

FILED APR 17 1984

SENATE FILE 2357

BY COMMITTEE ON APPROPRIATIONS

(FORMERLY SSB 2269)

Approved 4/17 (p. 1600)

Passed Senate, Date 4-18-84 (p. 1623) Passed House, Date \_\_\_\_\_

Vote: Ayes 44 Nays 1 Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

Approved May 10, 1984

### A BILL FOR

- 1 An Act creating a petroleum overcharge fund in the state
- 2 treasury and appropriating money from the fund.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

SENATE FILE 2357

S-5970

- 1 Amend Senate File 2357 as follows:
- 2 1. Page 1, lines 24 and 25, by striking the words
- 3 "in accordance with federal guidelines and".

S-5970 FILED  
APRIL 18, 1984  
ADOPTED (p. 1623)

BY HURLEY W. HALL

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2357

1 Section 1. NEW SECTION. 93.15 PETROLEUM OVERCHARGE FUND.  
2 There is created as a separate account in the state treasury  
3 a petroleum overcharge fund. Notwithstanding section 453.7,  
4 interest and earnings on investments from the funds in the  
5 petroleum overcharge fund shall be credited to the petroleum  
6 overcharge fund. The state of Iowa acting on behalf of itself,  
7 its citizens and its political subdivisions accepts any funds  
8 awarded or allocated to it, its citizens and political  
9 subdivisions as a result of petroleum overcharge cases. The  
10 funds shall be deposited in the petroleum overcharge fund  
11 and shall be expended only upon appropriation of the general  
12 assembly for programs which will benefit citizens who may  
13 have suffered economic penalties resulting from the alleged  
14 petroleum overcharges. However, petroleum overcharge case  
15 funds received pursuant to claims filed on behalf of the  
16 state, its institutions, departments, agencies, or any  
17 political subdivision shall be deposited in the general fund  
18 of the state to be disbursed directly to the appropriate  
19 claimants in accordance with federal guidelines and subject  
20 to the approval of the attorney general and the executive  
21 council. Attorneys' fees and expenses incurred by the state  
22 to obtain these funds to be deposited in the petroleum  
23 overcharge fund shall be paid by the state comptroller from  
24 the petroleum overcharge fund in accordance with federal  
25 guidelines and subject to the approval of the attorney general  
26 and the executive council.

27 Sec. 2. CONTINUATION OF 1983-1984 ENERGY MANAGEMENT  
28 PROGRAMS.

29 1. There is appropriated from the separate account in  
30 the general fund of the state created under 1983 Iowa Acts,  
31 chapter 202, section 20, all funds received pursuant to claims  
32 filed in petroleum overcharge cases on behalf of the state,  
33 its institutions, departments, agencies, or any political  
34 subdivision to be disbursed to the appropriate claimants as  
35 certified by the attorney general. The remaining moneys in

1 this separate account, after the disbursement provided for  
2 in this subsection, shall be transferred on June 30, 1984,  
3 to the petroleum overcharge fund as created under section  
4 93.15.

5 2. Notwithstanding section 8.33, all unencumbered or  
6 unobligated money remaining from the funds which were  
7 apportioned to this state under Pub. L. No. 97-377 and which  
8 were appropriated under 1983 Iowa Acts, chapter 207, sections  
9 3, 4, and 5, and under 1983 Iowa Acts, chapter 202, section  
10 21, is appropriated to the energy policy council to continue  
11 the programs established under 1983 Iowa Acts, chapter 207,  
12 sections 3, 4, and 5, and under 1983 Iowa Acts, chapter 202,  
13 section 21, during the fiscal year beginning July 1, 1984.

14 Sec. 3. 1984-85 ENERGY MANAGEMENT APPROPRIATIONS.

15 1. There is appropriated from the petroleum overcharge  
16 fund to the energy policy council for the fiscal year beginning  
17 July 1, 1984 and ending June 30, 1985, the funds in the  
18 petroleum overcharge fund, excluding a reserve of five percent  
19 of all funds for attorneys' fees and expenses, and which were  
20 not appropriated under section 2 of this Act, 1983 Iowa Acts,  
21 chapter 207, sections 3, 4, and 5, or 1983 Iowa Acts, chapter  
22 202, section 21. Seventy-five percent of the funds  
23 appropriated under this section excluding the reserve for  
24 attorneys' fees and expenses and for administrative expenses  
25 under subsection 2, shall be used for grants and projects  
26 by state government, local governments and school districts  
27 for energy management programs in buildings owned or occupied  
28 by state or local governmental agencies or school districts.  
29 The remaining twenty-five percent of the funds shall be used  
30 for weatherization of the homes of low-income residents in  
31 this state.

32 2. Not more than five percent of the appropriation shall  
33 be used by the energy policy council for administration of  
34 the funds appropriated by this Act.

35 3. The energy policy council shall use the funds

1 appropriated for state government, local government, and  
2 school district energy management according to the following  
3 guidelines:

4 a. The funds may be used for energy conservation  
5 improvements, capital expenditures, training for maintenance  
6 personnel in energy management, the installation of utility  
7 meters to monitor energy use, energy audits and in consultation  
8 with state and local agencies and school districts in the  
9 area of technical energy management.

10 b. The funds may be used for grants for state agencies,  
11 cities, counties, and school districts.

12 c. Grants for school districts shall be used to consult  
13 in the area of technical energy management.

14 d. Grants for local governments shall be used to:

15 (1) Fund maintenance personnel training in energy  
16 management developed by or approved by the energy policy  
17 council.

18 (2) Pay for the installation of utility meters to monitor  
19 the use of energy in buildings occupied by government agencies.

20 (3) Pay for energy audits of buildings occupied by  
21 government agencies.

22 (4) Pay for energy conservation improvements in government  
23 owned or occupied buildings except hospitals and schools.

24 e. Grants for cities, counties, and school districts shall  
25 not exceed fifty percent of the cost of the project and the  
26 application must demonstrate that the local government or  
27 school district will provide the required matching money.

28 f. In approving grants for local governments or school  
29 districts, or in approving projects for state agencies, the  
30 energy policy council shall give priority to projects which  
31 produce the greatest energy conservation benefits relative  
32 to the cost of the project. Each grant request shall contain  
33 information regarding the projected energy savings.

34 g. The funds may be used to establish and implement a  
35 revolving loan fund for state and local government agencies

1 and school districts to install energy conservation measures.  
2 Loans shall be paid back from savings achieved in utility  
3 bills due to the installation of energy conservation measures.

4 Sec. 4. This Act, being deemed of immediate importance,  
5 takes effect from and after its publication in The Manchester  
6 Press, a newspaper published in Manchester, Iowa, and in The  
7 Cascade Pioneer-Advertiser, a newspaper published in Cascade,  
8 Iowa.

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EXPLANATION

10 This bill creates a petroleum overcharge fund which will  
11 consist of funds received from the United States department  
12 of energy in settlement of alleged petroleum pricing and  
13 allocation violations.

14 The proceeds of the petroleum overcharge fund is  
15 appropriated to the energy policy council to fund energy  
16 management programs begun by state agencies, local governments,  
17 and school districts under 1983 Iowa Acts, chapter 207,  
18 sections 3, 4, and 5 during the fiscal year beginning July  
19 1, 1983 and for similar programs to be commenced during fiscal  
20 year beginning July 1, 1984.

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SENATE FILE 2357

BY COMMITTEE ON APPROPRIATIONS

(AS AMENDED AND PASSED BY THE SENATE APRIL 18, 1984)

Passed Senate, Date 4-18-84 (p. 1623) Passed House, Date 4-19-84 (p. 2341)

Vote: Ayes 44 Nays 1 Vote: Ayes 98 Nays 0

Approved May 10, 1984

*Approved House 4-20-84 (p. 2476)  
92-0*

### A BILL FOR

- 1 An Act creating a petroleum overcharge fund in the state
- 2 treasury and appropriating money from the fund.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

SENATE FILE 2357

H-6475

- 1 Amend Senate File 2357, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 2, line 21, by striking the word "Seventy-
- 4 five" and inserting in lieu thereof the word "Fifty".
- 5 2. Page 2, line 28, by striking the word "twenty-
- 6 five" and inserting in lieu thereof the word "fifty".

H-6475 FILED APRIL 19, 1984 BY SURGEON of Woodbury  
ADOPTED (p. 2340)

HOUSE AMENDMENT TO SENATE FILE 2357

S-6037

- 1 Amend Senate File 2357, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 2, line 21, by striking the word "Seventy-
- 4 five" and inserting in lieu thereof the word "Fifty".
- 5 2. Page 2, line 28, by striking the word "twenty-
- 6 five" and inserting in lieu thereof the word "fifty".

S-6037 FILED  
APRIL 19, 1984

RECEIVED FROM THE HOUSE  
*Senate referred to com. 4/19 (p. 1415)  
House received 4/20 (p. 2476)*

1 Section 1. NEW SECTION. 93.15 PETROLEUM OVERCHARGE FUND.  
2 There is created as a separate account in the state treasury  
3 a petroleum overcharge fund. Notwithstanding section 453.7,  
4 interest and earnings on investments from the funds in the  
5 petroleum overcharge fund shall be credited to the petroleum  
6 overcharge fund. The state of Iowa acting on behalf of itself,  
7 its citizens and its political subdivisions accepts any funds  
8 awarded or allocated to it, its citizens and political  
9 subdivisions as a result of petroleum overcharge cases. The  
10 funds shall be deposited in the petroleum overcharge fund  
11 and shall be expended only upon appropriation of the general  
12 assembly for programs which will benefit citizens who may  
13 have suffered economic penalties resulting from the alleged  
14 petroleum overcharges. However, petroleum overcharge case  
15 funds received pursuant to claims filed on behalf of the  
16 state, its institutions, departments, agencies, or any  
17 political subdivision shall be deposited in the general fund  
18 of the state to be disbursed directly to the appropriate  
19 claimants in accordance with federal guidelines and subject  
20 to the approval of the attorney general and the executive  
21 council. Attorneys' fees and expenses incurred by the state  
22 to obtain these funds to be deposited in the petroleum  
23 overcharge fund shall be paid by the state comptroller from  
\* 24 the petroleum overcharge fund subject to the approval of the  
25 attorney general and the executive council.

26 Sec. 2. CONTINUATION OF 1983-1984 ENERGY MANAGEMENT  
27 PROGRAMS.

28 1. There is appropriated from the separate account in  
29 the general fund of the state created under 1983 Iowa Acts,  
30 chapter 202, section 20, all funds received pursuant to claims  
31 filed in petroleum overcharge cases on behalf of the state,  
32 its institutions, departments, agencies, or any political  
33 subdivision to be disbursed to the appropriate claimants as  
34 certified by the attorney general. The remaining moneys in  
35 this separate account, after the disbursement provided for

1 in this subsection, shall be transferred on June 30, 1984,  
2 to the petroleum overcharge fund as created under section  
3 93.15.

4 2. Notwithstanding section 8.33, all unencumbered or  
5 unobligated money remaining from the funds which were  
6 apportioned to this state under Pub. L. No. 97-377 and which  
7 were appropriated under 1983 Iowa Acts, chapter 207, sections  
8 3, 4, and 5, and under 1983 Iowa Acts, chapter 202, section  
9 21, is appropriated to the energy policy council to continue  
10 the programs established under 1983 Iowa Acts, chapter 207,  
11 sections 3, 4, and 5, and under 1983 Iowa Acts, chapter 202,  
12 section 21, during the fiscal year beginning July 1, 1984.

13 Sec. 3. 1984-85 ENERGY MANAGEMENT APPROPRIATIONS.

14 1. There is appropriated from the petroleum overcharge  
15 fund to the energy policy council for the fiscal year beginning  
16 July 1, 1984 and ending June 30, 1985, the funds in the  
17 petroleum overcharge fund, excluding a reserve of five percent  
18 of all funds for attorneys' fees and expenses, and which were  
19 not appropriated under section 2 of this Act, 1983 Iowa Acts,  
20 chapter 207, sections 3, 4, and 5, or 1983 Iowa Acts, chapter  
21 202, section 21. Seventy-five percent of the funds  
22 appropriated under this section excluding the reserve for  
23 attorneys' fees and expenses and for administrative expenses  
24 under subsection 2, shall be used for grants and projects  
25 by state government, local governments and school districts  
26 for energy management programs in buildings owned or occupied  
27 by state or local governmental agencies or school districts.  
28 The remaining twenty-five percent of the funds shall be used  
29 for weatherization of the homes of low-income residents in  
30 this state.

31 2. Not more than five percent of the appropriation shall  
32 be used by the energy policy council for administration of  
33 the funds appropriated by this Act.

34 3. The energy policy council shall use the funds  
35 appropriated for state government, local government, and

1 school district energy management according to the following  
2 guidelines:

3 a. The funds may be used for energy conservation  
4 improvements, capital expenditures, training for maintenance  
5 personnel in energy management, the installation of utility  
6 meters to monitor energy use, energy audits and in consultation  
7 with state and local agencies and school districts in the  
8 area of technical energy management.

9 b. The funds may be used for grants for state agencies,  
10 cities, counties, and school districts.

11 c. Grants for school districts shall be used to consult  
12 in the area of technical energy management.

13 d. Grants for local governments shall be used to:

14 (1) Fund maintenance personnel training in energy  
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17 (2) Pay for the installation of utility meters to monitor  
18 the use of energy in buildings occupied by government agencies.

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20 government agencies.

21 (4) Pay for energy conservation improvements in government  
22 owned or occupied buildings except hospitals and schools.

23 e. Grants for cities, counties, and school districts shall  
24 not exceed fifty percent of the cost of the project and the  
25 application must demonstrate that the local government or  
26 school district will provide the required matching money.

27 f. In approving grants for local governments or school  
28 districts, or in approving projects for state agencies, the  
29 energy policy council shall give priority to projects which  
30 produce the greatest energy conservation benefits relative  
31 to the cost of the project. Each grant request shall contain  
32 information regarding the projected energy savings.

33 g. The funds may be used to establish and implement a  
34 revolving loan fund for state and local government agencies  
35 and school districts to install energy conservation measures.

1 Loans shall be paid back from savings achieved in utility  
2 bills due to the installation of energy conservation measures.

3     Sec. 4. This Act, being deemed of immediate importance,  
4 takes effect from and after its publication in The Manchester  
5 Press, a newspaper published in Manchester, Iowa, and in The  
6 Cascade Pioneer-Advertiser, a newspaper published in Cascade,  
7 Iowa.

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SF 2357  
tj/slc/26c

SENATE FILE 2357

AN ACT

CREATING A PETROLEUM OVERCHARGE FUND IN THE STATE TREASURY  
AND APPROPRIATING MONEY FROM THE FUND.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. NEW SECTION. 93.15 PETROLEUM OVERCHARGE FUND.  
There is created as a separate account in the state treasury  
a petroleum overcharge fund. Notwithstanding section 453.7,  
interest and earnings on investments from the funds in the  
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funds shall be deposited in the petroleum overcharge fund  
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assembly for programs which will benefit citizens who may  
have suffered economic penalties resulting from the alleged  
petroleum overcharges. However, petroleum overcharge case  
funds received pursuant to claims filed on behalf of the  
state, its institutions, departments, agencies, or any  
political subdivision shall be deposited in the general fund  
of the state to be disbursed directly to the appropriate  
claimants in accordance with federal guidelines and subject  
to the approval of the attorney general and the executive  
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attorney general and the executive council.

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PROGRAMS.

1. There is appropriated from the separate account in  
the general fund of the state created under 1983 Iowa Acts,  
chapter 202, section 20, all funds received pursuant to claims  
filed in petroleum overcharge cases on behalf of the state,  
its institutions, departments, agencies, or any political  
subdivision to be disbursed to the appropriate claimants as  
certified by the attorney general. The remaining moneys in  
this separate account, after the disbursement provided for  
in this subsection, shall be transferred on June 30, 1984,  
to the petroleum overcharge fund as created under section  
93.15.

2. Notwithstanding section 8.33, all unencumbered or  
unobligated money remaining from the funds which were

apportioned to this state under Pub. L. No. 97-377 and which were appropriated under 1983 Iowa Acts, chapter 207, sections 3, 4, and 5, and under 1983 Iowa Acts, chapter 202, section 21, is appropriated to the energy policy council to continue the programs established under 1983 Iowa Acts, chapter 207, sections 3, 4, and 5, and under 1983 Iowa Acts, chapter 202, section 21, during the fiscal year beginning July 1, 1984.

Sec. 3. 1984-85 ENERGY MANAGEMENT APPROPRIATIONS

1. There is appropriated from the petroleum overcharge fund to the energy policy council for the fiscal year beginning July 1, 1984 and ending June 30, 1985, the funds in the petroleum overcharge fund, excluding a reserve of five percent of all funds for attorneys' fees and expenses, and which were not appropriated under section 2 of this Act, 1983 Iowa Acts, chapter 207, sections 3, 4, and 5, or 1983 Iowa Acts, chapter 202, section 21. Seventy-five percent of the funds appropriated under this section excluding the reserve for attorneys' fees and expenses and for administrative expenses under subsection 2, shall be used for grants and projects by state government, local governments and school districts for energy management programs in buildings owned or occupied by state or local governmental agencies or school districts. The remaining twenty-five percent of the funds shall be used for weatherization of the homes of low-income residents in this state.

2. Not more than five percent of the appropriation shall be used by the energy policy council for administration of the funds appropriated by this Act.

3. The energy policy council shall use the funds appropriated for state government, local government, and school district energy management according to the following guidelines:

a. The funds may be used for energy conservation improvements, capital expenditures, training for maintenance personnel in energy management, the installation of utility

meters to monitor energy use, energy audits and in consultation with state and local agencies and school districts in the area of technical energy management.

b. The funds may be used for grants for state agencies, cities, counties, and school districts.

c. Grants for school districts shall be used to consult in the area of technical energy management.

d. Grants for local governments shall be used to:

(1) Fund maintenance personnel training in energy management developed by or approved by the energy policy council.

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(4) Pay for energy conservation improvements in government owned or occupied buildings except hospitals and schools.

e. Grants for cities, counties, and school districts shall not exceed fifty percent of the cost of the project and the application must demonstrate that the local government or school district will provide the required matching money.

f. In approving grants for local governments or school districts, or in approving projects for state agencies, the energy policy council shall give priority to projects which produce the greatest energy conservation benefits relative to the cost of the project. Each grant request shall contain information regarding the projected energy savings.

g. The funds may be used to establish and implement a revolving loan fund for state and local government agencies and school districts to install energy conservation measures. Loans shall be paid back from savings achieved in utility bills due to the installation of energy conservation measures.

Sec. 4. This Act, being deemed of immediate importance, takes effect from and after its publication in The Manchester Press, a newspaper published in Manchester, Iowa, and in The

Cascade Pioneer-Advertiser, a newspaper published in Cascade,  
Iowa.

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CHARLES P. MILLER  
President Pro Tempore of the  
Senate

---

DONALD D. AVENSON  
Speaker of the House

I hereby certify that this bill originated in the Senate and  
is known as Senate File 2357, Seventieth General Assembly.

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K. MARIE THAYER  
Secretary of the Senate

Approved May 10, 1984

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TERRY E. BRANSTAD  
Governor