

House Study Bill 693 - Introduced

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON
AGRICULTURE BILL BY
CHAIRPERSON WULF)

A BILL FOR

- 1 An Act providing a limitation on civil or criminal liability
- 2 for any alleged actual or potential effect on climate caused
- 3 wholly or partly by a greenhouse gas emission.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

unofficial

1 Section 1. NEW SECTION. **673B.1 Definitions.**

2 As used in this chapter, unless the context otherwise
3 requires:

4 1. "*Agricultural source*" means a location where an
5 agricultural commodity, including a farm animal or farm crop as
6 defined in section 673A.3, is produced, stored, or processed.

7 2. "*Greenhouse gas*" means a gas derived from human activity
8 or a natural source that is any of the following:

9 a. Originating from any of the following:

10 (1) An agricultural source.

11 (2) A renewable fuel source.

12 b. Any of the following gases:

13 (1) Carbon dioxide.

14 (2) Hydrofluorocarbons.

15 (3) Methane.

16 (4) Nitrogen trifluoride.

17 (5) Nitrous oxide.

18 (6) Sulfur hexafluoride.

19 (7) Perfluorocarbons.

20 3. "*Regulatory authority*" means the department of natural
21 resources or a federal agency regulating greenhouse gas
22 emissions, including the United States environmental protection
23 agency.

24 4. "*Renewable fuel source*" means a location where renewable
25 fuel, as defined in section 214A.1, is manufactured, stored, or
26 dispensed.

27 Sec. 2. NEW SECTION. **673B.2 Action based on climate —**
28 **limitation on liability.**

29 1. Subject to section 673B.3, in any civil or criminal
30 action, a defendant is not liable, and is not subject to any
31 judicial remedy, under any principle of law or equity, for
32 damages or injury from any alleged actual or potential effect on
33 climate caused wholly or partly by a greenhouse gas emission.

34 2. Subsection 1 applies regardless of the civil or criminal
35 action brought or type of relief sought, whether legal or

1 equitable.

2 3. A person bringing a civil or criminal action that alleges
3 damages or injury as described in subsection 1 must do all of the
4 following:

5 a. Specify each greenhouse gas emitted by the defendant that
6 as asserted gives rise to the civil or criminal action.

7 b. Show by clear and convincing evidence that unavoidable and
8 identifiable damage or injury has resulted or will result as
9 a direct cause of the defendant's violation of an enforceable
10 statutory limitation or restriction or a valid, enforceable
11 operating, air, or other permit issued to the defendant by a
12 regulatory authority.

13 Sec. 3. NEW SECTION. **673B.3 Action based on climate —**
14 **applicability.**

15 Section 673B.2 applies unless the district court in the civil
16 or criminal case finds by clear and convincing evidence that the
17 defendant has violated any of the following:

18 1. An enforceable statutory limitation or restriction
19 governing the emission of a specific greenhouse gas originating
20 within this state.

21 2. An express term of a valid, enforceable operating, air,
22 or other permit issued to the defendant by a regulatory
23 authority that has jurisdiction over the defendant's greenhouse
24 gas emissions.

25 Sec. 4. NEW SECTION. **673B.4 Statutory construction.**

26 This chapter shall not be construed to create either a right
27 to bring any civil or criminal action, or a judicial remedy,
28 under any principle of law or equity, based on the potential
29 effect on climate caused wholly or partly by a greenhouse gas
30 emission.

31 **EXPLANATION**

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

34 This bill limits civil or criminal liability arising from
35 any alleged actual or potential effect on climate caused wholly

1 or partly by a greenhouse gas emission attributable to a
2 defendant. A greenhouse gas includes a gas originating from an
3 agricultural or renewable fuel source, or a number of specific
4 gases, including carbon dioxide, hydrofluorocarbons, methane,
5 nitrogen trifluoride, nitrous oxide, sulfur hexafluoride, or a
6 perfluorocarbon. In a civil or criminal action, a district court
7 must find by clear and convincing evidence that the defendant
8 violated: (1) an enforceable statutory limitation or restriction
9 governing the emission of a specific greenhouse gas originating
10 in the state, or (2) an express term of an operating, air, or
11 other permit issued to the defendant by the department of natural
12 resources or a federal agency (e.g., United States environmental
13 protection agency). The bill provides that its provisions are
14 not to be construed as creating a right to bring a civil or
15 criminal action or a judicial remedy.