

## CHAPTER 1112

## WORKMEN'S COMPENSATION BENEFITS

S. F. 606

AN ACT relating to workmen's compensation benefits.

*Be It Enacted by the General Assembly of the State of Iowa:*

1 SECTION 1. Section eighty-five point thirty-four (85.34), subsection  
2 tion two (2), paragraph s, Code 1973, is amended to read as follows:  
3 s. The loss of both arms, or both hands, or both feet, or both legs,  
4 or both eyes, or any two thereof, caused by a single accident, shall  
5 equal a permanent total disability, and shall be compensated as such  
6 five hundred weeks and shall be compensated as such, however, if said  
7 employee is permanently and totally disabled he may be entitled to  
8 benefits under subsection three (3) of this section.

1 SEC. 2. Section eighty-five point sixty-one (85.61), Code 1973, is  
2 amended by adding the following new subsection:  
3 NEW SUBSECTION. "Gross earnings" means recurring payments by  
4 employer to the employee for employment, before any authorized or  
5 lawfully required deduction or withholding of funds by the employer,  
6 excluding irregular bonuses, retroactive pay, overtime, penalty pay,  
7 reimbursement of expenses, expense allowances, and the employer's  
8 contribution for welfare benefits.

Approved April 4, 1974

## CHAPTER 1113

## ENERGY POLICY COUNCIL

S. F. 1222

AN ACT relating to a transportation and energy policy for the state by creating an energy policy council, providing tax relief and financial assistance for rail transportation by the energy policy council, requiring the state department of transportation to conduct a study of rail and mass transit facilities, and making appropriations to the energy policy council and the state department of transportation.

*Be It Enacted by the General Assembly of the State of Iowa:*

1 SECTION 1. **Definitions.** As used in this Act, unless the context  
2 otherwise requires:  
3 1. "Council" means the energy policy council established in section  
4 two (2) of this Act.  
5 2. "Energy" or "energy sources" means gasoline, fuel oil, natural  
6 gas, propane, coal, special fuels, and electricity.  
7 3. "Supplier" means any person engaged in the business of selling,  
8 importing, storing, or generating energy sources in Iowa.  
9 4. "Director" means the director of energy policy.

1 SEC. 2. **Establishment.** There is established an energy policy  
2 council which shall consist of thirteen members. Two members shall

3 be appointed by the president of the senate from the membership of  
4 the senate with no more than one member being appointed from the  
5 same political party. Two members shall be appointed by the speaker  
6 of the house of representatives from the members of the house with  
7 no more than one member being appointed from the same political  
8 party. The governor shall appoint five members who shall be reason-  
9 ably knowledgeable in the field of energy. Not more than three of  
10 the governor's appointees shall be of the same political party. They  
11 shall be subject to confirmation by two-thirds of the membership of  
12 the senate. The state geologist, the secretary of agriculture, the  
13 chairman of the Iowa state commerce commission and the executive  
14 director of environmental quality shall serve as ex officio nonvoting  
15 members of the council.

1 **SEC. 3. Personnel.** The governor shall appoint a director of energy  
2 policy who shall carry out duties assigned to him by the council or  
3 duties assigned to him by the governor pursuant to a proclamation of  
4 emergency issued under the provisions of section eight (8) of this  
5 Act. The appointment of the director shall be subject to confirmation  
6 by two-thirds of the members of the senate. The director shall be  
7 paid an annual salary in an amount not to exceed twenty-two thou-  
8 sand dollars. Other personnel utilized by the council shall be em-  
9 ployed through a program of interchange of personnel between the  
10 council and other governmental agencies pursuant to chapter twenty-  
11 eight D (28D) of the Code.

1 **SEC. 4. Meetings.** The council shall organize within ten days fol-  
2 lowing the effective date of this Act by electing one of its members  
3 to serve as chairman and one to serve as vice chairman. The council  
4 shall establish procedures and requirements with respect to quorum,  
5 place and conduct of meetings and may provide for the establishment  
6 of an executive committee selected from among the voting members of  
7 the council to supervise the administrative duties assigned to the  
8 director.

1 **SEC. 5. Compensation and expenses.** Council members who are  
2 not employees of the state shall receive a per diem at the rate of forty  
3 dollars for each day devoted to council business and all members shall  
4 be reimbursed for actual expenses incurred in carrying out their  
5 duties as members of the council.

1 **SEC. 6. Vacancies.** Vacancies in the membership of the council  
2 shall be filled in the manner of original appointment. A vacancy shall  
3 occur when a legislative member ceases to be a member of the general  
4 assembly.

1 **SEC. 7. Duties of the council.** The council shall:  
2 1. Annually prepare a state policy for the development, utilization,  
3 and conservation of all energy sources in the state and submit the  
4 same to the governor and the general assembly by January fifteenth  
5 of each year. The council shall evaluate the future energy needs of  
6 Iowa. This study shall include, but is not limited to:  
7 a. the historical use and distribution of energy in Iowa,  
8 b. determining the growth rate of energy consumption in Iowa,  
9 c. projecting Iowa's energy needs at least ten years in the future,

10 d. determining the impact of meeting these needs on the economy  
11 of the state,

12 e. determining the impact of meeting these needs on the environ-  
13 ment of the state,

14 f. evaluating alternative sources and uses of energy, and

15 g. evaluating the feasibility of coal gasification for the purpose of  
16 producing combustible gas.

17 The council shall serve as policy advisor to the governor on all energy  
18 matters.

19 2. The council shall exchange information with other states on  
20 energy and especially on the allocation of fuel and shall request all  
21 information necessary to determine the reasonableness of any reduc-  
22 tion of Iowa's fuel allocation.

23 3. Establish a central depository within the state for energy data.  
24 The council may require a supplier to provide information pertaining  
25 to the supply, storage, distribution and sale of energy sources in this  
26 state. The information shall be furnished on a periodic basis, shall  
27 be of a nature which directly relates to the supply, storage, distribu-  
28 tion and sale of energy sources, and shall not include any records,  
29 documents, books, or other data which relate to the financial position  
30 of the supplier. Provided the council, prior to requiring any supplier  
31 to furnish it with such information, shall make every reasonable  
32 effort to determine if the same is available from any other govern-  
33 mental source. If it finds such information is available, the council  
34 shall not require submission of the same from a supplier. Notwith-  
35 standing the provisions of chapter sixty-eight A (68A) of the Code,  
36 information and reports obtained under this section shall be confiden-  
37 tial except when used for statistical purposes without identifying a  
38 specific supplier and when release of the information will not give  
39 an advantage to competitors and serves a public purpose.

40 The council may subpoena witnesses, administer oaths, and require  
41 the production of records, books, and documents for examination in  
42 order to obtain information required to be submitted under this section.  
43 In case of failure or refusal on the part of any person to comply with  
44 a subpoena issued by the council, or in case of the refusal of any wit-  
45 ness to testify as to any matter regarding which he may be interro-  
46 gated under this Act, the district court, upon the application of the  
47 council, may order the person to show cause why the person should not  
48 be held in contempt for failure to testify or comply with a subpoena,  
49 and may order the person to produce the records, books, and docu-  
50 ments for examination, and to give his testimony. The courts may  
51 punish for contempt as in the case of disobedience to a like subpoena  
52 issued by the court, or for refusal to testify.

53 4. On at least a quarterly basis submit to the governor and the gen-  
54 eral assembly, and to each member of the senate and the house of  
55 representatives and the legislative council when the general assembly  
56 is not in session, a report identifying trends relating to energy sup-  
57 ply, demand, and conservation and making recommendations to the  
58 governor and the general assembly for additional action in accord-  
59 ance with the report. The council shall include in its report the  
60 amount, price, and disposition of the fuel contracted for each month  
61 pursuant to subsection (9) of this section and the name of the  
62 supplier of the fuel.

63 5. Review, propose and recommend legislation relating to the devel-  
64 opment and use of energy in this state.

65 6. Develop and recommend public education and communication  
66 programs in energy conservation.

67 7. When necessary to carry out its duties under this Act, enter into  
68 contracts with state agencies and other qualified contractors.

69 8. Receive and accept grants made available for programs relating  
70 to duties of the council under this Act.

71 9. Allocate state-owned or operated energy supplies to those deter-  
72 mined to be in need. In the performance of this duty the director  
73 may, with the approval of the council, contract with fuel suppliers for  
74 the purpose of establishing a state-owned emergency fuel reserve and  
75 may cooperate with the federal government in implementing federally-  
76 mandated allocation and rationing programs for refined petroleum  
77 products.

78 10. Promulgate rules necessary to carry out the provisions of this  
79 Act, subject to review in accordance with chapter seventeen A (17A)  
80 of the Code. Before a proposed rule is submitted to the departmen-  
81 tal rules review committee, a public hearing shall be held in regard  
82 to the rule, and members of the departmental rules review committee  
83 shall be notified of the hearing as required in section seventeen A  
84 point sixteen (17A.16) of the Code. Rules promulgated by the gov-  
85 ernor pursuant to a proclamation issued under the provisions of sec-  
86 tion eight (8) of this Act shall not be subject to review or a public  
87 hearing as required in this subsection.

1 SEC. 8. **Emergency powers.** If the council by resolution deter-  
2 mines the health, safety, or welfare of the people of this state is  
3 threatened by an actual or impending acute shortage of usable energy,  
4 it shall transmit the resolution to the governor together with its rec-  
5 ommendation on the declaration of an emergency by the governor and  
6 recommended actions, if any, to be undertaken. Within thirty days  
7 of the date of the resolution, the governor may issue a proclamation  
8 of emergency which shall be filed with the secretary of state. The  
9 proclamation shall state the facts relied upon and the reasons for  
10 the proclamation.

11 Pursuant to the proclamation of an emergency, the governor by ex-  
12 ecutive order may:

13 1. Regulate the operating hours of energy consuming instrumental-  
14 ities of state government, political subdivisions, private institutions  
15 and business facilities to the extent the regulation is not hazardous  
16 or detrimental to the health, safety, or welfare of the people of this  
17 state. However, the governor shall have no authority to suspend,  
18 amend or nullify any service being provided by a public utility pur-  
19 suant to an order or rule of a federal agency which has jurisdiction  
20 over the public utility.

21 2. Establish a system for the distribution and supply of energy.  
22 The system shall not include a coupon rationing program, unless the  
23 program is federally mandated.

24 3. Curtail public and private transportation utilizing energy  
25 sources. Curtailment may include measures designed to promote the  
26 use of car pools and mass transit systems.

27 4. Delegate any administrative authority vested in him to the coun-  
28 cil or the director.

29 5. Provide for the temporary transfer of directors, personnel, or  
30 functions of state departments and agencies, for the purpose of per-  
31 forming or facilitating emergency measures pursuant to subsections  
32 one (1) and two (2) of this section.

33 If the general assembly is in session, it may revoke by concurrent  
34 resolution any proclamation of emergency issued by the governor. If  
35 the general assembly is not in session, the proclamation of emergency  
36 by the governor may be revoked by a majority vote of the standing  
37 membership of the legislative council. Such revocation shall be effec-  
38 tive upon receipt of notice of the revocation by the secretary of state  
39 and any functions being performed pursuant to the governor's procla-  
40 mation shall cease immediately.

1 SEC. 9. The energy policy council shall identify those segments of  
2 branch line railroad trackage which, if improved, may provide in-  
3 creased transportation services for the citizens of this state. The  
4 council shall develop and implement programs to encourage the im-  
5 provement of railfreight services on such railroad trackage. If the  
6 council determines that public assistance is in the best interest of the  
7 citizens of this state, the council may, in emergencies, provide finan-  
8 cial assistance on behalf of the citizens of this state to railroad com-  
9 panies, which assistance shall be used exclusively to upgrade branch  
10 line railroad roadbeds in order to improve the freight-carrying capac-  
11 ity of the railroad and to increase the speed limitations of the railroad  
12 trackage. In the alternative, there is granted a tax exemption to the  
13 branch line railroad roadbeds if the council determines that there is  
14 a need for continuation of rail transportation services to the area and  
15 communities served by the railroad, that discontinuance of rail serv-  
16 ices will not be in the best interest of the citizens of this state who  
17 reside in the area or community served, that an undue economic hard-  
18 ship will result in that area or community if service is discontinued,  
19 and that other transportation facilities are not available or are inade-  
20 quate to meet the economic needs of the area or community. Before  
21 granting the tax exemption, the council shall require and the railroad  
22 company shall agree that an amount equal to the amount which would  
23 otherwise be paid for taxes if the tax exemption was not granted,  
24 shall be expended by the railroad company to upgrade the railroad  
25 roadbed for which the tax exemption is granted.

1 SEC. 10. If the energy policy council determines that a tax ex-  
2 emption shall be granted for certain branch line railroad trackage,  
3 the council shall notify the county auditor of the county in which the  
4 railroad trackage is located of such fact not later than October first  
5 of each year. The exemption shall be granted on the valuation of  
6 the railroad trackage as of January first of the year in which the  
7 exemption is granted and such exemption shall be for a period of  
8 one year. The county auditor shall reduce by fifty percent the valua-  
9 tion of all railroad trackage which has been granted a tax exemption  
10 by the energy policy council.

1 SEC. 11. Each year in which a tax exemption is granted for  
2 branch line railroad trackage in the county and the county auditor  
3 receives notice from the energy policy council to reduce the valuation  
4 on railroad trackage by fifty percent, the county auditor shall levy  
5 the taxes against the reduced value of the property and give notice

6 of the assessment to the energy policy council and to the state comp-  
7 troller.

1 SEC. 12. The energy policy council shall pay all taxes due because  
2 of the reduced valuation of branch line railroad trackage granted an  
3 exemption from property taxes by the council. The council shall not  
4 grant exemptions for railroad trackage for which the council has in-  
5 sufficient funds under the provisions of this Act to reimburse counties  
6 for that portion of the taxes levied against railroad trackage in the  
7 counties which would be reimbursed by the state.

1 SEC. 13. There is appropriated from the general fund of the state  
2 to the energy policy council for the fiscal year beginning July 1, 1974  
3 and ending June 30, 1975 the sum of three million (3,000,000) dol-  
4 lars, or so much thereof as may be necessary, to carry out sections  
5 nine (9) through twelve (12) of this Act.

1 SEC. 14. Any unencumbered balance of the funds appropriated  
2 pursuant to section thirteen (13) of this Act remaining as of June  
3 30, 1977 shall revert to the general fund of the state as of June 30,  
4 1977.

1 SEC. 15. The energy policy council, the governor, and the state  
2 comptroller may obtain and accept federal grants to the state to be  
3 used in connection with funds appropriated by sections thirteen (13)  
4 and twenty-one (21) of this Act.

1 SEC. 16. NEW SECTION. The state department of transportation  
2 shall conduct a study of the state's rail transportation and mass tran-  
3 sit systems. In conducting the study, the department shall:

4 1. Determine the existing plant, equipment, and facilities of each  
5 railroad company providing rail service in the state.

6 2. Determine the type of rail service presently provided in this state  
7 by each railroad company.

8 3. Determine the economic and energy requirements for alternative  
9 transportation modes in the movement of passengers and commodities  
10 within the state.

11 4. Develop a cost-benefit analysis to determine the effect of state  
12 financial assistance on rail transportation in this state.

13 5. Develop a comprehensive plan for a system of rail transportation  
14 which will best serve the economic and social needs of the citizens of  
15 this state.

16 6. Determine the feasibility of providing railroad passenger service  
17 in this state. The study shall also include a cost analysis of and the  
18 procedures for providing such service and the availability and condi-  
19 tions of the railroad trackage over which railroad passenger service  
20 may be provided.

21 7. Determine the problems of mass transit facilities in this state  
22 and the role of the state in providing adequate mass transit services  
23 for the urban and rural areas of the state.

24 The state department of transportation shall submit a report of its  
25 findings and specific recommendations to the governor and the general  
26 assembly not later than March 1, 1975.

1 SEC. 17. There is appropriated from the general fund of the state  
2 to the state department of transportation for the fiscal year begin-  
3 ning July 1, 1974 and ending June 30, 1975 the sum of three hundred

4 thousand (300,000) dollars, or so much thereof as may be necessary,  
 5 to be used for salaries, support, maintenance, and miscellaneous pur-  
 6 poses and to conduct the study required under section sixteen (16) of  
 7 this Act.

1 SEC. 18. The state department of transportation, the governor,  
 2 and the state comptroller may obtain and accept federal grants to the  
 3 state to be used in connection with funds appropriated by section sev-  
 4 enteen (17) of this Act.

1 SEC. 19. The state department of transportation, the governor,  
 2 and the state comptroller may obtain and accept private grants to the  
 3 state to be used in connection with funds appropriated by section sev-  
 4 enteen (17) of this Act.

1 SEC. 20. Any unencumbered balance of the funds appropriated  
 2 pursuant to section seventeen (17) of this Act remaining as of June  
 3 30, 1975 shall revert to the general fund of the state as of September  
 4 30, 1975.

1 SEC. 21. There is appropriated from the general fund of the state  
 2 to the energy policy council for each year of the fiscal biennium begin-  
 3 ning July 1, 1973 and ending June 30, 1975, the following amounts,  
 4 or so much thereof as may be necessary, to be used in the manner  
 5 designated:

	1973-74	1974-75
	Fiscal Year	Fiscal Year
8 For salaries, support, maintenance and miscellaneous purposes .....		
9 .....	\$10,000	\$150,000
10 Unencumbered or unobligated funds as of June 30, 1977 appropriated		
11 by this Act shall revert to the general fund of the state on Septem-		
12 ber 30, 1977.		

1 SEC. 22. Sections one (1) through twelve (12) of this Act are  
 2 repealed effective June 30, 1977.

1 SEC. 23. This Act, being deemed of immediate importance, shall  
 2 take effect and be in force from and after its publication in the Citi-  
 3 zen Herald, a newspaper published in Jesup, Iowa, and in The Red Oak  
 4 Express, a newspaper published in Red Oak, Iowa.

Approved May 30, 1974

I hereby certify that the foregoing Act, Senate File 1222, was published in the Citizen Herald, Jesup, Iowa, June 12, 1974, and in The Red Oak Express, Red Oak, Iowa, June 6, 1974.

MELVIN D. SYNHORST, *Secretary of State.*