

**Senate File 92 - Introduced**

SENATE FILE 92

BY GREEN, CAMPBELL, GUTH,  
ROWLEY, ALONS, SALMON,  
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PIKE, and LOFGREN

**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 the 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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