

Senate File 2099 - Introduced

SENATE FILE 2099

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A BILL FOR

1 An Act relating to applications for permits to construct
2 electric transmission lines, pipelines and underground
3 storage facilities, and hazardous liquid pipelines, making
4 penalties applicable, and including effective date and
5 applicability provisions.

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

1 Section 1. Section 476A.7, subsection 1, paragraph b, Code
2 2024, is amended to read as follows:

3 b. Gives the applicant the power of eminent domain to the
4 extent and under such conditions as the board may approve,
5 prescribe and find necessary for the public convenience, use,
6 and necessity, subject to subsection 4, proceeding in the
7 manner of works of internal improvement under [chapter 6B](#).
8 The burden of proving the necessity for the exercise of the
9 power of eminent domain shall be on the person issued the
10 certificate.

11 Sec. 2. Section 476A.7, Code 2024, is amended by adding the
12 following new subsection:

13 NEW SUBSECTION. 4. The board shall not grant eminent domain
14 rights to a person, company, or corporation having secured a
15 certificate as provided in this chapter unless at least ninety
16 percent of the affected parcels and ninety percent of the total
17 distance of the facility have been acquired through voluntary
18 easements.

19 Sec. 3. Section 478.2, subsection 4, Code 2024, is amended
20 to read as follows:

21 4. A person seeking rights under [this chapter](#) shall not
22 negotiate or purchase any easements or other interests in
23 land in any county known to be affected by the proposed
24 project prior to the informational meeting. A person seeking
25 rights under this chapter shall not engage in communication
26 with landowners prior to negotiations without obtaining a
27 landowner's written consent to the communication.

28 Sec. 4. Section 478.15, subsections 1 and 2, Code 2024, are
29 amended to read as follows:

30 1. Any person, company, or corporation having secured
31 a franchise as provided in [this chapter](#), shall, subject
32 to subsection 1A, thereupon be vested with the right of
33 eminent domain to such extent as the utilities board may
34 approve, prescribe and find to be necessary for public use,
35 not exceeding one hundred feet in width for right-of-way and

1 not exceeding one hundred sixty acres in any one location,
2 in addition to right-of-way, for the location of electric
3 substations to carry out the purposes of said franchise;
4 provided however, that where two hundred kilovolt lines
5 or higher voltage lines are to be constructed, the person,
6 company, or corporation may apply to the board for a wider
7 right-of-way not to exceed two hundred feet, and the board
8 may for good cause extend the width of such right-of-way for
9 such lines to the person, company, or corporation applying for
10 the same. The burden of proving the necessity for public use
11 shall be on the person, company, or corporation seeking the
12 franchise. A homestead site, cemetery, orchard, or schoolhouse
13 location shall not be condemned for the purpose of erecting
14 an electric substation. If agreement cannot be made with the
15 private owner of lands as to damages caused by the construction
16 of said transmission line, or electric substations, the same
17 proceedings shall be taken as provided for taking private
18 property for works of internal improvement.

19 2. Any person, company, or corporation proposing to
20 construct a transmission line or other facility ~~which~~ that
21 involves the taking of property under the right of eminent
22 domain and desiring to enter upon the land, which it proposes
23 to appropriate, for the purpose of examining or surveying the
24 same, shall first file with the utilities board, a written
25 statement under oath setting forth the proposed routing of
26 the line or facility including a description of the lands to
27 be crossed, and the names and addresses of owners, together
28 with request that a permit be issued by the board authorizing
29 the person, company, or corporation or its duly appointed
30 representative to enter upon the land for the purpose of
31 examining and surveying and to take and use on the land
32 any vehicle and surveying equipment necessary in making the
33 survey. The board shall within ten days after the request
34 issue a permit, accompanied by such bond in such amount as the
35 board shall approve pursuant to subsection 2A, to the person,

1 company, or corporation making the application, if in the
2 board's opinion the application is made in good faith and not
3 for the purpose of harassing the owner of the land. If the
4 board is of the opinion that the application is not made in
5 good faith or made for the purpose of harassment to the owner
6 of the land, the board shall set the matter for hearing. The
7 matter shall be heard not more than twenty days after filing
8 the application. Notice of the time and place of hearing shall
9 be given by the board, to the owner of the land by registered
10 mail with a return receipt requested, not less than ten days
11 preceding the date of hearing.

12 Sec. 5. Section 478.15, Code 2024, is amended by adding the
13 following new subsections:

14 NEW SUBSECTION. 1A. The board shall not grant eminent
15 domain rights to a person, company, or corporation having
16 secured a franchise as provided in this chapter unless at least
17 ninety percent of the affected parcels and ninety percent of
18 the transmission line, wire, or cable's total distance have
19 been acquired through voluntary easements.

20 NEW SUBSECTION. 2A. Before a person, company, or
21 corporation seeking a franchise is granted a franchise under
22 this chapter, the person, company, or corporation must satisfy
23 the board that the applicant has property within this state
24 other than a transmission line, wire, or cable subject to
25 execution of a value in excess of one million dollars, or the
26 person, company, or corporation must file and maintain with
27 the board a surety bond in the penal sum of the lesser of one
28 million dollars or one percent of the project value with surety
29 approved by the board, conditioned that the person, company,
30 or corporation will pay any and all damages legally recovered
31 against it growing out of the construction or operation of its
32 transmission line, wire, or cable in the state of Iowa. When
33 the person, company, or corporation seeking a franchise under
34 this chapter deposits with the board security satisfactory to
35 the board as a guaranty for the payment of the damages, or

1 furnishes to the board satisfactory proofs of its solvency and
2 financial ability to pay the damages, the person, company, or
3 corporation seeking a franchise under this chapter is relieved
4 of the provisions requiring bond.

5 Sec. 6. NEW SECTION. **478.17A Transmission line operation**
6 **— damages.**

7 1. Any person, company, or corporation having secured a
8 franchise as provided in this chapter shall be responsible for
9 damages resulting from construction, operation, or maintenance,
10 including damages resulting from an environmental disaster,
11 to local livestock, or other damages attributable to the
12 construction, operation, or maintenance.

13 2. A claim for damage for future crop deficiency within the
14 easement strip shall not be precluded from renegotiation under
15 section 6B.52 on the grounds that it was apparent at the time
16 of settlement. The landowner shall notify the person, company,
17 or corporation seeking the franchise in writing fourteen days
18 prior to harvest in each year to assess crop deficiency or by
19 providing global positioning system yield monitoring data or
20 similar assessment data demonstrating crop deficiency to the
21 company within thirty days of harvest.

22 Sec. 7. NEW SECTION. **478.34 Liability.**

23 Notwithstanding any provision in this chapter to the
24 contrary, except where a landowner's actions constitute gross
25 negligence and the landowner commits critical infrastructure
26 sabotage as defined in section 716.11, the landowner shall not
27 be liable for any damages to a transmission line, wire, or
28 cable.

29 Sec. 8. NEW SECTION. **478.35 Land restoration standard.**

30 1. The board, pursuant to chapter 17A, shall adopt rules
31 establishing standards for the restoration of agricultural
32 lands during and after a transmission line, wire, or cable
33 construction. In addition to the requirements of section
34 17A.4, the board shall distribute copies of the notice of
35 intended action and opportunity for oral presentations to each

1 county board of supervisors. Any county board of supervisors
2 may, under the provisions of chapter 17A, and subsequent to
3 the rulemaking proceedings, petition under those provisions
4 for additional rulemaking to establish standards for land
5 restoration after a transmission line, wire, or cable within
6 that county. Upon the request of the petitioning county, the
7 board shall schedule a hearing to consider the merits of the
8 petition. Rules adopted under this section shall not apply to
9 land located within city boundaries unless the land is used for
10 agricultural purposes. Rules adopted under this section shall
11 address, but are not limited to, all of the following subject
12 matters:

13 *a.* Topsoil separation and replacement.

14 *b.* Temporary and permanent repair to drain tile.

15 *c.* Removal of rocks and debris from the right-of-way.

16 *d.* Restoration of areas of soil compaction.

17 *e.* Restoration of terraces, waterways, and other erosion
18 control structures.

19 *f.* Revegetation of untilled land.

20 *g.* Future installation of drain tile or soil conservation
21 structures.

22 *h.* Restoration of land slope and contour.

23 *i.* Restoration of areas used for field entrances and
24 temporary roads.

25 *j.* Construction in wet conditions.

26 *k.* Burial of transmission lines or pipelines with at least
27 eight feet of cover to allow for future drainage.

28 *l.* Designation of a person, company, or corporation seeking
29 a franchise point of contact for landowner inquiries or claims.

30 2. The county board of supervisors shall cause an on-site
31 inspection for compliance with the standards adopted under
32 this section to be performed at any transmission line, wire,
33 or cable construction project in the county. A licensed
34 professional engineer familiar with the standards adopted
35 under this section and registered under chapter 542B shall be

1 responsible for the inspection. A county board of supervisors
2 may contract for the services of a licensed professional
3 engineer for the purposes of the inspection. The reasonable
4 costs of the inspection shall be paid by the person, company,
5 or corporation seeking the franchise.

6 3. If the inspector determines that there has been a
7 violation of the standards adopted under this section, of
8 the land restoration plan, or of an independent agreement on
9 land restoration or line location executed in accordance with
10 subsection 10, the inspector shall give oral notice, followed
11 by written notice, to the person, company, or corporation
12 seeking the franchise and the contractor operating for the
13 person, company, or corporation seeking the franchise and order
14 corrective action to be taken in compliance with the standards.
15 The costs of the corrective action shall be borne by the
16 contractor operating for the person, company, or corporation
17 seeking the franchise.

18 4. An inspector shall adequately inspect underground
19 improvements altered during transmission line, wire, or cable
20 construction. An inspection shall be conducted at the time of
21 the replacement or repair of the underground improvements. An
22 inspector shall be present on the site at all times at each
23 phase and separate activity of the opening of the trench, if
24 applicable, the restoration of underground improvements, and
25 backfilling. The person, company, or corporation seeking
26 the franchise and its contractor shall keep an inspector
27 continually informed of the work schedule and any schedule
28 changes. If proper notice is given, construction shall not
29 be delayed due to an inspector's failure to be present on the
30 site.

31 5. If the person, company, or corporation seeking
32 the franchise or its contractor does not comply with the
33 requirements of this section, with the land restoration plan
34 or line location, or with an independent agreement on land
35 restoration executed in accordance with subsection 10, the

1 county board of supervisors may petition the board for an order
2 requiring corrective action to be taken. In addition, the
3 county board of supervisors may file a complaint with the board
4 seeking imposition of civil penalties under section 478.29.

5 6. The person, company, or corporation seeking the
6 franchise shall allow landowners and the inspector to view
7 the proposed center line of the transmission line, wire, or
8 cable prior to commencing trenching operations to ensure that
9 construction takes place in its proper location.

10 7. An inspector may temporarily halt the construction
11 if the construction is not in compliance with this chapter
12 and the standards adopted pursuant to this chapter, the land
13 restoration plan, or the terms of an independent agreement
14 with the person, company, or corporation seeking the franchise
15 regarding land restoration or line location executed in
16 accordance with subsection 10, until the inspector consults
17 with the supervisory personnel of the person, company, or
18 corporation seeking the franchise.

19 8. The board shall instruct inspectors appointed by the
20 board of supervisors regarding the content of the statutes
21 and rules and the inspectors' responsibility to require
22 construction conforming with the standards provided by this
23 chapter.

24 9. A person, company, or corporation having secured a
25 franchise as provided in this chapter shall file with the
26 petition a written land restoration plan showing how the
27 requirements of this section, and of rules adopted pursuant to
28 this section, will be met. The person, company, or corporation
29 seeking the franchise shall provide copies of the plan to
30 all landowners of property that will be disturbed by the
31 construction.

32 10. This section does not preclude the application of
33 provisions for protecting or restoring property that are
34 different than those prescribed in this section, in rules
35 adopted under this section, or in the land restoration plan

1 if the alternative provisions are contained in agreements
2 independently executed by the person, company, or corporation
3 seeking the franchise and the landowner, and if the alternative
4 provisions are not inconsistent with state law or with
5 rules adopted by the board. Independent agreements on land
6 restoration or line location between the landowner and person,
7 company, or corporation seeking the franchise shall be in
8 writing and a copy provided to the county inspector.

9 Sec. 9. Section 479.5, subsection 5, Code 2024, is amended
10 to read as follows:

11 5. A pipeline company seeking rights under [this chapter](#)
12 shall not negotiate or purchase any easements or other
13 interests in land in any county known to be affected by
14 the proposed project prior to the informational meeting. A
15 pipeline company seeking rights under this chapter shall not
16 engage in communication with landowners prior to negotiations
17 without obtaining a landowner's written consent to the
18 communication.

19 Sec. 10. Section 479.7, Code 2024, is amended by adding the
20 following new subsection:

21 NEW SUBSECTION. 3. Upon the filing of the petition, a
22 pipeline company shall provide notice of such filing served by
23 certified mail to landowners.

24 Sec. 11. Section 479.24, subsection 1, Code 2024, is amended
25 to read as follows:

26 1. A pipeline company granted a pipeline permit under
27 this chapter shall, subject to subsection 3, be vested
28 with the right of eminent domain to the extent necessary
29 and as prescribed and approved by the board, not exceeding
30 seventy-five feet in width for right-of-way and not exceeding
31 one acre in any one location in addition to right-of-way for
32 the location of pumps, pressure apparatus, or other stations or
33 equipment necessary to the proper operation of its pipeline.
34 The board may grant additional eminent domain rights where
35 the pipeline company has presented sufficient evidence to

1 adequately demonstrate that a greater area is required for the
2 proper construction, operation, and maintenance of the pipeline
3 or for the location of pumps, pressure apparatus, or other
4 stations or equipment necessary to the proper operation of its
5 pipeline.

6 Sec. 12. Section 479.24, Code 2024, is amended by adding the
7 following new subsection:

8 NEW SUBSECTION. 3. The board shall not grant eminent
9 domain rights to a pipeline company seeking a permit under this
10 section unless at least ninety percent of the affected parcels
11 and ninety percent of the pipeline project's total distance
12 have been acquired through voluntary easements.

13 Sec. 13. Section 479.25, Code 2024, is amended to read as
14 follows:

15 **479.25 Damages.**

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

31 2. A pipeline company operating a pipeline or a gas
32 storage area shall be responsible for damages resulting from
33 construction, operation, or maintenance, including damages
34 resulting from an environmental disaster, to local livestock,
35 or other damages attributable to the construction, operation,

1 or maintenance.

2 Sec. 14. Section 479.26, Code 2024, is amended to read as
3 follows:

4 **479.26 Financial condition of permittee — bond.**

5 Before any permit is granted under **this chapter** the
6 applicant must satisfy the board that the applicant has
7 property within this state other than pipelines, subject to
8 execution of a value in excess of ~~two hundred fifty thousand~~
9 one million dollars, or the applicant must file and maintain
10 with the board a surety bond in the penal sum of ~~two hundred~~
11 ~~fifty thousand~~ the lesser of one million dollars or one
12 percent of the project value with surety approved by the board,
13 conditioned that the applicant will pay any and all damages
14 legally recovered against it growing out of the construction
15 or operation of its pipeline and gas storage facilities in the
16 state of Iowa. When the pipeline company deposits with the
17 board security satisfactory to the board as a guaranty for the
18 payment of the damages, or furnishes to the board satisfactory
19 proofs of its solvency and financial ability to pay the
20 damages, the pipeline company is relieved of the provisions
21 requiring bond.

22 Sec. 15. NEW SECTION. **479.35 Liability.**

23 Notwithstanding any provision in this chapter to the
24 contrary, except where a landowner's actions constitute gross
25 negligence and the landowner commits critical infrastructure
26 sabotage as defined in section 716.11, the landowner shall not
27 be liable for any damages to a pipeline or gas storage area.

28 Sec. 16. Section 479.45, subsection 2, Code 2024, is amended
29 to read as follows:

30 2. A claim for damage for future crop deficiency within
31 the easement strip shall not be precluded from renegotiation
32 under **section 6B.52** on the grounds that it was apparent at the
33 time of settlement ~~unless the settlement expressly releases the~~
34 ~~pipeline company from claims for damage to the productivity of~~
35 ~~the soil.~~ The landowner shall notify the company in writing

1 fourteen days prior to harvest in each year to assess crop
2 deficiency or by providing global positioning system yield
3 monitoring data or similar assessment data demonstrating crop
4 deficiency to the company within thirty days of harvest.

5 Sec. 17. Section 479B.4, subsection 6, Code 2024, is amended
6 to read as follows:

7 6. A pipeline company seeking rights under **this chapter**
8 shall not negotiate or purchase an easement or other interest
9 in land in a county known to be affected by the proposed
10 project prior to the informational meeting. A pipeline
11 company seeking rights under this chapter shall not engage in
12 communication with landowners prior to negotiations without
13 obtaining a landowner's written consent to the communication.

14 Sec. 18. Section 479B.6, Code 2024, is amended by adding the
15 following new subsection:

16 NEW SUBSECTION. 3. Upon the filing of the petition, a
17 pipeline company shall provide notice of such filing served by
18 certified mail to landowners.

19 Sec. 19. Section 479B.13, Code 2024, is amended to read as
20 follows:

21 **479B.13 Financial condition of permittee — bond.**

22 Before a permit is granted under **this chapter** the applicant
23 must satisfy the board that the applicant has property within
24 this state other than pipelines or underground storage
25 facilities, subject to execution of a value in excess of ~~two~~
26 ~~hundred fifty thousand~~ one million dollars, or the applicant
27 must file and maintain with the board a surety bond in the
28 penal sum of ~~two hundred fifty thousand~~ the lesser of one
29 million dollars or one percent of the project value with surety
30 approved by the board, conditioned that the applicant will pay
31 any and all damages legally recovered against it growing out
32 of the construction, maintenance, or operation of its pipeline
33 or underground storage facilities in this state. When the
34 pipeline company deposits with the board security satisfactory
35 to the board as a guaranty for the payment of the damages, or

1 furnishes to the board satisfactory proofs of its solvency and
2 financial ability to pay the damages, the pipeline company is
3 relieved of the provisions requiring bond.

4 Sec. 20. Section 479B.16, subsection 1, Code 2024, is
5 amended to read as follows:

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

20 Sec. 21. Section 479B.16, Code 2024, is amended by adding
21 the following new subsection:

22 NEW SUBSECTION. 4. The board shall not grant eminent
23 domain rights to a pipeline company seeking a permit under this
24 section unless at least ninety percent of the affected parcels
25 and ninety percent of the pipeline project's total distance
26 have been acquired through voluntary easements.

27 Sec. 22. Section 479B.17, Code 2024, is amended to read as
28 follows:

29 **479B.17 Damages.**

30 1. A pipeline company operating a pipeline or an
31 underground storage facility shall have reasonable access to
32 the pipeline or underground storage facility for the purpose
33 of constructing, operating, maintaining, or locating pipes,
34 pumps, pressure apparatus, or other stations, wells, devices,
35 or equipment used in or upon the pipeline or underground

1 storage facility. A pipeline company shall pay the owner of
2 the land for the right of entry and the owner of crops for all
3 damages caused by entering, using, or occupying the lands and
4 shall pay to the owner all damages caused by the completion
5 of construction of the pipeline due to wash or erosion of the
6 soil at or along the location of the pipeline and due to the
7 settling of the soil along and above the pipeline. However,
8 this section does not prevent the execution of an agreement
9 between the pipeline company and the owner of the land or crops
10 with reference to the use of the land.

11 2. A pipeline company operating a pipeline or an underground
12 storage facility shall be responsible for damages resulting
13 from construction, operation, or maintenance, including damages
14 resulting from an environmental disaster, to local livestock,
15 or other damages attributable to the construction, operation,
16 or maintenance.

17 Sec. 23. Section 479B.29, subsection 2, Code 2024, is
18 amended to read as follows:

19 2. A claim for damage for future crop deficiency within
20 the easement strip shall not be precluded from renegotiation
21 under [section 6B.52](#) on the grounds that it was apparent at the
22 time of settlement ~~unless the settlement expressly releases the~~
23 ~~pipeline company from claims for damage to the productivity of~~
24 ~~the soil.~~ The landowner shall notify the pipeline company in
25 writing fourteen days prior to harvest in each year to assess
26 crop deficiency or by providing global positioning system yield
27 monitoring data or similar assessment data demonstrating crop
28 deficiency to the company within thirty days of harvest.

29 Sec. 24. NEW SECTION. 479B.34 Liability.

30 Notwithstanding any provision in this chapter to the
31 contrary, except where a landowner's actions constitute gross
32 negligence and the landowner commits critical infrastructure
33 sabotage as defined in section 716.11, the landowner shall not
34 be liable for any damages to a pipeline or gas storage area.

35 Sec. 25. EFFECTIVE DATE. This Act, being deemed of

1 immediate importance, takes effect upon enactment.

2 Sec. 26. APPLICABILITY.

3 1. The following apply to applications for a permit
4 submitted pursuant to chapters 478, 479, and 479B prior to, on,
5 or after the effective date of this Act:

6 a. The section of this Act enacting section 478.17A.

7 b. The section of this Act enacting section 478.34.

8 c. The section of this Act amending section 479.25.

9 d. The section of this Act enacting section 479.35.

10 e. The section of this Act amending section 479B.17.

11 f. The section of this Act enacting section 479B.34.

12 2. Remaining sections of this Act apply to applications for
13 a permit submitted pursuant to Code chapters 476A, 478, 479,
14 and 479B regarding which the first informational meeting for a
15 petition is held on or after the effective date 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 applications for permits to construct
20 electric transmission lines, pipelines and underground storage,
21 and hazardous liquid pipelines under the purview of the Iowa
22 utilities board (board).

23 The bill modifies eminent domain rights for matters under
24 Code chapter 476A (electric power generation and transmission),
25 Code chapter 478 (electric transmission lines), Code chapter
26 479 (pipelines and underground gas storage), and Code chapter
27 479B (hazardous liquid pipelines and storage facilities). The
28 bill requires landowner communication consent, specified surety
29 bond amounts, liability, and damage provisions for permits
30 under the respective Code sections.

31 The bill prohibits the board from granting eminent domain
32 rights to an entity seeking those rights under Code chapters
33 476A, 478, 479, and 479B unless at least 90 percent of the
34 affected parcels and 90 percent of the area of the proposed
35 project are first acquired through voluntary easements.

1 The bill requires a person, company, or corporation seeking
2 a franchise under Code chapter 478 to satisfy a bond amount
3 with the board. The franchise must satisfy the board that the
4 franchisee has property in the state of a value over
5 \$1 million (not including the value of the proposed project)
6 or file and maintain with the board a surety bond of \$1 million
7 or 1 percent of the project value with surety approved by
8 the board, conditioned that the franchisee will pay any and
9 all damages legally recovered against it growing out of the
10 construction or operation of the project in the state. When
11 a franchisee deposits security satisfactory to the board as a
12 guaranty for the payment of the damages or furnishes to the
13 board satisfactory proofs of its solvency and financial ability
14 to pay the damages, the franchisee shall be relieved of the
15 provisions requiring bond.

16 The bill prohibits persons seeking rights to construct
17 projects under Code chapter 478, 479, or 479B from contacting
18 landowners regarding negotiations for land acquisition without
19 first obtaining the landowner's written consent allowing
20 communication. A person, company, or corporation seeking
21 to acquire an easement or other property interest shall not
22 contact a landowner unless first provided written consent by
23 the landowner.

24 The bill adds provisions to Code chapters 478, 479, and
25 479B requiring a person seeking to construct projects under
26 those chapters to be held liable for damages resulting from
27 construction, operation, or maintenance, including damages
28 resulting from an environmental disaster, to local livestock,
29 or other damages attributable to the construction, operation,
30 or maintenance.

31 The bill provides that a claim for damages related to
32 future crop deficiency within an easement strip under Code
33 chapter 478 shall not be precluded from renegotiation under
34 Code section 6B.52 relating to eminent domain procedure for
35 the renegotiation of damages. The landowner shall notify the

1 franchisee in writing 14 days prior to harvest in each year
2 to assess crop deficiency or by providing global positioning
3 system yield monitoring data or similar assessment data
4 demonstrating crop deficiency to the company within 30
5 days of harvest. The bill modifies claims for future crop
6 deficiency damages pursuant to Code chapters 479 and 479B to
7 allow a landowner to notify a company in writing by providing
8 global positioning system yield monitoring data or similar
9 assessment data demonstrating crop deficiency to the company
10 within 30 days of harvest, and strikes language providing
11 that a settlement may expressly release a company from soil
12 productivity damage claims.

13 The bill creates new provisions relating to landowner
14 liability in Code chapters 478, 479, and 479B. The bill
15 provides that except where a landowner's actions constitute
16 gross negligence and the landowner commits critical
17 infrastructure sabotage as defined in Code section 716.11
18 (relating to critical infrastructure sabotage definitions),
19 the landowner shall not be liable for any damages to a project
20 permitted under Code chapters 478, 479, and 479B.

21 The bill includes provisions relating to land restoration
22 standards. The bill adds a land restoration section in
23 Code chapter 478 that mirrors land restoration standards in
24 Code chapters 479 and 479B. The new Code section includes
25 requirements that the board adopt rules related to the
26 restoration of agricultural lands during and after transmission
27 line, wire, or cable construction and distribute notice of
28 intended actions to county boards of supervisors. Rules
29 shall include subject matters relating to topsoil, temporary,
30 permanent, and future drain tile issues, removal of rocks
31 and debris, soil compaction, terraces, waterways, and other
32 erosion control structures, revegetation, restoration of land
33 slope and contour, restoration of field entrance and temporary
34 road areas, construction in wet conditions, burial depths
35 for transmission lines and pipelines, and designation of a

1 franchisee point of contact.

2 The bill provides that a county board of supervisors may
3 require an on-site compliance inspection at any time to be
4 performed by a specialized licensed professional engineer.
5 The reasonable costs of the inspection shall be paid by the
6 franchisee. Notice of a violation relating to provisions
7 regarding land restoration, the land restoration plan created
8 by the franchisee and submitted to the board, or of an
9 independent agreement shall be given to the franchisee or a
10 contractor for the franchisee. Corrective action shall be
11 taken by the franchisee and the costs of the corrective action
12 shall be borne by the contractor of the franchisee.

13 The bill provides that a franchisee shall file a written
14 land restoration plan with their petition. The franchisee
15 shall provide copies of the plan to all landowners of property
16 that will be disturbed by the construction. The bill does not
17 preclude additional means of land protection or restoration
18 in addition to the plan, rules regarding the plan, or other
19 written agreements.

20 The bill provides that an inspector shall adequately
21 inspect underground improvements altered during transmission
22 line, wire, or cable construction, and the inspection shall
23 be conducted at the time of the replacement or repair of the
24 underground improvements. Additionally, an inspector shall
25 be present on-site at all times and the franchisee and its
26 contractor shall keep an inspector continually informed of
27 the work schedule and any schedule changes. The county board
28 of supervisors may petition the board for an order requiring
29 corrective action to be taken where the franchisee or its
30 contractor is in noncompliance. In addition, the county
31 board of supervisors may file a complaint with the board
32 seeking imposition of civil penalties of not more than \$100
33 per violation or \$1,000 per day of a continuing violation,
34 whichever is greater, under Code section 478.29.

35 The bill provides that a franchisee shall allow landowners

1 and the inspector to view the proposed center line of the
2 transmission line, wire, or cable prior to commencing trenching
3 operations to ensure that construction takes place in its
4 proper location, and an inspector may temporarily halt the
5 construction for noncompliance until the inspector consults
6 with the supervisory personnel of the franchisee. The board
7 shall instruct appointed inspectors of the content of the
8 statutes and rules and the inspectors' responsibility to
9 require compliant construction.

10 The bill modifies surety bond amounts for projects
11 constructed pursuant to Code chapters 479 and 479B. The
12 bill changes the amount that an applicant for a permit shall
13 demonstrate in property value (other than pipelines) in excess
14 of \$1 million from \$250,000. The bill also requires the
15 applicant to file and maintain with the board a surety bond
16 of \$1 million or 1 percent of the project value, whichever is
17 lesser, from a surety bond of \$250,000.

18 The bill is effective upon enactment and includes
19 applicability provisions. The bill applies to an application
20 for a permit pursuant to Code chapters 476A, 478, 479, and
21 479B where the first informational meeting for a petition is
22 held on or after the effective date of the bill, except where
23 otherwise provided. For sections of the bill relating to
24 liability regarding a landowner's gross negligence and critical
25 infrastructure sabotage and sections of the bill regarding
26 petitioner responsibility for damages under Code chapters
27 478, 479, and 479B, the bill shall apply retroactively to all
28 applications for a permit under those Code chapters.