

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:

1 Section 1. Section 6A.21, subsection 2, Code 2025, is
2 amended 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
6 to [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
13 of the Iowa utilities commission or to any other utility
14 conferred the right by statute to condemn private property or
15 to otherwise exercise the power of eminent domain, except to
16 the extent such purpose includes construction of hazardous
17 liquid pipelines for the transportation or transmission of
18 liquefied carbon dioxide or aboveground merchant lines. For
19 purposes of this subsection, "utility" means a public utility as
20 defined in section 306.46, 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
25 is 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
30 agricultural land. The bill provides that the construction
31 of hazardous liquid pipelines for the transportation or
32 transmission of liquefied carbon dioxide is not a public
33 use, public purpose, or public improvement for purposes of
34 condemnation of agricultural land by a utility unless the owner
35 of the agricultural land consents to the condemnation. Under

1 current law, a utility is excluded from the requirement to
2 receive the consent of the owner of agricultural land prior
3 to using eminent domain to condemn the agricultural land for
4 private development purposes.

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

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