

Senate File 428 - Introduced

SENATE FILE 428
BY SWEENEY

A BILL FOR

1 An Act relating to agricultural land restoration for electric
2 transmission lines, making penalties applicable, and
3 including applicability provisions.

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

1 Section 1. Section 478.3, subsection 1, Code 2023, is
2 amended by adding the following new paragraph:

3 NEW PARAGRAPH. *i.* An agricultural land restoration plan
4 which complies with the rules established pursuant to section
5 478.34.

6 Sec. 2. NEW SECTION. **478.34 Land restoration.**

7 1. The board, pursuant to chapter 17A, shall adopt rules
8 establishing standards for the restoration of agricultural land
9 during and after the construction, erection, or installation
10 of an electric transmission line. Rules adopted under this
11 section shall not apply to land located within city boundaries
12 unless the land is used for agricultural purposes. Rules
13 adopted under this section shall address but are not limited
14 to all of the following:

- 15 *a.* Removal of rocks and debris from the right-of-way.
- 16 *b.* Revegetation.
- 17 *c.* Restoration of areas of soil compaction.
- 18 *d.* Ruts, erosion, or washing away of the soil.
- 19 *e.* Drainage system repair.
- 20 *f.* Fence repair.
- 21 *g.* Restoration of areas used for field entrances.

22 2. For an electric transmission line to be constructed or
23 installed below ground, rules adopted under this section shall
24 address but are not limited to, in addition to paragraphs "a"
25 through "g" of subsection 2, all of the following:

- 26 *a.* Topsoil separation and replacement.
- 27 *b.* Temporary and permanent repair to drain tile.
- 28 *c.* Restoration of terraces, waterways, and other erosion
29 control structures.
- 30 *d.* Restoration of land slope and contour.
- 31 *e.* Construction in wet conditions.

32 3. A person, company, or corporation requesting or
33 having secured a franchise to construct or erect an electric
34 transmission line shall designate a point of contact for
35 inquiries or complaints from a landowner or a person in

1 possession of the real property impacted by the transmission
2 line and provide an address, phone number, and electronic means
3 of contact.

4 4. The board shall review the land restoration plan as
5 part of the board's consideration of the petition and may
6 require modifications as necessary to comply with this section,
7 rules adopted pursuant to this section, or any alternate land
8 restoration agreement reached with a landowner and person
9 in possession of the real property if different from the
10 landowner. The board may require a modification to the land
11 restoration plan at the request of the landowner or person in
12 possession of the real property.

13 5. If a person, company, or corporation having secured
14 a franchise or its contractor fails to comply with the
15 requirements of the land restoration plan approved by the
16 board, the affected landowner or person in possession of the
17 real property or residing on the real property may file a
18 complaint with the board requesting a hearing after providing
19 reasonable notice to the person who has secured the franchise.

20 a. The board may informally work with the parties to resolve
21 the complaint. If the complaint is not resolved informally,
22 the board shall initiate a contested case proceeding pursuant
23 to chapter 17A.

24 b. The board may consolidate similar complaints into one
25 contested case proceeding.

26 c. If the board finds the person who has secured the
27 franchise or its contractor is in violation of the land
28 restoration plan or other provisions under this chapter, the
29 board shall determine a just and reasonable resolution and
30 shall order compliance with the land restoration plan or other
31 alternate agreement. The board may levy a civil penalty
32 pursuant to section 478.29.

33 6. This section shall not preclude additional means of
34 land protection or restoration different than the methods
35 prescribed in this section, rules adopted under this section,

1 or independent written agreements between a landowner or
2 a person in possession of the real property and a person,
3 company, or corporation having secured a franchise.

4 Sec. 3. APPLICABILITY. This Act applies to electric
5 transmission lines constructed, erected, or installed on or
6 after the effective date of this Act.

7 EXPLANATION

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

10 This bill relates to agricultural land restoration for
11 electric transmission lines.

12 The bill provides that a petition submitted to the Iowa
13 utilities board (board) requesting approval to construct,
14 erect, or install an electric transmission line shall include
15 an agricultural land restoration plan (plan).

16 The bill requires the board to adopt rules for the
17 restoration of agricultural land during and after the
18 construction, erection, or installation of an electric
19 transmission line. Rules shall address subject matters
20 relating to rock removal, revegetation, soil, drainage, fence
21 repair, and field entrances. Rules shall include additional
22 subject matters concerning topsoil separation, temporary and
23 permanent repair to drain tile, restoration of terraces,
24 waterways, and other erosion control structures, restoration of
25 land slope and contour, and construction in wet conditions in
26 matters relating to below-ground installation.

27 The bill provides that a person, company, or corporation
28 requesting or having secured a franchise (franchise) shall
29 designate a point of contact regarding questions and complaints
30 and provide an address, phone number, and electronic means of
31 contact for contact.

32 The bill requires the board to review the plan and allows for
33 required plan modifications.

34 The bill provides that an affected landowner may file a
35 complaint with the board for a franchisee's or a contractor's

1 failure to comply with the plan. The board may informally
2 attempt to resolve the complaint before initiating a contested
3 case proceeding. The bill authorizes the board to consolidate
4 similar complaints into one proceeding. If the board finds the
5 franchise or contractor violated the plan or other provisions
6 of Code chapter 478, the board shall determine a just and
7 reasonable resolution and order compliance with the plan or
8 alternative agreement. The board may impose a civil penalty
9 of not more than \$100 per violation or \$1,000 per day of a
10 continuing violation, whichever is greater, pursuant to Code
11 section 478.29.

12 The bill does not preclude additional means of land
13 protection or restoration in addition to the plan, rules
14 regarding the plan, or other written agreements.

15 The bill applies to transmission lines constructed, erected,
16 or installed on or after the effective date of the bill.