

House Study Bill 178 - Introduced

HOUSE FILE _____
BY (PROPOSED COMMITTEE
ON COMMERCE BILL BY
CHAIRPERSON COWNIE)

A BILL FOR

1 An Act specifying procedures applicable to claims asserting
2 stray electric current or voltage.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. 476D.1 Definitions.

2 As used in this chapter, unless the context otherwise
3 requires:

4 1. "*Board*" means the utilities board within the utilities
5 division of the department of commerce.

6 2. "*Dairy producer*" means any person or entity that owns or
7 operates a dairy farm or that owns cows that do or are intended
8 to produce milk.

9 3. "*Utility*" means a public utility as defined in section
10 476.1 or, for purposes of this chapter, any other person owning
11 or operating more than one thousand five hundred miles of
12 transmission lines and associated facilities in this state.

13 Sec. 2. NEW SECTION. 476D.2 Utility inspections — stray
14 current or voltage.

15 1. A dairy producer in this state that claims that its
16 dairy cows are being affected by stray current or voltage shall
17 provide written notice to a utility providing electric service
18 to the dairy producer and may provide written notice to the
19 board. The notice shall include a nonbinding statement as to
20 why the dairy producer claims its dairy cows are being affected
21 by electrical energy attributable to the utility.

22 2. a. Within fourteen business days after receipt of a
23 notice alleging stray current or voltage by a utility pursuant
24 to subsection 1, the utility shall take or arrange for the
25 taking of measurements to identify the existence and magnitude
26 of the stray current or voltage, if any. A dairy producer
27 providing notice of the claim shall permit entry onto the
28 dairy farm at dates and times mutually agreed upon by the
29 dairy producer and the utility. The utility shall perform no
30 other service or inspection on the dairy farm beyond taking
31 measurements of stray current or voltage, except the utility
32 may advise the dairy producer as to recommended on-farm
33 remedial action and may perform such on-farm remedial action
34 with the permission of the dairy producer. The utility or its
35 representative shall abide by the dairy farm's biosecurity

1 protocols or, if none, generally accepted biosecurity protocols
2 in the industry, prior to entry onto the dairy farm. The
3 utility shall be provided advance notice of any biosecurity
4 protocols adopted by the dairy producer.

5 *b.* A dairy producer may include with the notice provided
6 pursuant to subsection 1, or in a subsequent notice, a written
7 request for the board to take or arrange for the taking of
8 separate and independent measurements to identify the existence
9 and magnitude of stray current or voltage, if any. Such a
10 request may also be made by the utility. Measurements by
11 the board shall be taken by a representative of the board
12 directly, or by a neutral third-party expert selected by the
13 board for such purposes. A dairy producer providing notice
14 of the claim shall permit entry onto the dairy farm at dates
15 and times mutually agreed upon by the dairy producer and
16 the board, a representative of the board directly, or by a
17 neutral third-party expert selected by the board for such
18 purposes. The board or a selected third-party expert shall
19 perform no other service or inspection on the dairy farm beyond
20 taking measurements of stray current or voltage, except the
21 board or third-party expert may advise the dairy producer as
22 to recommended on-farm remedial action. The board or the
23 third-party expert shall abide by the dairy farm's biosecurity
24 protocols or, if none, by generally accepted biosecurity
25 protocols in the industry, prior to entry onto the dairy farm.
26 The board shall be provided advance notice of any biosecurity
27 protocols adopted by the dairy producer. The board shall
28 subsequently prepare or cause to be prepared a determination of
29 source document which shall be made available to both the dairy
30 producer and the utility.

31 Sec. 3. NEW SECTION. 476D.3 Rules.

32 The board shall by rule establish procedures and protocols
33 to be used for the measurement of stray current or voltage.
34 The board shall review the rules from time to time, or upon
35 petition to the board, to ensure that the procedures and

1 protocols continue to be scientifically and technologically
2 accurate and a reliable means of detecting stray current or
3 voltage.

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EXPLANATION

5 This bill specifies procedures which apply to claims
6 asserting stray electric current or voltage affecting dairy
7 cows.

8 The bill provides that a dairy producer in Iowa claiming that
9 its dairy cows are being affected by stray current or voltage
10 shall provide written notice to a utility providing electric
11 service to the dairy producer and may provide written notice to
12 the utilities board of the utilities division of the department
13 of commerce. The notice shall include a nonbinding statement
14 as to why the dairy producer claims its dairy cows are being
15 affected by electrical energy attributable to the utility. The
16 bill states that within 14 business days after receipt of the
17 notice, the utility shall take or arrange for the taking of
18 measurements to identify the existence and magnitude of the
19 stray current or voltage, if any. The bill provides that the
20 dairy producer shall permit entry onto the dairy farm at dates
21 and times mutually agreed upon by the dairy producer and the
22 utility. The utility is required to perform no other service
23 or inspection on the dairy farm beyond taking measurements of
24 stray current or voltage, except the utility may advise the
25 dairy producer as to recommended on-farm remedial action and
26 may perform such on-farm remedial action with the permission
27 of the dairy producer. The bill provides that the utility or
28 its representative shall abide by the dairy farm's biosecurity
29 protocols or, if none, generally accepted biosecurity protocols
30 in the industry, prior to entry onto the dairy farm, and that
31 the utility shall be provided advance notice of any biosecurity
32 protocols adopted by the dairy producer.

33 The bill further provides that the dairy producer may
34 include either as part of the notice or in a separate
35 notification a written request for the board to take or arrange

1 for the taking of separate and independent measurements to
2 identify the existence and magnitude of stray current or
3 voltage, if any, and that such a request may also be made
4 by the utility. Measurements by the board shall be taken
5 by a representative of the board directly, or by a neutral
6 third-party expert selected by the board for such purposes.
7 The bill specifies that a dairy producer shall permit entry
8 onto the dairy farm at dates and times mutually agreed upon
9 by the dairy producer and the board, a representative of the
10 board directly, or by a neutral third-party expert selected
11 by the board for such purposes. The same restrictions shall
12 apply to measurements taken by the board or a third-party
13 expert with regard to performing no other service or inspection
14 beyond taking measurements of stray current or voltage except
15 providing advice as to recommended on-farm remedial action,
16 and biosecurity protocols. The bill directs the board to
17 subsequently prepare or cause to be prepared a determination of
18 source document which shall be made available to both the dairy
19 producer and the utility.

20 The bill provides that the board shall by rule establish
21 procedures and protocols to be used for the measurement of
22 stray current or voltage, which the board shall periodically
23 review, either of its own accord or upon petition to the board,
24 to ensure that the procedures and protocols continue to be
25 scientifically and technologically accurate and a reliable
26 means of detecting stray current or voltage.