

Senate Study Bill 3128 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE
ON COMMERCE BILL BY
CHAIRPERSON DAWSON)

A BILL FOR

1 An Act relating to the regulation of renewable energy projects
2 and including applicability provisions.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 331.304A, Code 2020, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 3. Beginning July 1, 2020, a county
4 shall not adopt or enforce county legislation that imposes a
5 limitation or regulation on a renewable energy project, as
6 defined in section 476A.1, that has a total capacity of at
7 least twenty-five megawatts of electricity.

8 Sec. 2. Section 476A.1, subsection 5, Code 2020, is amended
9 to read as follows:

10 5. *“Facility”* means any ~~electric power generating plant~~
11 ~~or a combination of plants at a single site, owned by any~~
12 ~~person, with a total capacity of twenty-five megawatts of~~
13 ~~electricity or more and those associated transmission lines~~
14 ~~connecting the generating plant to either a power transmission~~
15 ~~system or an interconnected primary transmission system or~~
16 ~~both. Transmission lines subject to the provisions of this~~
17 ~~subchapter shall not require a franchise under chapter 478. of~~
18 the following:

19 a. A renewable energy project.

20 b. An electric power generating plant or a combination
21 of plants at a single site, owned by any person, with a
22 total capacity of twenty-five megawatts of electricity or
23 more and those associated transmission lines connecting
24 the generating plant to either a power transmission system
25 or an interconnected primary transmission system or both.
26 Transmission lines subject to the provisions of this subchapter
27 shall not require a franchise under chapter 478.

28 Sec. 3. Section 476A.1, Code 2020, is amended by adding the
29 following new subsection:

30 NEW SUBSECTION. 7. *“Renewable energy project”* means
31 construction or installation, or a material change to a
32 completed installation, in the same geographic area related
33 to the collection and conversion of wind or incident solar
34 radiation into energy to generate electricity irrespective of
35 the power capacity of any connected common gathering line. A

1 renewable energy project does not include a project for which
2 the generated electricity is planned to be primarily consumed
3 on the property or immediately adjacent to the property.

4 Sec. 4. APPLICABILITY. The following applies to a facility
5 installed or constructed, or for which all real property
6 interests are obtained, on or after July 1, 2020:

7 The sections of this Act amending section 476A.1.

8 EXPLANATION

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

11 This bill relates to renewable energy projects, including
12 the authority of counties and the utilities board within the
13 utilities division of the department of commerce to regulate
14 renewable energy projects.

15 The bill prohibits counties, after July 1, 2020, from
16 adopting or enforcing an ordinance, motion, resolution,
17 or amendment that imposes a limitation or regulation on
18 a renewable energy project, as defined in Code section
19 476A.1, having a total capacity of at least 25 megawatts of
20 electricity.

21 The bill defines "renewable energy project" in Code section
22 476A.1 to mean the construction or installation in the same
23 geographic area related to the collection and conversion of
24 wind or incident solar radiation into energy to generate
25 electricity irrespective of the power capacity of any connected
26 common gathering line. The bill provides that a project for
27 which the generated electricity is planned to be primarily
28 consumed on or immediately adjacent to the property is not a
29 renewable energy project.

30 The bill amends the definition of "facility" contained in
31 Code section 476A.1 to include a renewable energy project. As
32 a result, the construction of a renewable energy project shall
33 be subject to the certification requirements contained in Code
34 chapter 476A.

35 The bill provides that the sections of the bill amending

S.F. _____

1 Code section 476A.1 apply to a facility that is installed
2 or constructed, or a facility for which all real property
3 interests have been obtained, on or after July 1, 2020.