

Senate File 104 - Introduced

SENATE FILE 104

BY J. TAYLOR

A BILL FOR

1 An Act relating to requiring landowner approval for a
2 pipeline company submitting a request for the right to
3 exercise eminent domain and including effective date and
4 applicability provisions.

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

17 Sec. 2. Section 479B.16, Code 2023, is amended by adding the
18 following new subsection:

19 NEW SUBSECTION. 4. A pipeline company granted a pipeline
20 permit and seeking the right of eminent domain under this
21 chapter shall acquire consent from landowners owning ninety
22 percent or more of the real estate parcels which shall be
23 necessary for the project. The pipeline company shall submit
24 evidence of landowner approval to the board.

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

27 Sec. 4. APPLICABILITY. This Act applies to a pipeline
28 company that has yet to be granted a permit from the utilities
29 board on or after the effective date of the Act.

30 EXPLANATION

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

33 This bill relates to a pipeline company seeking eminent
34 domain rights for a pipeline construction project.

35 The bill requires a pipeline company seeking to use eminent

1 domain to acquire approval from landowners owning 90 percent
2 of the land which shall be necessary for the project. The
3 pipeline company shall submit evidence of landowner approval
4 to the utilities board within the utilities division of the
5 department of commerce.

6 The bill takes effect upon enactment. The bill applies to
7 pipeline companies without a permit from the board on or after
8 the effective date of the bill.