

House File 2056 - Introduced

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A BILL FOR

1 An Act modifying requirements applicable to petitions for the
2 construction of an electric transmission line or other
3 related facilities.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 478.2, Code 2014, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 5. In the event a petition objecting to
4 the proposed project is presented at the informational meeting
5 containing a minimum of two hundred fifty signatures from
6 individuals residing in any county affected by the proposed
7 project, any resident signing the petition shall be allowed to
8 present their perspective regarding the proposed project at the
9 meeting. The resident shall be allotted the same amount of
10 time for such presentation as is allotted to the person seeking
11 the franchise for a new transmission line. For the purposes of
12 this subsection, the two hundred fifty-signature requirement
13 shall apply cumulatively across county lines to include or
14 encompass individuals residing in any county affected by the
15 proposed project.

16 Sec. 2. Section 478.15, unnumbered paragraph 1, Code 2014,
17 is amended to read as follows:

18 Any person, company, or corporation having secured a
19 franchise as provided in this chapter, shall thereupon be
20 vested with the right of eminent domain to such extent as the
21 utilities board may approve, prescribe and find to be necessary
22 for public use, not exceeding one hundred feet in width for
23 right-of-way and not exceeding one hundred sixty acres in any
24 one location, in addition to right-of-way, for the location
25 of electric substations to carry out the purposes of said
26 franchise; provided however, that where two hundred K V lines
27 or higher voltage lines are to be constructed, the person,
28 company, or corporation may apply to the board for a wider
29 right-of-way not to exceed two hundred feet, and the board
30 may for good cause extend the width of such right-of-way for
31 such lines to the person, company, or corporation applying for
32 the same. The burden of proving the necessity for public use
33 shall be on the person, company, or corporation seeking the
34 franchise. In establishing the necessity for public use, the
35 person, company, or corporation seeking the franchise shall

1 demonstrate and certify, among other factors, that a minimum
2 of twenty-five percent of the electricity transmitted over
3 or by the transmission line or other facility will be used
4 or consumed within this state. A homestead site, cemetery,
5 orchard or schoolhouse location shall not be condemned for
6 the purpose of erecting an electric substation. If agreement
7 cannot be made with the private owner of lands as to damages
8 caused by the construction of said transmission line, or
9 electric substations, the same proceedings shall be taken as
10 provided for taking private property for works of internal
11 improvement.

12 EXPLANATION

13 The inclusion of this explanation does not constitute agreement with
14 the explanation's substance by the members of the general assembly.

15 This bill relates to and modifies requirements applicable to
16 petitions for the construction of an electric transmission line
17 or other related facilities.

18 Currently, Code section 478.2 requires an informational
19 meeting to be held after a petition is filed requesting
20 a franchise to erect, maintain, and operate an electric
21 transmission line and related structures or facilities. The
22 bill requires that, in the event a petition objecting to the
23 proposed project is presented at the informational meeting
24 containing a minimum of 250 signatures from residents residing
25 in any county affected by the proposed project, any resident
26 signing the petition shall be allowed to present their
27 perspective regarding the proposed project for the same amount
28 of time allotted the person seeking the franchise for a new
29 transmission line. The bill provides that the 250-signature
30 requirement shall apply cumulatively across county lines to
31 include and encompass individuals residing in any county
32 affected by the proposed project.

33 Current law also requires any person, company, or
34 corporation which seeks to acquire or utilize property pursuant
35 to eminent domain in relation to a project to construct an

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1 electric transmission line or other facility to prove the
2 necessity for public use in relation to the project. The bill
3 adds to this requirement that in establishing the necessity
4 for public use, the person, company, or corporation shall
5 demonstrate and certify, among other factors, that a minimum
6 of 25 percent of the electricity transmitted over or by the
7 transmission line or other facility shall be used or consumed
8 within this state.