

**Senate File 2097 - Introduced**

SENATE FILE 2097

BY SALMON, GUTH, WESTRICH,  
GREEN, ALONS, EVANS,  
ROWLEY, J. TAYLOR, and  
LOFGREN

**A BILL FOR**

1 An Act relating to hazardous liquid pipelines, including the  
2 establishment of setbacks and safety regulations, specified  
3 utility construction project requirements, pipeline project  
4 investor disclosures, voluntary easement negotiation  
5 requirements, and provisions for land surveys in connection  
6 with hazardous liquid pipeline construction projects, and  
7 including effective date and applicability provisions.  
8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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DIVISION I

COUNTY SETBACK AND SAFETY REGULATION

Section 1. Section 331.301, Code 2024, is amended by adding the following new subsection:

NEW SUBSECTION. 23. Counties may adopt and enforce setback and safety requirements for hazardous liquid pipeline projects that exceed state and federal laws and regulations.

DIVISION II

PIPELINE PROJECTS

Sec. 2. Section 479.25, Code 2024, is amended to read as follows:

**479.25 Damages.**

1. A pipeline company operating a pipeline or a gas storage area shall have reasonable access to the pipeline or gas storage area for the purpose of constructing, operating, maintaining, or locating pipes, pumps, pressure apparatus or other stations, wells, devices, or equipment used in or upon the pipeline or gas storage area; shall pay the owner of the land for the right of entry and the owner of crops for all damages caused by entering, using, or occupying the land; and shall pay to the owner all damages caused by the completion of construction of the pipeline due to wash or erosion of the soil at or along the location of the pipeline and due to the settling of the soil along and above the pipeline. However, this section shall not prevent the execution of an agreement between the pipeline company and the owner of land or crops with reference to the use of the land.

2. A claim for crop yield loss damages pursuant to this section shall not be precluded from renegotiation under section 6B.52 on the grounds that the damages were apparent at the time of settlement or on the grounds that more than five years have elapsed since the date of the settlement.

Sec. 3. Section 479A.11, Code 2024, is amended to read as follows:

**479A.11 Damages.**

1     1. A pipeline company operating pipelines or underground  
2 storage shall be given reasonable access to the pipelines and  
3 storage areas for the purpose of constructing, operating,  
4 maintaining, or locating their pipes, pumps, pressure  
5 apparatus, or other stations, wells, devices, or equipment used  
6 in or upon a pipeline or storage area, but shall pay the owner  
7 of the lands for the right of entry and the owner of crops on  
8 the land all damages caused by entering, using, or occupying  
9 the lands for these purposes; and shall pay to the owner of the  
10 lands, after the completion of construction of the pipeline or  
11 storage, all damages caused by settling of the soil along and  
12 above the pipeline, and wash or erosion of the soil along the  
13 pipeline due to the construction of the pipeline. However,  
14 this section does not prevent the execution of an agreement  
15 with other terms between the pipeline company and the owner of  
16 the land or crops with reference to their use.

17     2. A claim for crop yield loss damages pursuant to this  
18 section shall not be precluded from renegotiation under section  
19 6B.52 on the grounds that the damages were apparent at the time  
20 of settlement or on the grounds that more than five years have  
21 elapsed since the date of the settlement.

22     Sec. 4. Section 479B.4, subsection 1, Code 2024, is amended  
23 to read as follows:

24     1. A pipeline company doing business in this state shall  
25 file a verified petition with the board asking for a permit to  
26 construct, maintain, and operate a new pipeline along, over,  
27 or across the public or private highways, grounds, waters, and  
28 streams of any kind in this state. Any pipeline company now  
29 owning or operating a pipeline or underground storage facility  
30 in this state shall be issued a permit by the board upon  
31 supplying the information as provided for in section 479B.5,  
32 subsections 1 through 5, section 479B.34, and meeting the  
33 requirements of [section 479B.13](#).

34     Sec. 5. Section 479B.4, Code 2024, is amended by adding the  
35 following new subsections:

1     NEW SUBSECTION. 7. The board shall not issue a permit, or  
2 conduct a contested case proceeding relating to the issuance  
3 of a permit, for a liquefied carbon dioxide pipeline unless,  
4 after January 1, 2024, the federal pipeline and hazardous  
5 materials safety administration has provided new rules updating  
6 the safety standards for liquefied carbon dioxide pipelines,  
7 including requirements related to emergency preparedness and  
8 response.

9     NEW SUBSECTION. 8. A pipeline company must release the  
10 results of all plume modeling studies that the company has  
11 conducted upon applying for a permit that vests the power of  
12 eminent domain pursuant to this chapter.

13     Sec. 6. Section 479B.9, Code 2024, is amended to read as  
14 follows:

15     **479B.9 Final order — condition.**

16     The board may grant a permit in whole or in part upon  
17 terms, conditions, and restrictions as to location and route  
18 as it determines to be just and proper. A permit shall not be  
19 granted to a pipeline company unless the board determines that  
20 the proposed services will promote the public convenience and  
21 necessity. The board shall not grant a permit to construct  
22 a liquefied carbon dioxide pipeline unless such a permit is  
23 expressly conditioned upon the pipeline company burying the  
24 pipeline with at least eight feet of cover to allow for future  
25 drainage and obtaining all other applicable permits, including  
26 federal and state regulatory permits, state and local highway  
27 and road crossing permits, and local zoning permits.

28     Sec. 7. Section 479B.16, subsection 1, Code 2024, is amended  
29 to read as follows:

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

1 apparatus, or other stations or equipment necessary to  
2 the proper operation of its pipeline. The board may grant  
3 additional eminent domain rights where the pipeline company  
4 has presented sufficient evidence to adequately demonstrate  
5 that a greater area is required for the proper construction,  
6 operation, and maintenance of the pipeline or for the location  
7 of pumps, pressure apparatus, or other stations or equipment  
8 necessary to the proper operation of its pipeline. A pipeline  
9 company seeking rights under this section is subject to  
10 requirements of section 479B.35.

11 Sec. 8. Section 479B.16, Code 2024, is amended by adding the  
12 following new subsections:

13 NEW SUBSECTION. 4. The board shall not grant a liquefied  
14 carbon dioxide pipeline company the right of eminent domain  
15 under this chapter for an interstate hazardous liquid pipeline  
16 project unless the company acquires at least ninety percent  
17 of the affected parcels and ninety percent of the pipeline  
18 project's total distance through voluntary easements or through  
19 preexisting easements. The company shall submit regular  
20 reports on its progress in acquiring voluntary easements as  
21 determined by the board.

22 NEW SUBSECTION. 5. The board shall not grant a liquefied  
23 carbon dioxide pipeline company the right of eminent domain  
24 under this chapter for an interstate hazardous liquid pipeline  
25 project unless the company first acquires all applicable  
26 pipeline construction and zoning permits from the other states  
27 the project will be constructed in.

28 Sec. 9. Section 479B.20, subsection 5, Code 2024, is amended  
29 to read as follows:

30 5. If the pipeline company or its contractor does not  
31 comply with the requirements of **this section**, with the land  
32 restoration plan or line location, or with an independent  
33 agreement on land restoration executed in accordance with  
34 subsection 10, the county board of supervisors or a landowner  
35 may petition the board for an order requiring corrective action

1 to be taken. In addition, the county board of supervisors  
2 or a landowner may file a complaint with the board seeking  
3 imposition of civil penalties under [section 479B.21](#). A  
4 landowner may supply a copy of the complaint to the county  
5 board of supervisors where the complaint originated.

6 Sec. 10. Section 479B.20, Code 2024, is amended by adding  
7 the following new subsection:

8 NEW SUBSECTION. 13. For the purposes of this section,  
9 "*landowner*" also includes a farm tenant.

10 Sec. 11. Section 479B.29, Code 2024, is amended to read as  
11 follows:

12 **479B.29 Particular damage claims.**

13 1. Compensable losses shall include, but are not limited to,  
14 all of the following:

15 a. Loss or reduced yield of crops or forage on the pipeline  
16 right-of-way, whether caused directly by construction or from  
17 disturbance of usual farm operations.

18 b. Loss or reduced yield of crops or yield from land near  
19 the pipeline right-of-way resulting from lack of timely access  
20 to the land or other disturbance of usual farm operations,  
21 including interference with irrigation or drainage.

22 c. Fertilizer, lime, or organic material applied by the  
23 landowner to restore land disturbed by construction to full  
24 productivity.

25 d. Loss of or damage to trees of commercial or other value  
26 that occurs at the time of construction, restoration, or at the  
27 time of any subsequent work by the pipeline company.

28 e. The cost of or losses in moving or relocating livestock,  
29 and the loss of gain by or the death or injury of livestock  
30 caused by the interruption or relocation of normal feeding.

31 f. Erosion and soil compaction on lands attributable to  
32 pipeline construction.

33 g. Damage to farm equipment caused by striking a pipeline,  
34 debris, or other material reasonably associated with pipeline  
35 construction while engaged in normal farming operations as

1 defined in [section 480.1](#).

2 h. Damage to soil or water conservation structures caused  
3 by construction, restoration, or subsequent work by the  
4 pipeline company including but not limited to terraces, grassed  
5 waterways, water and sediment control basins, ponds, saturated  
6 buffers, and biofilters.

7 i. Damage to irrigation or drainage systems caused by  
8 construction, restoration, or subsequent work by the pipeline  
9 company.

10 2. A claim for ~~damage for future crop deficiency within~~  
11 ~~the easement strip~~ damages incurred under this section shall  
12 not be precluded from renegotiation under [section 6B.52](#) on the  
13 grounds that it was apparent at the time of settlement ~~unless~~  
14 ~~the settlement expressly releases the pipeline company from~~  
15 ~~claims for damage to the productivity of the soil or on the~~  
16 grounds that more than five years have elapsed since the date  
17 of the settlement. The landowner shall notify the pipeline  
18 company in writing fourteen days prior to harvest in each year  
19 to assess crop deficiency.

20 3. For the purposes of this section, "landowner" also  
21 includes a farm tenant.

22 4. A landowner that incurred damage under this section is  
23 eligible for compensation for damages. A landowner may file an  
24 action for relief against a pipeline company in small claims  
25 or district court for a violation of this section or pursue  
26 remedies under section 479B.30, subsection 7.

27 Sec. 12. Section 479B.30, subsection 7, Code 2024, is  
28 amended to read as follows:

29 7. As used in [this section](#), ~~"damages"~~:

30 a. "Damages" means compensation for damages to the land,  
31 crops, and other personal property caused by the construction  
32 of a pipeline and its attendant structures or underground  
33 storage facility but does not include compensation for a  
34 property interest, and "landowner".

35 b. "Landowner" includes a farm tenant.

1     Sec. 13. NEW SECTION. **479B.34 Investor disclosures seeking**  
2 **the right of eminent domain.**

3     A pipeline company seeking the right of eminent domain for a  
4 pipeline project shall include in its permit application all  
5 of the following:

6     1. The names of all planned pipeline project investors.

7     2. The home addresses of all planned pipeline project  
8 investors.

9     3. Each investor's range of planned monetary investment as  
10 follows:

11     *a.* Between one and nine thousand nine hundred ninety-nine  
12 dollars.

13     *b.* Between ten thousand and forty-nine thousand nine hundred  
14 ninety-nine dollars.

15     *c.* Between fifty thousand and ninety-nine thousand nine  
16 hundred ninety-nine dollars.

17     *d.* Between one hundred thousand and four hundred ninety-nine  
18 thousand nine hundred ninety-nine dollars.

19     *e.* Between five hundred thousand and nine hundred  
20 ninety-nine thousand nine hundred ninety-nine dollars.

21     *f.* At least one million dollars.

22     Sec. 14. NEW SECTION. **479B.35 Voluntary easement**  
23 **negotiation requirements.**

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

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

35     3. A violation of this section shall be reported to the



1 board. The board shall set a public hearing for each violation  
2 or set of violations alleged by affected landowners.

3 4. Upon a finding of a violation of this section, the board  
4 shall order a one thousand dollar fine per violation. The fine  
5 shall be remitted to the affected landowner.

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

8 Sec. 15. REPEAL. Section 479B.15, Code 2024, is repealed.

9 Sec. 16. EFFECTIVE DATE. This division of this Act, being  
10 deemed of immediate importance, takes effect upon enactment.

11 Sec. 17. APPLICABILITY. This division of this Act applies  
12 to all applications for a permit to construct a pipeline  
13 pursuant to chapter 479B filed with the Iowa utilities board  
14 on or after July 1, 2021, and to permits issued on or after the  
15 effective date of this division of this Act.

16 EXPLANATION

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

19 This bill relates to hazardous liquid pipelines, including  
20 the establishment of setbacks and safety regulations, easement  
21 requirements for utilities and landowner rights regarding  
22 pipeline construction, voluntary easement negotiation  
23 requirements, surveys in connection with hazardous liquid  
24 pipeline projects, pipeline project investor disclosures, and  
25 provisions relating to entry of land.

26 The bill allows counties to adopt setback and safety  
27 requirements for hazardous liquid pipeline projects that exceed  
28 the protections afforded in state and federal laws.

29 The bill provides that the Iowa utilities board (board)  
30 shall not issue a permit for a liquefied carbon dioxide  
31 pipeline until the federal pipeline and hazardous materials  
32 safety administration provides new rules updating the safety  
33 standards for liquefied carbon dioxide pipelines. The bill  
34 also provides that the board shall not grant a permit to  
35 construct a liquefied carbon dioxide pipeline unless the permit

1 is conditioned upon the pipeline company (company) burying the  
2 pipeline with at least eight feet of cover to allow for future  
3 drainage and obtaining all other applicable permits, including  
4 federal and state regulatory permits, state and local highway  
5 and road crossing permits, and local zoning permits. The  
6 company must release the results of any plume modeling studies  
7 upon applying for a permit that vests the company with the  
8 power of eminent domain.

9 The bill requires a company seeking to use eminent domain  
10 to first acquire at least 90 percent of the affected parcels  
11 and 90 percent of the pipeline project's total distance through  
12 voluntary easements or through preexisting easements. The  
13 bill prohibits the board from granting a company the right of  
14 eminent domain for an interstate hazardous liquid pipeline  
15 project unless the company first acquires all applicable  
16 pipeline construction and zoning permits from the other states  
17 the project will be constructed in.

18 The bill allows a landowner to file a complaint with the  
19 board and to notify the relevant county board of supervisors of  
20 a violation of land restoration standards. The bill expands  
21 the meaning of "landowner" under Code section 479B.20 to  
22 include a farm tenant.

23 The bill expands damages that constitute compensable  
24 loss under Code section 479B.29 to include soil compaction,  
25 damage to soil or water conservation structures, and damage  
26 to irrigation or drainage systems, and adds "farm tenant" to  
27 the definition of "landowner". The bill expands the claims a  
28 landowner can bring and receive compensation for to include any  
29 identifiable compensable loss resulting from pipeline activity.  
30 A landowner may file an action for relief in small claims  
31 or district court against a company for a violation of Code  
32 section 479B.29.

33 The bill modifies the definition of damages for purposes  
34 of construction damages under Code section 479B.30 to include  
35 compensable losses listed under Code section 479B.29.

1 The bill requires a company applying for a permit and  
2 negotiating a voluntary easement to first acquire signed,  
3 witnessed, and notarized written permission from an affected  
4 landowner. Upon consent being granted, a company or company's  
5 agents shall not exceed two communications per month with a  
6 landowner unless the landowner waives the restriction through  
7 written permission. Violations of the bill shall be reported  
8 to the board, which shall set a public hearing. If the board  
9 finds a violation has occurred, the board shall fine the  
10 company \$1,000 per violation and collect and deliver the amount  
11 to the affected landowner.

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

14 The bill provides that a company seeking eminent domain  
15 rights shall include investor information in the application  
16 for a permit submitted to the utilities board. The permit  
17 application shall include the names and home addresses of all  
18 planned pipeline investors and the range of planned investment  
19 per investor as indicated in a range from \$1 to \$9,999, \$10,000  
20 to \$49,999, \$50,000 to \$99,999, \$100,000 to \$499,999, \$500,000  
21 to \$999,999, or \$1 million or more.

22 The bill removes a provision allowing a company to enter upon  
23 private land for the purpose of surveying and examining the  
24 land by giving 10 days' written notice to a landowner.

25 Division II of the bill takes effect upon enactment.

26 Division II of the bill applies retroactively to all  
27 applications for a permit to construct a pipeline pursuant to  
28 Code chapter 479B filed with the board on or after July 1,  
29 2021. Division II of the also bill applies to permits issued  
30 by the board on or after the effective date of the division.