

YOUR GOVERNMENT

PIPELINES

Continued from Page 1

Nebraska, the Dakotas and into underground storage in North Dakota. The Iowa Utilities Commission granted the project eminent domain rights in June, though the project cannot begin construction until it has permits in North Dakota, South Dakota and Minnesota.

Proponents of the pipeline say it will allow Iowa to enter new, low-carbon ethanol markets, which would in turn help corn and soybean farmers.

The company's permit in South Dakota was recently denied, following the state's passage of a law preventing hazardous liquid pipelines carrying carbon dioxide from using eminent domain in the state. Summit has said it plans to reapply.

HF 639, as written, changed definitions of a common carrier, increased insurance requirements to cover any damages to property and reimburse landowners for increases in premiums due to the pipeline, set requirements for the IUC and expanded who can intervene in IUC proceedings.

A group of 12 senators, including Sen. Dave Sires (R-Cedar Falls) who represents a portion of Tama County, signed a letter last week saying they would not vote on budget legislation until the eminent domain bill was debated. Their move stalled action on budget bills and contributed to pushing the session into overtime. Lawmakers have not received part of their per diem expense payments since May 2.

After the pipeline bill passed, senators approved the budgets for education and agriculture and natural resources, sending them to the House.

Senators planned to debate the issue last Friday (May 9), and drew a crowd of interested constituents to the Capitol, but the chamber's leaders did not bring the bill to the floor.

Bousselot's amendment fails

Sen. Mike Bousselot, R-Ankeny, the bill's floor manager, proposed an amendment that would rewrite the bill, similar to what he had proposed in committee, that would have allowed companies to pursue voluntary easements outside of the project corridor, in order to avoid using eminent domain.

Bousselot called the original bill a "Trojan horse" bill written by "climate extremists" trying to kill the Summit pipeline project.

Rep. Steven Holt (R-Denison) who sponsored HF 639, said it's "ridiculous" to suggest the bill is about environmental

extremists.

"This is not about environmental extremism at all, it's about protecting landowners," Holt said. "I think that the arrogance the Senate is showing, the disrespect to property owners is frankly unacceptable."

Bousselot's amendment would have kept HF 639 provisions requiring Iowa Utilities Commission members' attendance at permit hearings, created a one-year deadline for permit decisions, and would have held project operators responsible for damage to the land during the lifetime of the project.

Under the amendment, the eminent domain changes would have applied to all projects seeking government permission to force unwilling landowners to give up easements for a court-determined price, not just carbon sequestration projects.

Bousselot said the amendment "protects Iowans, protects landowners of all types, for all project types."

His amendment would have stopped carbon sequestration pipelines from using eminent domain, unless the project had been granted a permit by the IUC before the enactment date, or had a sole purpose of connecting to another project that was already granted eminent domain.

"It ends eminent domain on CO2 pipelines in a constitutional manner, on a go forward basis," Bousselot said.

Sen. Jeff Taylor, R-Sioux Center, said it's "not correct" to say the bill is all about killing the Summit project.

"We're just saying you have to follow the law," Taylor said.

Taylor said the requirement to use eminent domain is public use.

"It's not a positive business climate, it's not helping the agribusinesses in the state, it's not the price of corn or helping the ethanol plants, it's public use," Taylor said.

Bousselot's amendment failed narrowly, 28-22.

Democrats push for simplified, eminent domain only amendment

Democrats submitted an amendment, with language from House File 943, which the House passed in March, to ban the use of eminent domain on pipelines transporting liquified carbon dioxide.

Sen. Zach Wahls (D-Coralville) sponsored the amendment and said it would get at the "fundamental question" of eminent domain, which constituents have asked the body to debate.

Wahls said bipartisan conversations over the past several weeks have been "fractured" and "raucous."

"I think most of the people in this room are quite tired, but I'm quite positive that there is nobody in this room more tired than the landowners who are sitting in the gallery because they've been taking time out of their lives, not being paid to come to this building, and ask for their voice to be heard," Wahls said.

Bousselot argued that the amendment was not germane, since it was a "major change to the scope of the bill" and Senate President Amy Sinclair

(R-Allerton) agreed and the amendment was scrapped.

On the 'crappy' bill

Sen. Mike Klimesh (R-Spillville) asked Sen. Kevin Alons (R-Salix) about some of the issues he had with the bill, including multiple definitions of a common carrier and an "elevated standard" for judicial review that he said would "bog the system down."

Klimesh also noted a lack of specificity in some of the language of the bill, like the section expanding intervenors in utility board cases that does not specify that members of the general assembly, city or county officials must be in Iowa.

"I mean is that the intention really, to bog this system down with interveners from any place or anywhere, any elected official, any city council, county official, or any resident with plausible interest in the proceedings?" Klimesh said.

Following the decision, Rep. Charley Thomson (R-Charles City) said the arguments brought up on the Senate floor about the bill providing for out-of-state individuals to intervene with the Iowa permitting process were incorrect, and "it reflects a misunderstanding of the IUC system and administrative law."

He said the process of intervention only gives individuals the right to file motions and get copies of meetings by email.

"It's not an invitation to sue," Thomson said. "And there is a limitation on there, that you have to have some connection with what's going on. It's absurd to say that we're opening the process up to endless litigation."

Klimesh asked on the floor how the insurance clauses of the bill would be determined.

He said the bill, as written, would make it more difficult for all pipeline projects in the future, tie up "critical infrastructure projects" in court and pass costs onto consumers who would have increased utility costs.

Klimesh said in the future, companies that want to build pipelines in the state would be deterred by the requirements in the bill that would be costly.

Alons said much of the language was a "codification" of what is already in the IUC rules.

Klimesh said the bill would lead to increasing costs on energy for Iowans.

"Cost drivers, cost increases — they're based off decisions we make here in this chamber," Klimesh said. "This is one of those decisions that is going to affect pipeline companies, again, far beyond CO2 pipeline companies, and places an onerous burden on them to ascertain and achieve this coverage."

Klimesh also worried that enactment language in the bill would open the door to lawsuits from Iowans who have already signed an easement contract with the state when Summit is no longer able to uphold that contract without eminent domain to complete the project.

"I'm concerned about putting the state of Iowa and our taxpayers at a legal risk," Klimesh said.

"This bill sets up a whole avalanche of potential bad policy. While we were try-

ing to squash a fly, we took a nuclear bomb to it."

Taylor said senators tried to swap HF 639 for a different version, via the Democrats' amendment, but "it was rejected out of hand."

"So it makes me wonder if it wasn't really just any opposition to tampering with the Summit pipeline, rather than the particulars of 639," Taylor said.

Taylor said the group of GOP senators who stepped forward to push for a debate on this faced criticism for it, but Taylor said he was standing for Republican values and the motto of Iowa.

"When it says our liberties we prize and our rights we will maintain, there's not an asterisk there," he said. "It doesn't say unless we're threatened by a billion dollar lawsuit."

Sen. Mike Zimmer (D-DeWitt) said he was "flummoxed" that the Democrat's amendment was turned down, because it made the argument "really simple."

"You can be for the pipeline, you can be for ethanol production, you can be for union workers putting that pipeline together, and say, 'we can do this without having to use eminent domain,'" Zimmer said.

Klimesh said when he met with the 12 senators who pushed for a debate on the bill, he offered to work with them and to amend the bill to resemble HF 943, but the group declined.

"In that week's time, we could have sat around and crafted probably a much better piece of legislation," Klimesh said.

Sen. Bill Dotzler (D-Waterloo) said "hogwash" and that there was an opportunity for a cleaner bill on the floor and the majority chose to ignore it.

Sen. Tony Bisignano (D-Des Moines) criticized the majority party for not working on the bill sooner.

"Where have you been? This bill didn't start a week ago ... we've had years," Bisignano said.

Sen. Dan Zumbach (R-Ryan) said "emotions got ahead of reality" on the issue and as a result, the body is stuck with "horrible" legislation.

"This bill is about killing a project, not about constitutionality, not about property rights — we missed that boat, folks," Zumbach said. "Had it laid out there in front of us and we were too stubborn to listen to the actual words."

Bousselot said in his closing comments on the bill that everyone will leave the Capitol Monday claiming they "voted to protect private property rights" because everyone either voted for his amendment, or for the bill.

"I hope we have a plan for infrastructure, to grow our state, for the jobs that are going to be harder to build, for the farmers that produce the wealth and the great crops and commodities that we rely on," Bousselot said.

The bill advanced from the Senate and will now go to Gov. Kim Reynolds for final approval. Reynolds has not said publicly whether she would sign or veto it. Summit Carbon Solutions did not respond to a request for comment.

ARRESTS

Thursday, May 1

- Reynol Morales-Morales (19) of Toledo was arrested for domestic abuse assault with a weapon — first by the Toledo Police Department in Toledo.
- Anthony Ray Arp (40) of Toledo was arrested for violation of probation by the Toledo Police Department in Toledo.
- Ian Francis Bear (31) of Toledo was arrested for possession of drug paraphernalia by the Toledo Police Department in Toledo. He was released the same day on a promise to appear.
- Joshua Dale Todd (38) of Toledo was arrested for driving while barred by the Toledo Police Department in Toledo.

Friday, May 2

- Jason Michael Howell (50) of Gladbrook was arrested for driving while barred by the Tama County Sheriff's Department in Gladbrook. He was released on his own recognizance the same day.
- Rolando Gaston Keahna (21) of Tama was arrested for violation of probation and warrants for possession of a controlled substance — third and possession of drug paraphernalia by the Tama Police Department in Tama.
- Prentiss R Wolf III (37) of Tama was arrested on a warrant for failure to appear by the Meskwaki Tribal Police in Toledo.
- Anthony Lynn West (37) of Marshalltown was arrested on a warrant for failure to appear by the Tama County Sheriff's Department in Toledo. He was released the same day on bond.
- Margaret Ann Shuckahosee (49) of Tama was arrested on two warrants for failure to appear by the Tama County Sheriff's Department in Toledo. He was released on bond the same day.
- Craig David McBride (58) of Norway was arrested for driving under suspension, driving while barred and driving while license suspended by the Meskwaki Tribal Police in Tama. He was granted pretrial release the following day.

Saturday, May 3

- Jonathan Joseph Wedgwood (42) of Marshalltown was arrested on warrants for eluding — 25 over speed limit, reckless driving, fraudulent use of registration, failure to obey stop sign/yield right-of-way, operation without registration plate and speeding by the Meskwaki Tribal Police in Montour. He was released the following day on bond.

Sunday, May 4

- Gael Garcia (20) of Des Moines was arrested for driving while barred by the Tama Police Department in Toledo. He was released the same day on bond.
- Damarus Lashaun Brown (39) of Toledo was arrested on an out of county/state warrant by the Toledo Police Department in Toledo.
- Monte Joe Eggers (68) of Gladbrook was arrested for violating a no-contact order — domestic by the Tama County Sheriff's Department in Gladbrook. He was released the same day after pleading guilty.
- Lacey Jane Burchard (41) of Ankeny was arrested for driving while barred, failure to provide proof of financial liability insurance, possession of a controlled substance — first, second, third, possession of drug paraphernalia and keeping vehicle or premise for controlled substances.

Monday, May 5

- Eddie Gibson Mancia Olivia (23) of Houston, Texas, was arrested for no valid driver's license and speeding by the Tama County Sheriff's Department in Gladbrook. He was sent/released the following day.
- Cooper Charles Haley (18) of Alburnett was arrested for possession of a controlled substance — first, second, third, possession of drug paraphernalia and speeding by Highway Patrol in Chelsea. He was released the same day on bond.
- Christopher Steven Davis Sr. (44), no known address, was arrested for fourth degree theft by the Tama County Sheriff's Department in Traer. He was also arrested on a warrant for controlled substance violation, possession of drug paraphernalia and obstruction of prosecution or defense by the Tama Police Department in Tama.
- Celina Marie Victor (28) of Marshalltown was arrested for possession of a controlled substance — second, false identification of law enforcement/public service officer and possession of drug paraphernalia by the Tama Police Department in Tama.
- Pablo Aguilar Tolentino (47) of Des Moines was arrested for OWI — first offense, driving under suspension and failure to provide proof of financial liability insurance by the Meskwaki Tribal Police in Tama. He was released on his own recognizance the following day.
- Kevin Eugene Bunger (65) of Toledo was arrested for OWI — first offense and failure to maintain control by the Tama County Sheriff's Department in Toledo.

Tuesday, May 6

- Coye Douglas Brown (25) of Manchester was arrested for possession of a controlled substance — third and an out of county/state warrant by the Meskwaki Tribal Police in Tama. He was released the same day on bond.
- Jenna Beth McLaury (32) of Cedar Rapids was arrested for violation of probation by the Tama County Sheriff's Department in Toledo.

Wednesday, May 7

- James Edward Christensen (50) of Reinbeck was arrested for possession of a controlled substance — third by the Meskwaki Tribal Police at the casino. He was released on his own recognizance the same day.
- Johanna Faye Hass (42) of Grinnell was arrested on a warrant for failure to appear by the Tama County Sheriff's Department in Toledo. She was released on bond the following day.
- Mary Joe Whitesell (53) of Waterloo was arrested on a warrant for trespass by the Meskwaki Tribal Police at the casino.
- Benjamin David Jacobson (30) of Dysart was arrested for two counts of domestic assault impede air/blood flow by the Tama County Sheriff's Department in Dysart. He was released on bond the following day.

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