

Senate File 485 - Enrolled

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SENATE FILE 485

AN ACT

RELATING TO GREENHOUSE GAS EMISSIONS.

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

Section 1. Section 455B.131, Code 2007, is amended by adding the following new subsection:

NEW SUBSECTION. 6A. "Greenhouse gas" means carbon dioxide, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride.

Sec. 2. Section 455B.134, subsection 3, paragraph d, Code 2007, is amended to read as follows:

d. (1) All applications for conditional permits for electric power generating facilities shall be subject to such notice and opportunity for public participation as may be consistent with chapter 476A or any agreement pursuant thereto under chapter 28E. The applicant or intervenor may appeal to the commission from the denial of a conditional permit or any of its conditions. For the purposes of chapter 476A, the issuance or denial of a conditional permit by the director or by the commission upon appeal shall be a determination that the electric power generating facility does or does not meet the permit and licensing requirements of the commission. The issuance of a conditional permit shall not relieve the applicant of the responsibility to submit final and detailed construction plans and drawings and an application for a construction permit for control equipment that will meet the emission limitations established in the conditional permit.

(2) In applications for conditional permits for electric power generating facilities the applicant shall quantify the potential to emit greenhouse gas emissions due to the proposed project.

Sec. 3. Section 455B.134, subsection 3, Code 2007, is amended by adding the following new paragraph:

NEW PARAGRAPH. g. All applications for construction permits or prevention of significant deterioration permits shall quantify the potential to emit greenhouse gas emissions due to the proposed project.

Sec. 4. NEW SECTION. 455B.152 GREENHOUSE GAS INVENTORY AND REGISTRY.

1. DEFINITIONS. For purposes of this section, "greenhouse gas" means carbon dioxide, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons, or sulphur hexafluoride.

2. GREENHOUSE GAS INVENTORY.

a. By January 1, 2008, the department shall establish a method for collecting data from producers of greenhouse gases regarding generated greenhouse gases. The data collection method shall provide for mandatory reporting to collect information from affected entities individually and shall include information regarding the amount and type of greenhouse gases generated, the type of source, and other information deemed relevant by the department in developing a baseline measure of greenhouse gases produced in the state.

b. The department may allow a series of reporting requirements to be phased in over a period of time and may provide for phasing in by producer sector, geographic area, size of producer, or other factors. The reporting requirements shall apply to the departments, agencies, boards, and commissions of the state, in addition to any other entities subject to the reporting requirements established by the department.

3. GREENHOUSE GAS REGISTRY.

a. The department shall establish a voluntary greenhouse gas registry for purposes of cooperating with other states in tracking, managing, and crediting entities in the state that reduce their generation of greenhouse gases or that provide increased energy efficiency.

b. The department shall develop a mechanism to coordinate the information obtained in the greenhouse gas inventory with the greenhouse gas registry.

4. AVAILABILITY. By January 1, 2009, the greenhouse gas

3 4 registry shall be made available on an internet website.

3 5 Sec. 5. NEW SECTION. 45B.851 IOWA CLIMATE CHANGE

3 6 ADVISORY COUNCIL.

3 7 1. The department shall create an Iowa climate change
3 8 advisory council consisting of twenty=three voting members
3 9 serving three=year staggered terms and four nonvoting, ex
3 10 officio members.

3 11 2. a. The voting members shall be appointed by the
3 12 governor and shall represent the following:

3 13 (1) The university of Iowa center for global and regional
3 14 environmental research.

3 15 (2) The university of northern Iowa center for energy and
3 16 environmental education.

3 17 (3) The Iowa farm bureau.

3 18 (4) The Iowa public transit association.

3 19 (5) Rural electric cooperatives.

3 20 (6) Investor=owned utilities.

3 21 (7) Municipal utilities.

3 22 (8) The Iowa utilities board.

3 23 (9) One association with environmental interests or
3 24 activities.

3 25 (10) One association with conservation interests or
3 26 activities.

3 27 (11) The international brotherhood of electrical workers.

3 28 (12) The Iowa association of business and industry.

3 29 (13) The Iowa energy center.

3 30 (14) The Iowa renewable fuels association.

3 31 (15) The office of consumer advocate of the department of
3 32 justice.

3 33 (16) A representative from local government.

3 34 (17) The director of the office of energy independence.

3 35 (18) A manufacturer of equipment used for alternative
4 1 energy production.

4 2 (19) The department of agronomy at Iowa state university
4 3 of science and technology.

4 4 (20) Four members of the general public.

4 5 b. The four nonvoting, ex officio members shall consist of
4 6 four members of the general assembly, two from the senate and
4 7 two from the house of representatives, with not more than one
4 8 member from each chamber being from the same political party.
4 9 The two senators shall be designated by the majority leader of
4 10 the senate after consultation with the president and the
4 11 minority leader of the senate. The two representatives shall
4 12 be designated by the speaker of the house of representatives
4 13 after consultation with the majority and minority leaders of
4 14 the house of representatives.

4 15 3. Voting members of the council shall serve at the
4 16 pleasure of the governor and shall serve without compensation.

4 17 4. The chairperson of the council shall be designated by
4 18 the governor and may convene the council at any time.

4 19 5. A vacancy in the membership shall not impair the right
4 20 of a quorum to exercise all the rights and perform all the
4 21 duties of the council. A majority of the council members then
4 22 appointed constitutes a quorum. A majority vote of the quorum
4 23 is required for council action.

4 24 6. The department shall provide necessary staff assistance
4 25 to the council.

4 26 7. After consideration of a full range of policies and
4 27 strategies, including the cost=effectiveness of the
4 28 strategies, the council shall develop multiple scenarios
4 29 designed to reduce statewide greenhouse gas emissions
4 30 including one scenario that would reduce such emissions by
4 31 fifty percent by 2050. The council shall also develop
4 32 short=term, medium=term, and long=term scenarios designed to
4 33 reduce statewide greenhouse gas emissions and shall consider
4 34 the cost=effectiveness of the scenarios. The council shall
4 35 establish a baseline year for purposes of calculating
5 1 reductions in statewide greenhouse gas emissions. The council
5 2 shall submit the proposal to the governor and the general
5 3 assembly by January 1, 2008.

5 4 8. The council may periodically adopt recommendations
5 5 designed to encourage the reduction of statewide greenhouse
5 6 gas emissions.

5 7 9. By September 1 of each year, the department shall
5 8 submit a report to the governor and the general assembly
5 9 regarding the greenhouse gas emissions in the state during the
5 10 previous calendar year and forecasting trends in such
5 11 emissions. The first submission by the department shall be
5 12 filed by September 1, 2008, for the calendar year beginning
5 13 January 1, 2007.

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JOHN P. KIBBIE
President of the Senate

PATRICK J. MURPHY
Speaker of the House

I hereby certify that this bill originated in the Senate and
is known as Senate File 485, Eighty-second General Assembly.

MICHAEL E. MARSHALL
Secretary of the Senate

Approved _____, 2007

CHESTER J. CULVER
Governor