

House File 310 - Introduced

HOUSE FILE 310

BY JENEARY

(COMPANION TO SF 103 BY
J. TAYLOR)

A BILL FOR

1 An Act relating to liquid hazardous pipeline voluntary easement
2 negotiation requirements and including effective date
3 provisions.

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

1 Section 1. Section 479B.16, subsection 1, Code 2023, is
2 amended to read as follows:

3 1. A pipeline company granted a pipeline permit shall
4 be vested with the right of eminent domain, to the extent
5 necessary and as prescribed and approved by the board, not
6 exceeding seventy-five feet in width for right-of-way and
7 not exceeding one acre in any one location in addition to
8 right-of-way for the location of pumps, pressure apparatus,
9 or other stations or equipment necessary to the proper
10 operation of its pipeline. The board may grant additional
11 eminent domain rights where the pipeline company has presented
12 sufficient evidence to adequately demonstrate that a greater
13 area is required for the proper construction, operation, and
14 maintenance of the pipeline or for the location of pumps,
15 pressure apparatus, or other stations or equipment necessary
16 to the proper operation of its pipeline. A pipeline company
17 seeking rights under this section is subject to requirements
18 of section 479B.34.

19 Sec. 2. NEW SECTION. **479B.34 Voluntary easement negotiation**
20 **requirements.**

21 1. A pipeline company intending to apply for a permit under
22 section 479B.4 and seeking a voluntary easement agreement from
23 a landowner shall not engage in easement negotiation unless
24 prior signed, witnessed, and notarized written permission is
25 granted from each affected landowner.

26 2. If consent pursuant to subsection 1 is granted,
27 contact between the company or its land agents and affected
28 landowners shall not exceed two written, verbal, or electronic
29 communications per month unless signed, witnessed, and
30 notarized written permission to exceed two communications from
31 each affected landowner is granted.

32 3. A violation of this section shall be reported to the
33 board. The board shall set a public hearing for each violation
34 or set of violations alleged by affected landowners.

35 4. Upon a finding of a violation of this section, the board

1 shall order a one thousand dollar fine per violation. The fine
2 shall be remitted to the affected landowner.

3 5. An affected landowner shall have a cause of action
4 against a pipeline company in violation of this section.

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

7 EXPLANATION

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

10 This bill relates to liquid hazardous pipeline voluntary
11 easement negotiation requirements.

12 The bill requires a pipeline company (company) applying for
13 a permit and negotiating a voluntary easement to first acquire
14 signed, witnessed, and notarized written permission from an
15 affected landowner. Upon consent being granted, a company or
16 company's agents shall not exceed two communications per month
17 with a landowner unless the landowner waives the restriction
18 through written permission. Violations of the bill shall be
19 reported to the Iowa utilities board (board) which shall set a
20 public hearing. If the board finds a violation has occurred,
21 the board shall fine the company \$1,000 per violation and
22 collect and deliver the amount to the affected landowner.

23 The bill provides an affected landowner a cause of action
24 against a company in violation of the provisions of the bill.

25 The bill takes effect upon enactment.