

**Senate File 2099 - Introduced**

SENATE FILE 2099

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

**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.