

# House File 576 - Introduced

HOUSE FILE 576

BY DIEKEN

## A BILL FOR

1 An Act relating to the prohibition of specified carbon  
2 sequestration projects, and including effective date and  
3 applicability provisions.

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

1 Section 1. Section 479B.2, Code 2023, is amended by adding  
2 the following new subsections:

3 NEW SUBSECTION. 1A. "*Carbon sequestration*" means the  
4 mechanical and artificial process by which gaseous carbon  
5 dioxide is intentionally removed from the atmosphere or  
6 an industrial source and stored or captured using advanced  
7 technology.

8 NEW SUBSECTION. 4A. "*Sequestered carbon dioxide*" means  
9 carbon dioxide that was processed through carbon sequestration  
10 methods.

11 Sec. 2. Section 479B.4, subsection 1, Code 2023, is amended  
12 to read as follows:

13 1. A pipeline company doing business in this state shall  
14 file a verified petition with the board asking for a permit to  
15 construct, maintain, and operate a new pipeline along, over,  
16 or across the public or private highways, grounds, waters,  
17 and streams of any kind in this state. Any pipeline company  
18 now owning or operating a pipeline or underground storage  
19 facility in this state shall be issued a permit by the board  
20 upon supplying the information as provided for in section  
21 479B.5, subsections 1 through 5, and meeting the requirements  
22 of [section 479B.13](#) and this section.

23 Sec. 3. Section 479B.4, Code 2023, is amended by adding the  
24 following new subsection:

25 NEW SUBSECTION. 7. Notwithstanding any other provision  
26 of this chapter, an application for a permit to construct a  
27 pipeline for the transportation of sequestered carbon dioxide  
28 shall not be approved by the board.

29 Sec. 4. Section 479B.16, subsection 1, Code 2023, is amended  
30 to read as follows:

31 1. A pipeline company granted a pipeline permit shall,  
32 subject to subsection 4, be vested with the right of eminent  
33 domain, to the extent necessary and as prescribed and approved  
34 by the board, not exceeding seventy-five feet in width for  
35 right-of-way and not exceeding one acre in any one location in

1 addition to right-of-way for the location of pumps, pressure  
2 apparatus, or other stations or equipment necessary to  
3 the proper operation of its pipeline. The board may grant  
4 additional eminent domain rights where the pipeline company  
5 has presented sufficient evidence to adequately demonstrate  
6 that a greater area is required for the proper construction,  
7 operation, and maintenance of the pipeline or for the location  
8 of pumps, pressure apparatus, or other stations or equipment  
9 necessary to the proper operation of its pipeline.

10 Sec. 5. Section 479B.16, Code 2023, is amended by adding the  
11 following new subsection:

12 NEW SUBSECTION. 4. The board shall not grant the right of  
13 eminent domain to a pipeline company for the construction of  
14 a carbon sequestration pipeline. A pipeline company having  
15 acquired real property that was obtained for purposes relating  
16 to carbon sequestration projects pursuant to section 479B.16  
17 shall return the real property to the prior owner and pay  
18 the prior owner an amount determined to be just compensation  
19 for the value of any interference as a result of pipeline or  
20 storage construction. A company having acquired real property  
21 by easement or other written agreement for purposes relating  
22 to carbon sequestration projects shall terminate the easement  
23 or agreement and file an affidavit with the county recorder  
24 unencumbering the easement. The company shall pay the prior  
25 owner an amount determined to be just compensation for the  
26 value of any interference as a result of pipeline or storage  
27 construction.

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

30 Sec. 7. APPLICABILITY. This Act applies to applications  
31 for a permit to construct a pipeline to transport sequestered  
32 carbon dioxide submitted but not yet approved prior to the  
33 effective date of this Act, and to applications for a permit to  
34 construct a pipeline to transport sequestered carbon dioxide  
35 submitted on or after the effective date of this Act.

1 EXPLANATION

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

4 This bill relates to the prohibition of specified carbon  
5 sequestration projects.

6 The bill defines "carbon sequestration" and "sequestered  
7 carbon dioxide". "Carbon sequestration" means the process by  
8 which gaseous carbon dioxide is removed from the atmosphere  
9 or an industrial source and stored or captured using advanced  
10 technology. The bill defines "sequestered carbon dioxide" to  
11 mean carbon dioxide processed through carbon sequestration  
12 methods.

13 The bill prohibits the Iowa utilities board from  
14 granting a construction permit to a pipeline project for the  
15 transportation of sequestered carbon dioxide.

16 The bill also prohibits the Iowa utilities board from  
17 granting the right of eminent domain to a pipeline company for  
18 the construction of a carbon sequestration pipeline.

19 The bill provides that where a pipeline company acquired  
20 real property for the purpose of constructing a carbon  
21 sequestration pipeline through the right of eminent domain or  
22 through an easement, the pipeline company shall return the real  
23 property to the prior owner and compensate the prior owner  
24 for any interference with the property resulting from carbon  
25 sequestration projects. Where a pipeline company secured an  
26 easement, the company shall terminate the easement by filing an  
27 affidavit with the county recorder's office.

28 The bill takes effect upon enactment. The bill applies to  
29 applications for a permit to construct a pipeline to transport  
30 sequestered carbon dioxide submitted but not yet approved prior  
31 to the effective date of the bill, and to applications for a  
32 permit to construct a pipeline to transport sequestered carbon  
33 dioxide submitted on or after the effective date of the bill.