

House File 2104

S-5190

1 Amend the amendment, S-5001, to House File 2104, as passed by
2 the House, as follows:

3 1. By striking page 1, line 1, through page 8, line 7, and
4 inserting:

5 <Amend House File 2104, as passed by the House, as follows:

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

8 <Section 1. Section 6A.22, Code 2026, is amended by adding
9 the following new subsection:

10 NEW SUBSECTION. 3. Notwithstanding any other provision of
11 law, a person shall not exercise the power of eminent domain to
12 acquire right-of-way for, construct, or operate a pipeline for
13 the primary purpose of transporting carbon oxide.

14 Sec. 2. Section 479B.2, Code 2026, is amended by adding the
15 following new subsection:

16 NEW SUBSECTION. 6. "*Voluntary easement corridor*" means land
17 within the county where the informational meeting is held and
18 within a distance of five miles on either side of a proposed
19 pipeline route.

20 Sec. 3. Section 479B.4, subsection 3, Code 2026, is amended
21 to read as follows:

22 3. The pipeline company shall hold informational meetings
23 in each county in which real property or property rights will
24 be affected at least thirty days prior to filing the petition
25 for a new pipeline. A member of the commission, or a person
26 designated by the commission, shall serve as the presiding
27 officer at each meeting and present an agenda for the meeting,
28 which shall include a summary of the legal rights of the
29 affected landowners. ~~No~~ A formal record of the meeting shall
30 be required and shall be part of the official record of the
31 proceeding. The meeting shall be held at a location reasonably
32 accessible to all persons who may be affected by granting the
33 permit.

34 Sec. 4. Section 479B.4, subsection 5, Code 2026, is amended
35 by adding the following new paragraphs:

1 NEW PARAGRAPH. *c.* The notice shall be served to the county
2 board of supervisors in the county where the meeting will take
3 place. Notwithstanding paragraph “*b*”, notice served under this
4 paragraph may be given electronically or through certified
5 mail.

6 NEW PARAGRAPH. *d.* The notice shall be served to the
7 governing body of any city with corporate limits that fall
8 within two miles of the voluntary easement corridor for the
9 purposes of complying with subdividing and platting rights and
10 responsibilities pursuant to section 354.9 and zoning rights
11 and responsibilities pursuant to section 414.23.

12 Sec. 5. Section 479B.4, subsection 6, Code 2026, is amended
13 to read as follows:

14 6. A pipeline company seeking rights under [this chapter](#)
15 shall not negotiate or purchase an easement or other interest
16 in land in a county known to be affected by the proposed
17 project prior to the informational meeting. Nothing in this
18 subsection shall prohibit a company seeking rights under this
19 chapter from holding a meeting to provide general information
20 regarding a project to a community that does not include
21 negotiating specific terms with specific landowners prior to
22 the informational meeting required by this section; however,
23 notice of a general informational meeting must be given to the
24 county board of supervisors in the county where the meeting
25 will occur no fewer than five business days prior to the
26 meeting. Notice of a general informational meeting may be
27 delivered electronically or by certified mail.

28 Sec. 6. Section 479B.4, Code 2026, is amended by adding the
29 following new subsection:

30 NEW SUBSECTION. 7. A pipeline company seeking rights under
31 this chapter shall not negotiate or purchase an easement or
32 other interest in land within two miles of the corporate limits
33 of a city without prior authorization from the governing body
34 of the city pursuant to sections 354.9 and 414.23.

35 Sec. 7. Section 479B.5, Code 2026, is amended to read as

1 follows:

2 **479B.5 Petition.**

3 A petition for a permit shall state, and the commission shall
4 consider as factors in the final order, all of the following:

5 1. The name of the individual, firm, corporation, company,
6 or association applying for the permit.

7 2. The applicant's principal office and place of business.

8 3. A legal description of the route of the proposed pipeline
9 and a map of the route.

10 4. A general description of the public or private highways,
11 grounds, waters, streams, and private lands of any kind along,
12 over, or across which the proposed pipeline will pass.

13 5. ~~If~~ The following additional information if permission
14 is sought to construct, maintain, and operate facilities for
15 the underground storage of hazardous liquids ~~the petition shall~~
16 ~~include the following additional information:~~

17 a. A description and a map of the public or private
18 highways, grounds, waters, streams, and private lands of any
19 kind under which the storage is proposed.

20 b. Maps showing the location of proposed machinery,
21 appliances, fixtures, wells, and stations necessary for the
22 construction, maintenance, and operation of the hazardous
23 liquid storage facilities.

24 6. The possible use of alternative routes.

25 7. The relationship of the proposed project to the present
26 and future land use and zoning ordinances.

27 8. The inconvenience or undue injury ~~which~~ that may result
28 to property owners or the public as a result of the proposed
29 project.

30 9. Anticipated employment the project will provide to
31 Iowans, including the quantity and duration of construction
32 employment opportunities, the quantity of long-term operational
33 employment opportunities, the geographic location of long-term
34 operations centers, and the number of employment opportunities
35 of each type to be filled by residents of Iowa.

1 ~~9.~~ 10. An affidavit attesting to the fact that
2 informational meetings were held in each county affected by the
3 proposed project and the time and place of each meeting.

4 Sec. 8. Section 479B.6, Code 2026, is amended by adding the
5 following new subsection:

6 NEW SUBSECTION. 3. For any permit application for which the
7 applicant files an affidavit attesting to obtaining one hundred
8 percent voluntary easements, the commission shall prioritize
9 the hearing date for such application and conduct such hearing
10 before other applicants who have not obtained such voluntary
11 participation.

12 Sec. 9. Section 479B.9, Code 2026, is amended to read as
13 follows:

14 **479B.9 Final order — condition.**

15 The commission may grant a permit in whole or in part upon
16 terms, conditions, and restrictions as to location and route
17 as it determines to be just and proper. A permit shall not be
18 granted to a pipeline company unless ~~the commission determines~~
19 ~~that~~ the proposed services and the factors in the petition
20 will promote the public convenience and necessity. Conditions
21 in the permit shall be met within five years of the date of
22 issuance; otherwise the permit shall not be reissued without
23 reapplication to the commission under section 479B.4.

24 Sec. 10. Section 479B.14, Code 2026, is amended by adding
25 the following new subsection:

26 NEW SUBSECTION. 7. If the commission attaches conditions
27 to a permit, conditions in the permit shall be met within five
28 years of the date of issuance; otherwise the permit shall not
29 be reissued without reapplication to the commission under
30 section 479B.4. Any variance in the conditions attached to
31 the permit that result in deviations from the approved route
32 or approved voluntary easement corridor shall require public
33 meetings in accordance with section 479B.4, subsections 3
34 through 5, in affected counties.

35 Sec. 11. Section 479B.16, subsections 1 and 2, Code 2026,

1 are amended to read as follows:

2 1. A pipeline company granted a pipeline permit shall be
3 vested with the right of eminent domain, except for a pipeline
4 to transport carbon oxide, to the extent necessary and as
5 prescribed and approved by the commission, not exceeding
6 seventy-five feet in width for right-of-way and not exceeding
7 one acre in any one location in addition to right-of-way for
8 the location of pumps, pressure apparatus, or other stations or
9 equipment necessary to the proper operation of its pipeline.
10 The commission may grant additional eminent domain rights where
11 the pipeline company has presented sufficient evidence to
12 adequately demonstrate that a greater area is required for the
13 proper construction, operation, and maintenance of the pipeline
14 or for the location of pumps, pressure apparatus, or other
15 stations or equipment necessary to the proper operation of its
16 pipeline. The commission shall not grant eminent domain rights
17 for the transportation of carbon oxide.

18 2. A pipeline company granted a permit for underground
19 storage of hazardous liquid shall be vested with the right
20 of eminent domain, except for the storage of carbon oxide,
21 to the extent necessary and as prescribed and approved by
22 the commission in order to appropriate for its use for the
23 underground storage of hazardous liquid any subsurface stratum
24 or formation in any land ~~which~~ that the commission shall
25 have found to be suitable and in the public interest for the
26 underground storage of hazardous liquid, and may appropriate
27 other interests in property, as may be required adequately to
28 examine, prepare, maintain, and operate the underground storage
29 facilities. The commission shall not grant eminent domain
30 rights for the underground storage of carbon oxide.

31 Sec. 12. Section 479B.16, Code 2026, is amended by adding
32 the following new subsection:

33 NEW SUBSECTION. 4. a. Following the public informational
34 meeting held pursuant to section 479B.4 and proper publication
35 of notice required by section 479B.4, subsection 5, paragraph

1 "b", a pipeline company may communicate with owners of record
2 of any land within the voluntary easement corridor for the
3 purpose of proposing voluntary transactions for the conveyance
4 of easements for the project, without regard to whether such
5 landowners received prior notice by mail. The pipeline company
6 shall not be required to provide to such landowners prior
7 individual notice of the proposed project before initiating
8 communication.

9 b. Before entering into a voluntary agreement with a
10 landowner who did not receive notice of the informational
11 meeting by mail, the pipeline company shall provide such
12 landowner copies of the informational meeting materials
13 presented by the commission, the consumer advocate, and the
14 company seeking rights under this chapter.

15 c. In a pipeline company's initial communication with a
16 landowner, the company shall provide a written description of
17 the opt-out procedure described in paragraph "d".

18 d. A landowner may decline further communication with a
19 pipeline company concerning a possible transaction for easement
20 rights by providing verbal or written notice to the pipeline
21 company that states the landowner does not wish to discuss the
22 matter further, and by submitting to the commission notice
23 through mail or by electronic means stating the same. Upon
24 receipt of such notice from the landowner, the commission shall
25 forward a copy to the pipeline company.

26 e. After receipt of notice by the landowner pursuant to
27 paragraph "d", the pipeline company shall not initiate further
28 contact with the landowner for the purpose of an easement
29 transaction, except that the company may continue to contact
30 the landowner by mail. A landowner may rescind such refusal by
31 contacting the pipeline company and notifying the commission
32 through mail or electronic means. Unless the landowner
33 rescinds the refusal, the landowner's land shall be deemed
34 unavailable for an easement agreement.

35 Sec. 13. RULES. The Iowa utilities commission shall

1 adopt rules pursuant to chapter 17A to administer this Act by
2 December 31, 2026.

3 Sec. 14. EFFECTIVE DATE. This Act, being deemed of
4 immediate importance, takes effect upon enactment.

5 Sec. 15. APPLICABILITY — RETROACTIVE APPLICABILITY.

6 1. a. Except as provided in paragraph "b", this Act applies
7 to the construction of any hazardous liquid pipeline for which
8 the petition is filed on or after the effective date of this
9 Act.

10 b. The section of this Act amending section 479B.9 applies
11 retroactively to the issuance of permits for the construction
12 of any hazardous liquid pipeline for which a petition was filed
13 under chapter 479B on or after January 1, 2020.

14 2. This Act applies to condemnation proceedings for which
15 the application under section 6B.3 is filed on or after the
16 effective date of this Act.>

17 2. Title page, by striking lines 1 through 3 and inserting
18 <An Act relating to hazardous liquid pipelines, including the
19 granting and exercising of eminent domain for carbon oxide
20 pipelines, and petition, informational meeting, and notice
21 requirements, and including effective date, applicability, and
22 retroactive applicability provisions.>>

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