
4 control of such facility to a federally approved authority.

5 (3) An "electric transmission owner" as defined in paragraph  
6 "b".

7 ~~d. "Landowner" means the same as defined in section 478.2~~  
8 "Initial construction" means the construction necessary to  
9 establish and place an electric transmission line into initial  
10 operation.

11 e. "Municipally owned utility" means a "city utility" as  
12 defined in section 362.2, or an "electric power agency" as  
13 defined in section 390.9 ~~which that~~ is comprised solely of  
14 cities or solely of cities and other political subdivisions.

15 f. "Qualified individual" means someone who is capable and  
16 knowledgable enough to determine compliance with the standards  
17 set forth in this section.

18 ~~2.~~ 3. An incumbent electric transmission owner has the  
19 right to construct, own, and maintain an electric transmission  
20 line that has been approved for construction in a federally  
21 registered planning authority transmission plan and ~~which that~~  
22 directly connects to an electric transmission facility owned by  
23 the incumbent electric transmission owner. Where a proposed  
24 electric transmission line would directly connect to electric  
25 transmission facilities owned by two or more incumbent electric  
26 transmission owners, each incumbent electric transmission owner  
27 whose facility connects to the electric transmission line  
28 has the right to construct, own, and maintain the electric  
29 transmission line individually and equally. If an incumbent  
30 electric transmission owner declines to construct, own, and  
31 maintain its portion of an electric transmission line that  
32 would connect to electric transmission facilities owned by  
33 two or more incumbent electric transmission owners, then the  
34 other incumbent electric transmission owner or owners that  
35 own an electric transmission facility to which the electric

1 transmission line connects has the right to construct, own, and  
2 maintain the electric transmission line individually.

3 ~~3.~~ 4. If an electric transmission line has been approved  
4 for construction in a federally registered planning authority  
5 transmission plan after July 1, 2020, and the electric  
6 transmission line is not subject to a right of first refusal in  
7 accordance with the tariff of a federally registered planning  
8 authority, then within the later of ninety days of approval  
9 for construction or ninety days after enactment of this Act,  
10 an incumbent electric transmission owner, or owners if there  
11 is more than one owner, that owns a connecting electric  
12 transmission facility shall give written notice to the board  
13 regarding whether the incumbent electric transmission owner  
14 or owners intend to construct, own, and maintain the electric  
15 transmission line. If the incumbent electric transmission  
16 owner or owners give notice of intent to construct the electric  
17 transmission line, the incumbent electric transmission owner  
18 or owners shall follow the applicable franchise requirements  
19 pursuant to [this chapter](#). If the incumbent electric  
20 transmission owner or owners give notice declining to construct  
21 the electric transmission line or fail to provide timely notice  
22 of the intent to construct the project, the board may determine  
23 whether another person may construct the electric transmission  
24 line.

25 ~~4.~~ 5. For projects ~~where~~ for which an election to construct  
26 an electric transmission line has been made under [this section](#),  
27 all of the following cost accountability measures shall apply:

28 a. Within thirty days after the issuance of a franchise  
29 pursuant to [this chapter](#) for the electric transmission line,  
30 the incumbent electric transmission owner or owners shall  
31 provide to the board an estimate of the cost to ~~construct~~  
32 complete the initial construction of the electric transmission  
33 line.

34 b. Until the initial construction of the electric  
35 transmission line is complete, the incumbent electric

1 transmission owner or owners shall provide a quarterly report  
2 to the board, which shall include an updated estimate of the  
3 cost to construct the electric transmission line, ~~and~~ an  
4 explanation of changes in the cost estimate from the prior  
5 cost estimate, and documentation that the incumbent electric  
6 transmission owner or owners have used competitively bid  
7 construction contracts that meet all the technical, commercial,  
8 and other specifications, such as safety performance, that  
9 are required by the incumbent electric transmission owner or  
10 owners with respect to the initial construction of the electric  
11 transmission line.

12 c. The consumer advocate appointed under section 475A.1  
13 shall have free access to documents, reports, and information  
14 submitted to the board pursuant to this subsection, consistent  
15 with section 475A.4. To the extent relevant, the board and  
16 the consumer advocate may use the information for any purpose  
17 properly within the scope of their respective duties including  
18 but not limited to use in proceedings before the federal  
19 energy regulatory commission to challenge the costs incurred  
20 by the incumbent electric transmission owner. However,  
21 this subsection does not create a private cause of action or  
22 complaint.

23 ~~5.~~ 6. This section shall not modify the authority of the  
24 board under this chapter, the rights of landowners under this  
25 chapter, or the requirements, rights, and obligations relating  
26 to the construction, maintenance, and operation of electric  
27 transmission lines pursuant to this chapter.

28 ~~6.~~ 7. This section shall not apply to an electric  
29 transmission line to be placed underground that has not been  
30 approved for construction in a federally registered planning  
31 authority transmission plan.

32 ~~7.~~ 8. The board shall adopt rules pursuant to chapter 17A  
33 to administer this section, which shall include rules regarding  
34 the restoration of agricultural lands following the initial  
35 construction of an electric transmission line, as specified in

1 subsection 9.

2 9. The board shall adopt rules to implement the following  
3 requirements, which shall not apply within the corporate  
4 limits of a city or to any construction, activity, or electric  
5 transmission lines other than the initial construction of an  
6 electric transmission line with a capacity of two hundred or  
7 more kilovolts and for which an election to construct has been  
8 made under this section:

9 a. An electric transmission owner shall repair a damaged  
10 underground drain tile as soon as practicable during  
11 construction of the electric transmission line. Permanent  
12 repairs to the damaged underground drain tile shall be  
13 completed within fourteen days, if practicable, after the  
14 initial construction of the electric transmission line is  
15 complete. The repairs made to the damaged drain tile shall  
16 be of at least equal quality, size, and flow capacity of the  
17 original drain tile.

18 b. Following the initial construction of an electric  
19 transmission line, the electric transmission owner shall remove  
20 from the easement area all rock larger than three inches in  
21 average diameter not native to the soil of the excavated  
22 land. The rock removed from the excavated land that cannot be  
23 used to backfill shall be disposed of at a location and in a  
24 manner agreed upon by the electric transmission owner and the  
25 landowner.

26 c. Upon completion of construction activities on a property,  
27 the electric transmission owner shall deep till agricultural  
28 land, including right-of-way access points or roads traversed  
29 by heavy construction equipment, to alleviate soil compaction.  
30 The land shall be tilled at least eighteen inches deep in land  
31 used for crop production and twelve inches deep in other lands  
32 unless requested by the landowner.

33 d. Upon completion of the electric transmission line, the  
34 electric transmission owner shall restore the soil conservation  
35 practices and structures damaged during construction of the

1 electric transmission line to the elevation and grade existing  
2 on the land prior to the construction. The soil used to  
3 repair embankments intended to retain water shall be well  
4 compacted. Any vegetation disturbed during construction shall  
5 be reestablished, including cover crops when appropriate.

6 e. Following compaction of the land, agricultural land that  
7 is not in row crop or small grain production at the time of  
8 construction, including hay ground and land in conservation or  
9 set-aside programs, shall be reseeded and a cover crop shall  
10 be utilized when appropriate. Seeding for cover crops may be  
11 delayed if the construction of the electric transmission line  
12 is completed too late in the year for a cover crop to become  
13 established and is not required if the land will be tilled in  
14 the following year. The landowner may request ground cover  
15 to prevent soil erosion in areas where construction on the  
16 electric transmission line is completed if the season is not  
17 suitable for seeding a cover crop.

18 f. Unless agreed upon by the electric transmission owner  
19 and the landowner, the electric transmission owner shall remove  
20 field entrances or temporary roads built for the purpose of  
21 constructing the electric transmission line upon the completion  
22 of the initial construction and restore the area to its  
23 previous use.

24 g. An incumbent electric transmission owner shall use best  
25 utility practices for constructing the electric transmission  
26 line in wet conditions, such as electing to use matting  
27 or padding when utilizing heavy equipment. An electric  
28 transmission owner shall grade and till any rutted land to  
29 restore, to the extent practicable, the original condition of  
30 the land prior to the construction of the electric transmission  
31 line. If agreed upon by the incumbent electric transmission  
32 owner and the landowner, the landowner may repair any damage  
33 caused by construction activities in wet conditions and the  
34 incumbent electric transmission owner shall reimburse the  
35 landowner for the reasonable cost incurred to repair the

1 damage. If an incumbent electric transmission owner utilizes  
2 heavy equipment in wetlands or mudflats, mats or other measures  
3 shall be utilized to minimize soil disturbance.

4 h. For each electric transmission line, the incumbent  
5 electric transmission owner shall designate a point of  
6 contact for inquiries or claims from an affected person. The  
7 designation shall include a name, a telephone number, an email  
8 address, and an address.

9 10. a. If an incumbent electric transmission owner and  
10 a landowner dispute a potential violation of the restoration  
11 standards provided in subsection 9, the board may appoint a  
12 qualified individual to inspect the property for compliance.  
13 If the qualified individual determines that there has been a  
14 violation of the applicable restoration standards, the board  
15 shall provide oral notice, followed by written notice, to  
16 the incumbent electric transmission owner and the contractor  
17 operating for the incumbent electric transmission owner  
18 and order corrective action to comply with the restoration  
19 standards. The incumbent electric transmission owner shall be  
20 responsible for the costs of the corrective action.

21 b. If the incumbent electric transmission owner or the  
22 contractor for the incumbent electric transmission owner does  
23 not comply with a valid order for corrective action issued by  
24 the board, the board may issue an order requiring corrective  
25 action to be taken and may impose civil penalties under section  
26 478.29.

27 c. The board shall instruct the inspector appointed by  
28 the board regarding the content of the statutes and rules and  
29 the responsibility of the inspector to require restoration  
30 conforming with the standards established in subsection 9.

31 11. a. A petitioner for a franchise for an electric  
32 transmission line shall file with the petition a written land  
33 restoration plan that documents how the requirements and rules  
34 of subsection 9 will be met. The petitioner shall provide a  
35 copy of the plan to all landowners of property that will be

1 disturbed by the initial construction.

2 b. This subsection does not preclude the application of  
3 provisions for protecting or restoring property that are  
4 different than those prescribed in subsection 9, in rules  
5 adopted under subsection 9, or in the land restoration plan,  
6 if the alternative provisions are contained in agreements  
7 independently executed by the electric transmission owner  
8 and the landowner, and if the alternative provisions are not  
9 inconsistent with state law or with rules adopted by the  
10 board. Independent agreements for land restoration between the  
11 incumbent electric transmission owner and the landowner shall  
12 be in writing and provided to the board.

13 c. The board may by waiver allow variations from the  
14 requirements of subsection 9 if the incumbent electric  
15 transmission owner requesting a waiver satisfies the standards  
16 set forth in section 17A.9A and if the alternative methods  
17 proposed by the incumbent electric transmission owner would  
18 restore the land to a condition as good as or better than as  
19 provided for in subsection 9.

20 d. The board may waive preparation of a separate land  
21 restoration plan if the incumbent electric transmission owner  
22 enters into an agricultural impact mitigation plan or similar  
23 agreement with the appropriate agencies of this state that  
24 satisfies the requirements of subsection 9. If a mitigation  
25 plan or agreement is used to fully or partially meet the  
26 requirements of a land restoration plan, the statement or  
27 agreement shall be filed with the board and shall be considered  
28 to be, or to be part of, the land restoration plan for purposes  
29 of subsection 9.

30 12. Nothing in this section shall limit, expand, or  
31 otherwise modify the rights of access and obligations for  
32 damages set forth in section 478.17.

33 Sec. 2. Section 478.18, Code 2024, is amended to read as  
34 follows:

35 **478.18 Supervision of construction — location.**



1 1. The utilities board shall have power of supervision  
2 over the construction of a transmission line and over its  
3 future operation and maintenance, including inspections for  
4 compliance with the standards adopted under section 478.16  
5 after restoration of the land is complete.

6 2. A transmission line shall be constructed near and  
7 parallel to roads, to the right-of-way of the railways of the  
8 state, or along the division lines of the lands, according  
9 to the government survey, wherever the same is practicable  
10 and reasonable, and so as not to interfere with the use  
11 by the public of the highways or streams of the state, nor  
12 unnecessarily interfere with the use of any lands by the  
13 occupant.

14 3. The utilities board may contract a qualified individual  
15 for the purpose of inspections authorized under section 478.16.  
16 The reasonable cost of the inspection shall be paid by the  
17 incumbent electric transmission owner. The utilities board  
18 shall instruct the inspector appointed by the board regarding  
19 the content of the statutes and rules and the responsibility  
20 of the inspector to require restoration conforming with the  
21 applicable standards established in section 478.16. For  
22 purposes of this section, "qualified individual" means the same  
23 as defined in section 478.16.

24 Sec. 3. EFFECTIVE DATE. This Act, being deemed of immediate  
25 importance, takes effect upon enactment.

26 Sec. 4. RETROACTIVE APPLICABILITY. The provisions of this  
27 Act shall apply retroactively to July 1, 2020.>

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THOMSON of Floyd