

House File 943 - Introduced

HOUSE FILE 943
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HSB 287)

A BILL FOR

1 An Act relating to the exercise of eminent domain for the
2 construction of hazardous liquid pipelines and including
3 effective date and applicability provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 6A.21, subsection 2, Code 2025, is amended
2 to read as follows:

3 2. The limitation on the definition of public use,
4 public purpose, or public improvement does not apply to the
5 establishment, relocation, or improvement of a road pursuant to
6 chapter 306, or to the establishment of a railway under the
7 supervision of the department of transportation as provided in
8 section 327C.2, or to an airport as defined in section 328.1,
9 or to land acquired in order to replace or mitigate land used
10 in a road project when federal law requires replacement or
11 mitigation. This limitation also does not apply to utilities,
12 persons, companies, or corporations under the jurisdiction of
13 the Iowa utilities commission or to any other utility conferred
14 the right by statute to condemn private property or to otherwise
15 exercise the power of eminent domain, except to the extent such
16 purpose includes construction of hazardous liquid pipelines for
17 the transportation or transmission of liquefied carbon dioxide
18 or aboveground merchant lines. For purposes of this subsection,
19 "utility" means a public utility as defined in section 306.46,
20 subsection 2.

21 Sec. 2. EFFECTIVE DATE. This Act, being deemed of immediate
22 importance, takes effect upon enactment.

23 Sec. 3. APPLICABILITY. This Act applies to condemnation
24 proceedings for which the application filed under section 6B.3 is
25 filed on or after the effective date of this Act.

26 EXPLANATION

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

29 This bill relates to a utility's right to condemn agricultural
30 land. The bill provides that the construction of hazardous
31 liquid pipelines for the transportation or transmission of
32 liquefied carbon dioxide is not a public use, public purpose, or
33 public improvement for purposes of condemnation of agricultural
34 land by a utility unless the owner of the agricultural land
35 consents to the condemnation. Under current law, a utility is

1 excluded from the requirement to receive the consent of the owner
2 of agricultural land prior to using eminent domain to condemn the
3 agricultural land for private development purposes.

4 The bill defines a utility as a person or business that
5 provides gas, electricity, communications services, water, or
6 sanitary sewage or storm water drainage disposal to the public
7 for compensation, and also includes waterworks, joint water
8 utilities, rural water districts, cooperative water associations,
9 and electric transmission owners primarily providing service to
10 public utilities.

11 The bill takes effect upon enactment and applies to
12 condemnation proceedings for which the application is filed on or
13 after the effective date of the bill.

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