

FILED FEB 27 1974

Reprinted 3-5-74
SENATE FILE 1222
By COMMITTEE ON ENERGY

Passed Senate, Date 3-4-74 (213) Passed House, Date _____
Vote: Ayes 46 Nays 2 Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the establishment of an energy policy
2 council with emergency powers and making an appropriation.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. DEFINITIONS. As used in this Act, unless the
2 context otherwise requires:

3 1. "Council" means the energy policy council established
4 in section two (2) of this Act.

5 2. "Energy" or "energy sources" means gasoline, fuel oil,
6 natural gas, propane, coal, special fuels, and electricity.

7 3. "Supplier" means any person engaged in the business
8 of selling, importing, storing, or generating energy sources
9 in Iowa.

10 Sec. 2. ESTABLISHMENT. There is established an eleven-
11 member energy policy council to consist of the state geologist,
12 the state comptroller, the chairman of the Iowa state commerce
13 commission, the director of civil defense, the executive
14 director of environmental quality, two members of the house
15 of representatives to be appointed by the speaker of the
16 house, two members of the senate to be appointed by the
17 president of the senate, and two members appointed by the
18 governor. Not more than one of the members appointed from
19 each house of the general assembly shall belong to the same
20 political party. The appointments made by the governor shall
21 be subject to confirmation by two-thirds of the membership
22 of the senate.

23 Sec. 3. PERSONNEL. The governor shall appoint a direc-
24 tor of energy policy who shall carry out duties assigned to
25 him by the council. The appointment of the director shall
26 be subject to confirmation by two-thirds of the members of
27 the senate. The director shall be paid an annual salary in
28 an amount not to exceed twenty-two thousand dollars. Other
29 personnel utilized by the council shall be employed through
30 a program of interchange of personnel between the council
31 and other governmental agencies pursuant to chapter twenty-
32 eight D (28D) of the Code.

33 Sec. 4. MEETINGS. The council shall organize within ten
34 days following the effective date of this Act by electing
35 one of its members to serve as chairman and one to serve as

1 vice chairman. Meetings shall be called by the chairman or
2 upon the written request of a majority of the members of the
3 council. The council shall meet not less than quarterly.
4 The chairman shall preside at all meetings, or in his absence,
5 the vice chairman shall preside. A majority of the council
6 members shall constitute a quorum and the concurrence of a
7 majority of the council shall be required to determine matters
8 of general policy relating to council duties. The director
9 shall serve as secretary to the council.

10 Sec. 5. COMPENSATION AND EXPENSES. Council members who
11 are not employees of the state shall receive a per diem at
12 the rate of forty dollars for each day devoted to council
13 business and all members shall be reimbursed for actual
14 expenses incurred in carrying out their duties as members
15 of the council.

16 Sec. 6. VACANCIES. Vacancies in the membership of the
17 council or in the office of the director shall be filled in
18 the manner of original appointment. A vacancy shall occur
19 when a legislative member ceases to be a member of the general
20 assembly.

21 Sec. 7. DUTIES OF THE COUNCIL. The council shall:

22 1. Develop and update a state policy for the develop-
23 ment, utilization, and conservation of all energy sources
24 and for the development of transportation in the state. The
25 council shall serve as policy advisor to the governor on all
26 energy matters.

27 2. Establish a central depository within the state for
28 energy data. The council may require a supplier to provide
29 information pertaining to the supply, storage, distribution
30 and sale of energy sources in this state. The information
31 shall be furnished on a periodic basis, shall be of a nature
32 which directly relates to the supply, storage, distribution
33 and sale of energy sources, and shall not include any records,
34 documents, books, or other data which relate to the financial
35 position of the supplier. Notwithstanding the provisions

1 of chapter sixty-eight A (68A) of the Code, information and
2 reports obtained under this section shall be confidential
3 except when used for statistical purposes without identifying
4 a specific supplier and when release of the information will
5 not give an advantage to competitors and serves a public pur-
6 pose.

7 The council may subpoena witnesses, administer oaths, and
8 require the production of records, books, and documents for
9 examination in order to obtain information required to be
10 submitted under this section. In case of failure or refusal
11 on the part of any person to comply with a subpoena issued
12 by the council, or in case of the refusal of any witness to
13 testify as to any matter regarding which he may be interrogated
14 under this Act, the district court, upon the application of
15 the council, may order the person to show cause why the person
16 should not be held in contempt for failure to testify or
17 comply with a subpoena, and may order the person to produce
18 the records, books, and documents for examination, and to
19 give his testimony. The courts may punish for contempt as
20 in the case of disobedience to a like subpoena issued by the
21 court, or for refusal to testify.

22 3. On at least a quarterly basis submit to the governor
23 and the general assembly, or the legislative council when
24 the general assembly is not in session, a report identifying
25 trends relating to energy supply, demand, and conservation
26 and making recommendations to the governor and the general
27 assembly for additional action in accordance with the report.
28 The council shall include in its report the amount, price,
29 and disposition of the fuel contracted for each month pursuant
30 to subsection eight (8) of this section and the name of the
31 supplier of the fuel.

32 4. Review, propose and recommend legislation relating
33 to the use of energy in this state.

34 5. Develop and recommend public education and communica-
35 tion programs in energy conservation.

1 6. When necessary to carry out its duties under this Act,
2 enter into contracts with state agencies and other qualified
3 contractors.

4 7. Receive and accept grants made available for programs
5 relating to duties of the council under this Act.

6 8. Allocate state-owned or operated energy supplies to
7 those determined to be in need. In the performance of this
8 duty the director of energy policy may, with the approval
9 of the council, contract with fuel suppliers for the purpose
10 of establishing a state-owned emergency fuel reserve and may
11 cooperate with the federal government in implementing fed-
12 erally-mandated allocation and rationing programs for refined
13 petroleum products.

14 9. Promulgate rules necessary to carry out the provisions
15 of this Act, subject to review in accordance with chapter
16 seventeen A (17A) of the Code.

17 Sec. 8. EMERGENCY POWERS. When the council determines
18 that an energy emergency exists where the health, safety,
19 or welfare of the people of this state are threatened by
20 reason of an actual or impending acute shortage in usable
21 energy sources, it shall notify the governor. If the governor
22 proclaims a state of emergency, he may direct the council
23 to take any of the following actions:

24 1. Regulate the operating hours of public and private
25 institutions and businesses.

26 2. Curtail the use of energy sources to the extent that
27 the curtailment is not hazardous or detrimental to the health,
28 safety, or welfare of the people of this state.

29 3. Curtail public and private transportation utilizing
30 energy sources.

31 4. Operate a system for the distribution and supply of
32 energy sources. The system shall not include a coupon ration-
33 ing program, unless the program is federally-mandated.

34 If the general assembly is in session, the general assem-
35 bly shall affirm or disaffirm by concurrent resolution any

1 action taken by the council under this section within ten
2 days of the date of action by the council. If the general
3 assembly is not in session, the action taken by the coun-
4 cil shall be affirmed or disaffirmed by the legislative coun-
5 cil within ten days of the date of the action. If the action
6 is disaffirmed pursuant to this section, the action shall
7 cease immediately.

8 Sec. 9. There is appropriated from the general fund of
9 the state to the energy policy council for each year of the
10 fiscal biennium beginning July 1, 1973 and ending June 30,
11 1975, the following amounts, or so much thereof as may be
12 necessary, to be used in the manner designated:

| | | |
|----|------------------------------|--------------------|
| 13 | 1973-74 | 1974-75 |
| 14 | <u>Fiscal Year</u> | <u>Fiscal Year</u> |
| 15 | For salaries, support, main- | |
| 16 | tenance and miscellaneous | |
| 17 | purposes \$ 40,000 | \$ 150,000 |

18 Unencumbered or unobligated funds as of June 30, 1977 appro-
19 priated by this Act shall revert to the general fund of the
20 state on September 30, 1977.

21 Sec. 10. This Act is repealed effective June 30, 1977
22 and shall not be printed as part of the permanent part of
23 the Code of Iowa, but shall be printed in the session laws.

24 Sec. 11. This Act, being deemed of immediate importance,
25 shall take effect and be in force from and after its publica-
26 tion in the Citizen Herald, a newspaper published in Jesup,
27 Iowa, and in The Red Oak Express, a newspaper published in
28 Red Oak, Iowa.

29 EXPLANATION

30 This bill establishes for a period of two years an energy
31 policy council to consist of eleven members. The council
32 shall serve as the governor's chief policy advisor on energy
33 matters and is given the duty to establish a state depository
34 of energy data and to carry out the allocation of state-owned
35 or operated energy supplies. The council may be directed,

1 under the bill, to take regulatory action in an emergency
2 situation in regard to energy supplies. The action shall
3 be affirmed or disaffirmed by the general assembly, if in
4 session, and by the legislative council, if the general assem-
5 bly is not in session. The bill also makes an appropriation
6 to the council for each fiscal year of the 1974-75 biennium.

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SENATE FILE 1222

S-2306

1 Amend Senate File 1222 as follows:

2 1. Page 6, by inserting after line 7 the follow-
3 ing sections:

4 Sec. 9. It is unlawful on Sunday for any person
5 to operate a place of business open to the public,
6 except as provided in sections ten (10) through
7 fifteen (15) of this Act.

8 Sec. 10. Sections nine (9) through fifteen (15)
9 of this Act do not apply to any person who in good
10 faith observes a day other than Sunday as a day of
11 rest if he closes his place of business to the
12 public on that day.

13 Sec. 11. Sections nine (9) through fifteen (15)
14 of this Act do not apply to the sale of any of the
15 following items of personal property on Sunday:

16 1. Drugs, medical and surgical supplies, or any
17 object purchased on the written prescription of a
18 licensed medical or dental practitioner for the
19 treatment of a patient.

20 2. Food prepared for consumption on or off the
21 premises where sold.

22 3. Newspapers, magazines, and books.

23 4. Gasoline, fuel additives, lubricants, and
24 antifreeze.

25 5. Tires.

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1 6. Repair or replacement parts and equipment
2 necessary to, and safety devices intended for,
3 safe and efficient operation of motor vehicles,
4 boats, and aircraft.

5 7. Emergency plumbing, heating, cooking, and
6 electrical repair and replacement parts and equip-
7 ment.

8 8. Cooking, heating, and lighting fuel.

9 9. Infant supplies.

10 10. Camera and school supplies, stationery,
11 and cosmetics.

12 Sec. 12. Sections nine (9) through fifteen (15)
13 of this Act do not apply to the operation of any
14 of the following business on Sunday:

15 1. Restaurants, cafeterias, and other prepared
16 food service organizations.

17 2. Hotels, motels, and other lodging facilities.

18 3. Hospitals and nursing homes.

19 4. Dispensaries of drugs and medicines.

20 5. Ambulance and burial services.

21 6. Generation and distribution of electric
22 power.

23 7. Distribution of gas, oil, and other fuels.

24 8. Telephone, telegraph, and messenger services.

25 9. Heating, refrigeration, and cooling services.

- 1 10. Railroad, bus, trolley, subway, taxi, and
- 2 limousine services.
- 3 11. Water, air, and land transportation services
- 4 and attendant facilities.
- 5 12. Cold storage warehousing.
- 6 13. Ice manufacturing and distribution.
- 7 14. Minimal maintenance of equipment and
- 8 machinery.
- 9 15. Plant and industrial protection services.
- 10 16. Industries where continuous processing or
- 11 manufacturing is required by the very nature of
- 12 the process involved.
- 13 17. Newspaper publication and distribution.
- 14 18. Radio and television broadcasting.
- 15 19. Motion picture, theatrical, and musical
- 16 performances.
- 17 20. Automobile service stations.
- 18 21. Athletic and sporting events.
- 19 22. Parks, beaches, and recreational facilities.
- 20 23. Scenic historic, and tourist attractions.
- 21 24. Amusement centers, fairs, zoos, and museums.
- 22 25. Libraries.
- 23 26. Educational lectures, forums, and exhibits.
- 24 Sec. 13. Nothing in sections nine (9) through
- 25 fifteen (15) of this Act amends other provisions

- 1 of law with reference to the service of process on
- 2 Sunday.
- 3 Sec. 14. Any employer who violates the provi-
- 4 sions of sections nine (9) through fifteen (15) of
- 5 this Act is guilty of a misdemeanor. Each day of
- 6 violation constitutes a separate offense. Punish-
- 7 ment for a first offense shall be a fine not
- 8 exceeding one hundred dollars, and for a second
- 9 offense, a fine not exceeding five hundred dollars.
- 10 For a third and each subsequent offense, punish-
- 11 ment shall be a fine not exceeding five hundred
- 12 dollars for each employee directed or authorized
- 13 to work in violation of sections nine (9) through
- 14 fifteen (15) of this Act. No fine shall be imposed
- 15 upon any employee or agent who has been directed
- 16 or authorized by his employer to violate the pro-
- 17 visions of sections nine (9) through fifteen (15)
- 18 of this Act.
- 19 Sec. 15. The operation of any business contrary
- 20 to the provisions of sections nine (9) through
- 21 fifteen (15) of this Act is declared to be a public
- 22 nuisance, and any person may apply to a court of
- 23 competent jurisdiction for an injunction to enjoin
- 24 and abate a violation of sections nine (9) through
- 25 fifteen (15) of this Act.

- 1 2. Amend the title, page 1, line 2, by insert-
- 2 ing after the word "powers" the words ", conservation
- 3 in the use of energy,".
- 4 3. By renumbering the remaining sections in
- 5 accordance with this amendment.

S-2296

- 1 Amend Senate File 1222 as follows:
2 1. Page 2, by striking lines 15 and 16 and inserting
3 in lieu thereof the words "of representatives, one to be
4 appointed by the members representing the majority party
5 and one to be appointed by members representing the
6 minority party, two members of the senate, one to be
7 appointed by members representing the majority party
8 and one to be appointed by members representing the
9 minority party,".
10 2. Page 2, line 17, by striking the words "president
11 of the senate,".
12 3. Page 2, by striking lines 18, 19, and 20 and
13 inserting in lieu thereof the words "governor. The
14 appointments made by the governor shall".

S-2296 Filed - *Last 3/4*
February 28, 1974

By GLUBA

S-2285

- 1 Amend Senate File 1222 as follows:
2 1. Page 4, line 23, by striking the word "or" and
3 inserting in lieu thereof the following: "and to
4 each member of the senate and the house of repre-
5 sentatives and".
6 2. Page 5, by adding after line 16 the following:
7 "10. The council may direct the county super-
8 visors of each county to set up an energy board
9 within the county to cooperate with the energy
10 policy council."

S-2285 Filed *1. adopted 2. Last 3/4 (6.7)*
February 28, 1974

By HEYING

S-2279

- 1 Amend Senate File 1222, page 2, line 12
2 by striking the words "state comptroller" and
3 inserting in lieu thereof the "secretary of
4 agriculture".

S-2279 Filed - *Adopted 3/4*
February 28, 1974

By PRIEBE and TIEDEN

S-2278

- 1 Amend Senate File 1222, page 2, by striking
2 lines 23 through 32 and inserting in lieu thereof,
3 the following:
4 "Sec. 3. PERSONNEL. The Secretary of State
5 shall serve as director of energy policy who shall
6 carry out the duties assigned to him by the
7 council. Other personnel utilized by the council
8 shall be employed through a program of interchange
9 of personnel between the council and other
10 governmental agencies pursuant to chapter twenty-
11 eight D (28D) of the Code."

S-2278 Filed - *Withrawn 3/4*
February 28, 1974

By PRIEBE

S-2307

Division S-2307-A

1 Amend Senate File 1222 as follows:
2 1. Page 2, line 23 by striking the word "The"
3 and inserting in lieu thereof the words "The
4 secretary of state shall serve as temporary
5 director of the energy policy council, until
6 the energy policy council shall recommend that a
7 full time director be appointed; upon recommendation
8 that a full time director be appointed, the ".

Division S-2307-B

9 2. Page 2, line 28 by striking the words
10 "twenty-two" and inserting in lieu thereof the
11 word "nineteen".

S-2307 Filed

By PRIEBE and RODGERS

Division S-2307-A lost

Division S-2307-B lost

March 4, 1974

S-2308

1 Amend Senate File 1222, page 3, line 35, by
2 inserting after the period the following:
3 "Provided the council, prior to requiring any
4 supplier to furnish it with such information,
5 shall make every reasonable effort to determine
6 if the same is available from any other governmental
7 source. If it finds such information is available,
8 the council shall not require submission of the
9 same from a supplier."

S-2308 Filed and adopted
March 4, 1974

By BERGMAN

S-2311

1 Amend Senate File 1222, page 5, by inserting
2 the following sentence after the period in line 16:
3 "Before a proposed rule is submitted to the
4 departmental rules review committee, a public
5 hearing shall be held in regard to the rule, and
6 members of the departmental rules review committee
7 shall be notified of the hearing as required in
8 section seventeen A point sixteen (17A.16) of the
9 Code."

S-2311 Filed and adopted
March 4, 1974

By KELLY

S-2310

1 Amend Senate File 1222 as follows:

2 1. Page 3, line 24, by inserting after the period
3 the following:

4 "The council shall evaluate the future energy needs
5 of Iowa. This study shall include, but is not
6 limited to:

7 a. the historical use and distribution of
8 energy in Iowa,

9 b. determining the growth rate of energy con-
10 sumption in Iowa,

11 c. projecting Iowa's energy needs at least
12 ten years in the future,

13 d. determining the impact of meeting these
14 needs on the economy of the state,

15 e. determining the impact of meeting these
16 needs on the environment of the state, and

17 f. evaluating the feasibility of coal
18 gasification for the purpose of producing methane
19 gas."

20 2. Page 3, by inserting after line 26 the
21 following new subsection:

22 "_____. The council shall exchange information
23 with other states on energy and especially on the
24 allocation of fuel and shall request all information
25 necessary to determine the reasonableness of any

Page 2

1 reduction in Iowa's fuel allocation."

2 3. Page 4, by inserting after line 21 the follow-
3 ing new subsection:

4 "_____. The council shall establish priorities
5 of energy consumption and determine if the present
6 price structure conforms to those priorities. The
7 council shall report its findings to the general
8 assembly not later than February 1, 1975."

9 4. By renumbering the subsections to conform with
10 this amendment.

S-2310 Filed and adopted
March 4, 1974

By SCHABEN

March 5, 1974
The Energy 3/13

SENATE FILE 1222

By COMMITTEE ON ENERGY

SENATE AMENDMENTS
SHOWN IN BOLD FACE

(AS PASSED BY THE SENATE)

Conference Committee Report
Passed Senate, Date 5-4-74 (2051) Passed House, Date 5-3-74 (2419)

Vote: Ayes 38 Nays 9 Vote: Ayes 79 Nays 14

Approved 5-30-74
Passed House for Conference Committee Report
5-4-74 (2508)
58-31

A BILL FOR

- 1 An Act relating to the establishment of an energy policy
- 2 council with emergency powers and making an appropriation.
- 3 **Be It Enacted by the General Assembly of the State of Iowa:**

Conference Committee appointed
 Senators: *Mulligan, Rabenstein, Bergman, Sultman and Gallagher, 5/3 (1999)*
 Representatives: *Halden, Brubaker, Cochran, Cusack, Galley (2444)*

1 Section 1. DEFINITIONS. As used in this Act, unless the
2 context otherwise requires:

3 1. "Council" means the energy policy council established
4 in section two (2) of this Act.

5 2. "Energy" or "energy sources" means gasoline, fuel oil,
6 natural gas, propane, coal, special fuels, and electricity.

7 3. "Supplier" means any person engaged in the business
8 of selling, importing, storing, or generating energy sources
9 in Iowa.

10 Sec. 2. ESTABLISHMENT. There is established an eleven-
11 member energy policy council to consist of the state geologist,
12 the secretary of agriculture, the chairman of the Iowa state commerce
13 commission, the director of civil defense, the executive
14 director of environmental quality, two members of the house
15 of representatives to be appointed by the speaker of the
16 house, two members of the senate to be appointed by the
17 president of the senate, and two members appointed by the
18 governor. Not more than one of the members appointed from
19 each house of the general assembly shall belong to the same
20 political party. The appointments made by the governor shall
21 be subject to confirmation by two-thirds of the membership
22 of the senate.

23 Sec. 3. PERSONNEL. The governor shall appoint a direc-
24 tor of energy policy who shall carry out duties assigned to
25 him by the council. The appointment of the director shall
26 be subject to confirmation by two-thirds of the members of
27 the senate. The director shall be paid an annual salary in
28 an amount not to exceed twenty-two thousand dollars. Other
29 personnel utilized by the council shall be employed through
30 a program of interchange of personnel between the council
31 and other governmental agencies pursuant to chapter twenty-
32 eight D (28D) of the Code.

33 Sec. 4. MEETINGS. The council shall organize within ten
34 days following the effective date of this Act by electing
35 one of its members to serve as chairman and one to serve as

1 vice chairman. Meetings shall be called by the chairman or
2 upon the written request of a majority of the members of the
3 council. The council shall meet not less than quarterly.
4 The chairman shall preside at all meetings, or in his absence,
5 the vice chairman shall preside. A majority of the council
6 members shall constitute a quorum and the concurrence of a
7 majority of the council shall be required to determine matters
8 of general policy relating to council duties. The director
9 shall serve as secretary to the council.

10 Sec. 5. COMPENSATION AND EXPENSES. Council members
11 are not employees of the state shall receive a per diem at
12 the rate of forty dollars for each day devoted to council
13 business and all members shall be reimbursed for actual
14 expenses incurred in carrying out their duties as members
15 of the council.

16 Sec. 6. VACANCIES. Vacancies in the membership of the
17 council or in the office of the director shall be filled in
18 the manner of original appointment. A vacancy shall occur
19 when a legislative member ceases to be a member of the general
20 assembly.

21 Sec. 7. DUTIES OF THE COUNCIL. The council shall:

- 22 1. Develop and update a state policy for the develop-
23 ment, utilization, and conservation of all energy sources
24 and for the development of transportation in the state.
25 The council shall evaluate the future energy needs of
26 Iowa. This study shall include, but is not limited to:
 - 27 a. the historical use and distribution of
28 energy in Iowa,
 - 29 b. determining the growth rate of energy con-
30 sumption in Iowa,
 - 31 c. projecting Iowa's energy needs at least ten
32 years in the future,
 - 33 d. determining the impact of meeting these needs
34 on the economy of the state,
 - 35 e. determining the impact of meeting these needs

36 on the environment of the state, and

37 f. evaluating the feasibility of coal gasification

38 for the purpose of producing methane gas.

39 The council shall serve as policy advisor to the governor on all
40 energy matters.

41 2. The council shall exchange information with other
42 states on energy and especially on the allocation of
43 fuel and shall request all information necessary to deter-
44 mine the reasonableness of any reduction of Iowa's fuel
45 allocation.

46 3. Establish a central depository within the state for
47 energy data. The council may require a supplier to provide
48 information pertaining to the supply, storage, distribution
49 and sale of energy sources in this state. The information
50 shall be furnished on a periodic basis, shall be of a nature
51 which directly relates to the supply, storage, distribution
52 and sale of energy sources, and shall not include any records,
53 documents, books, or other data which relate to the financial
54 position of the supplier. Provided the council, prior to
55 requiring any supplier to furnish it with such information,
56 shall make every reasonable effort to determine if the same
57 is available from any other governmental source. If it finds
58 such information is available, the council shall not require
59 submission of the same from a supplier. Notwithstanding the provi-
sions

1 of chapter sixty-eight A (68A) of the Code, information and
2 reports obtained under this section shall be confidential
3 except when used for statistical purposes without identifying
4 a specific supplier and when release of the information will
5 not give an advantage to competitors and serves a public pur-
6 pose.

7 The council may subpoena witnesses, administer oaths, and
8 require the production of records, books, and documents for
9 examination in order to obtain information required to be
10 submitted under this section. In case of failure or refusal
11 on the part of any person to comply with a subpoena issued
12 by the council, or in case of the refusal of any witness to
13 testify as to any matter regarding which he may be interrogated
14 under this Act, the district court, upon the application of
15 the council, may order the person to show cause why the person
16 should not be held in contempt for failure to testify or
17 comply with a subpoena, and may order the person to produce
18 the records, books, and documents for examination, and to
19 give his testimony. The courts may punish for contempt as
20 in the case of disobedience to a like subpoena issued by the
21 court, or for refusal to testify.

22 **4. The council shall establish priorities of energy**
23 **consumption and determine if the present price structure**
24 **conforms to those priorities. The council shall report**
25 **its findings to the general assembly not later than**
26 **February 1, 1975.**

27 **5. On at least a quarterly basis submit to the governor**
28 **and the general assembly, and to each member of the senate**
29 **and the house of representatives and the legislative council when**
30 **the general assembly is not in session, a report identifying**
31 **trends relating to energy supply, demand, and conservation**
32 **and making recommendations to the governor and the general**
33 **assembly for additional action in accordance with the report.**
34 **The council shall include in its report the amount, price,**
35 **and disposition of the fuel contracted for each month pursuant**

36 to subsection ten (10) of this section and the name of the
37 supplier of the fuel.

38 6. Review, propose and recommend legislation relating
39 to the use of energy in this state.

40 7. Develop and recommend public education and communica-
41 tion programs in energy conservation.

1 8. When necessary to carry out its duties under this Act,
2 enter into contracts with state agencies and other qualified
3 contractors.

4 9. Receive and accept grants made available for programs
5 relating to duties of the council under this Act.

6 10. Allocate state-owned or operated energy supplies to
7 those determined to be in need. In the performance of this
8 duty the director of energy policy may, with the approval
9 of the council, contract with fuel suppliers for the purpose
10 of establishing a state-owned emergency fuel reserve and may
11 cooperate with the federal government in implementing fed-
12 erally-mandated allocation and rationing programs for refined
13 petroleum products.

14 11. Promulgate rules necessary to carry out the provisions
15 of this Act, subject to review in accordance with chapter
16 seventeen A (17A) of the Code. Before a proposed rule is
17 submitted to the departmental rules review committee, a
18 public hearing shall be held in regard to the rule, and
19 members of the departmental rules review committee shall be
20 notified of the hearing as required in section seventeen A
21 point sixteen (17A.16) of the Code.

22 Sec. 8. EMERGENCY POWERS. When the council determines
23 that an energy emergency exists where the health, safety,
24 or welfare of the people of this state are threatened by
25 reason of an actual or impending acute shortage in usable
26 energy sources, it shall notify the governor. If the governor
27 proclaims a state of emergency, he may direct the council
28 to take any of the following actions:

29 1. Regulate the operating hours of public and private
30 institutions and businesses.

31 2. Curtail the use of energy sources to the extent that
32 the curtailment is not hazardous or detrimental to the health,
33 safety, or welfare of the people of this state.

34 3. Curtail public and private transportation utilizing
35 energy sources.

36 4. Operate a system for the distribution and supply of
37 energy sources. The system shall not include a coupon ration-
38 ing program, unless the program is federally-mandated.
39 If the general assembly is in session, the general assem-
40 bly shall affirm or disaffirm by concurrent resolution any

1 action taken by the council under this section within ten
 2 days of the date of action by the council. If the general
 3 assembly is not in session, the action taken by the coun-
 4 cil shall be affirmed or disaffirmed by the legislative coun-
 5 cil within ten days of the date of the action. If the action
 6 is disaffirmed pursuant to this section, the action shall
 7 cease immediately.

8 Sec. 9. There is appropriated from the general fund of
 9 the state to the energy policy council for each year of the
 10 fiscal biennium beginning July 1, 1973 and ending June 30,
 11 1975, the following amounts, or so much thereof as may be
 12 necessary, to be used in the manner designated:

| | 1973-74 | 1974-75 |
|---------------------------------|--------------------|--------------------|
| | <i>Fiscal Year</i> | <i>Fiscal Year</i> |
| 15 For salaries, support, main- | | |
| 16 tenance and miscellaneous | | |
| 17 purposes | \$ 40,000 | \$ 150,000 |

18 Unencumbered or unobligated funds as of June 30, 1977 appro-
 19 priated by this Act shall revert to the general fund of the
 20 state on September 30, 1977.

21 Sec. 10. This Act is repealed effective June 30, 1977
 22 and shall not be printed as part of the permanent part of
 23 the Code of Iowa, but shall be printed in the session laws.

24 Sec. 11. This Act, being deemed of immediate importance,
 25 shall take effect and be in force from and after its publica-
 26 tion in the Citizen Herald, a newspaper published in Jesup,
 27 Iowa, and in The Red Oak Express, a newspaper published in
 28 Red Oak, Iowa.

29 **EXPLANATION**

30 This bill establishes for a period of two years an energy
 31 policy council to consist of eleven members. The council
 32 shall serve as the governor's chief policy advisor on energy
 33 matters and is given the duty to establish a state depository
 34 of energy data and to carry out the allocation of state-owned
 35 or operated energy supplies. The council may be directed,

1 under the bill; to take regulatory action in an emergency
2 situation in regard to energy supplies. The action shall
3 be affirmed or disaffirmed by the general assembly, if in
4 session, and by the legislative council, if the general assem-
5 bly is not in session. The bill also makes an appropriation
6 to the council for each fiscal year of the 1974-75 biennium.

REPORT OF THE CONFERENCE COMMITTEE
ON SENATE FILE 1222

To the President of the Senate and the Speaker of the House of Representatives:

We, the undersigned members of the conference committee appointed to consider the differences between the Senate and the House of Representatives on Senate File 1222, a bill for an Act relating to the establishment of an energy policy council with emergency powers and making an appropriation, respectfully submit the following recommendation:

1. That the House amendment to Senate File 1222, as amended, passed, and reprinted by the Senate, be amended to read as follows:

1. Page 1, line 15, by striking the words "civil defense" and inserting in lieu thereof the words "energy policy".

2. Page 2, by striking lines 10 through 25 and inserting in lieu thereof the following:

Sec. 3. PERSONNEL. The governor shall appoint a director of energy policy who shall carry out duties assigned to him by the council or duties assigned to him by the governor pursuant to a proclamation of emergency issued under the provisions of section eight (8) of this Act. The appointment of the director shall be subject to confirmation by two-thirds of the members of the senate. The director shall be paid an annual salary in an amount not to exceed twenty-two thousand dollars. Other personnel utilized by the council shall be employed through a program of interchange of personnel between the council and other governmental agencies pursuant to chapter twenty-eight D (28D) of the Code.

3. Page 3, by striking lines 1 through 5.

4. Page 4, by inserting after line 21 the following:

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

5. Page 10, after line 13, by inserting the following sections:

Sec. 9. The energy policy council shall identify those segments of branch line railroad trackage which, if improved, may provide increased transportation services for the citizens of this state. The council shall develop and implement programs to encourage the improvement of railfreight services on such railroad trackage. If the council determines that public assistance is in the best interest of the citizens of this state, the council may, in emergencies, provide financial assistance on behalf of the citizens of this state to railroad companies, which assistance shall be used exclusively to upgrade branch line railroad roadbeds in order to improve the freight-carrying capacity of the railroad and to increase the speed limitations of the railroad trackage. In the alternative, there is granted a tax exemption to the branch line railroad roadbeds if the council determines that there is a need for continuation of rail transportation services to the area and communities

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May 7, 1974

served by the railroad, that discontinuance of rail services will not be in the best interest of the citizens of this state who reside in the area or community served, that an undue economic hardship will result in that area or community if service is discontinued, and that other transportation facilities are not available or are inadequate to meet the economic needs of the area or community. Before granting the tax exemption, the council shall require and the railroad company shall agree that an amount equal to the amount which would otherwise be paid for taxes if the tax exemption was not granted, shall be expended by the railroad company to upgrade the railroad roadbed for which the tax exemption is granted.

Sec. 10. If the energy policy council determines that a tax exemption shall be granted for certain branch line railroad trackage, the council shall notify the county auditor of the county in which the railroad trackage is located of such fact not later than October first of each year. The exemption shall be granted on the valuation of the railroad trackage as of January first of the year in which the exemption is granted and such exemption shall be for a period of one year. The county auditor shall reduce by fifty percent the valuation of all railroad trackage which has been granted a tax exemption by the energy policy council.

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

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

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

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

Sec. 15. The energy policy council, the governor, and the

state comptroller may obtain and accept federal grants to the state to be used in connection with funds appropriated by sections thirteen (13) and twenty-one (21) of this Act.

Sec. 16. NEW SECTION. The state department of transportation shall conduct a study of the state's rail transportation and mass transit systems. In conducting the study, the department shall:

1. Determine the existing plant, equipment, and facilities of each railroad company providing rail service in the state.
2. Determine the type of rail service presently provided in this state by each railroad company.
3. Determine the economic and energy requirements for alternative transportation modes in the movement of passengers and commodities within the state.
4. Develop a cost-benefit analysis to determine the effect of state financial assistance on rail transportation in this state.
5. Develop a comprehensive plan for a system of rail transportation which will best serve the economic and social needs of the citizens of this state.
6. Determine the feasibility of providing railroad passenger service in this state. The study shall also include a cost analysis of and the procedures for providing such service and the availability and conditions of the railroad trackage over which railroad passenger service may be provided.
7. Determine the problems of mass transit facilities in this state and the role of the state in providing adequate mass transit services for the urban and rural areas of the state.

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

Sec. 17. There is appropriated from the general fund of the state to the state department of transportation for the fiscal year beginning July 1, 1974 and ending June 30, 1975 the sum of three hundred thousand (300,000) dollars, or so much thereof as may be necessary, to be used for salaries, support, maintenance, and miscellaneous purposes and to conduct the study required under section sixteen (16) of this Act.

Sec. 18. The state department of transportation, the governor, and the state comptroller may obtain and accept federal grants to the state to be used in connection with funds appropriated by section seventeen (17) of this Act.

Sec. 19. The state department of transportation, the governor, and the state comptroller may obtain and accept private grants to the state to be used in connection with funds appropriated by section seventeen (17) of this Act.

Sec. 20. Any unencumbered balance of the funds appropriated pursuant to section seventeen (17) of this Act remaining as

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May 7, 1974

of June 30, 1975 shall revert to the general fund of the state as of September 30, 1975.

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

| | <u>1973-74</u> | <u>1974-75</u> |
|--|--------------------|--------------------|
| | <u>Fiscal Year</u> | <u>Fiscal Year</u> |
| For salaries, support, maintenance and miscellaneous purposes..... | \$10,000 | \$150,000 |

Unencumbered or unobligated funds as of June 30, 1977 appropriated by this Act shall revert to the general fund of the state on September 30, 1977.

6. Page 10, line 14, by striking the words "This Act is" and inserting in lieu thereof the words "Sections one (1) through twelve (12) of this Act are".

7. Page 10, by striking lines 21 through 24 and inserting in lieu thereof the following:

2. Amend the title, page 1, lines 1 and 2, by striking everything after the word "Act" and inserting in lieu thereof the words "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."

3. By renumbering sections in accordance with this amendment.

On the part of the Senate:

GEORGE F. MILLIGAN, CHAIRMAN
W. R. RABEDEAUX
CALVIN O. HULTMAN
JAMES V. GALLAGHER
IRVIN L. BERGMAN

On the part of the House:

RICHARD W. WELDEN, CHAIRMAN
SPICE C. OAKLEY
GREGORY D. CUSACK
DALE M. COCHRAN
GLENN F. BROCKETT

Filed
May 4, 1974

Senate adopted 5/4

House adopted 5/4

HOUSE AMENDMENT TO SENATE FILE 1222

1 Amend Senate File 1222, as amended, passed and
2 reprinted by the Senate, as follows:
3 1. By striking everything after the enacting
4 clause and inserting in lieu thereof the following:
5 Section 1. DEFINITIONS. As used in this Act,
6 unless the context otherwise requires:
7 1. "Council" means the energy policy council
8 established in section two (2) of this Act.
9 2. "Energy" or "energy sources" means gasoline,
10 fuel oil, natural gas, propane, coal, special fuels,
11 and electricity.
12 3. "Supplier" means any person engaged in the
13 business of selling, importing, storing, or generating
14 energy sources in Iowa.
15 4. "Director" means the director of civil defense.
16 Sec. 2. ESTABLISHMENT. There is established an
17 energy policy council which shall consist of thirteen
18 members. Two members shall be appointed by the
19 president of the senate from the membership of the
20 senate with no more than one member being appointed
21 from the same political party. Two members shall be
22 appointed by the speaker of the house of representatives
23 from the members of the house with no more than one
24 member being appointed from the same political party.
25 The governor shall appoint five members who shall be

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1 Reasonably knowledgeable in the field of energy.
2 Not more than three of the governor's appointees
3 shall be of the same political party. They shall be
4 subject to confirmation by two-thirds of the member-
5 ship of the senate. The state geologist, the sec-
6 retary of agriculture, the chairman of the Iowa state
7 commerce commission and the executive director of
8 environmental quality shall serve as ex officio non-
9 voting members of the council.
10 Sec. 3. PERSONNEL. The director of civil defense
11 shall serve as the director of energy policy to carry
12 out duties assigned to him by the council or duties
13 assigned to him by the governor pursuant to a proclama-
14 tion of emergency issued under the provisions of sec-
15 tion eight (8) of this Act. The personnel necessary
16 for the director to carry out his duties under this
17 Act shall be employed whenever possible through a pro-
18 gram of interchange pursuant to chapter twenty-eight D
19 (28D) of the Code, but the director may, if necessary,
20 employ additional technical, professional, secretarial
21 and clerical staff. For purposes of this Act, employees
22 participating in an exchange of personnel pursuant to
23 chapter twenty-eight D (28D) of the Code shall be con-
24 sidered to be on detail to regular work assignments of
25 the sending agency. The additional technical, profes-

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1 sional, secretarial and clerical staff employed by the
2 director under the authority granted to him under this
3 section shall be considered employees of the state, but
4 shall be exempt from the merit system established by
5 chapter nineteen A (19A) of the Code.

6 Sec. 4. MEETINGS. The council shall organize
7 within ten days following the effective date of this
8 Act by electing one of its members to serve as chair-
9 man and one to serve as vice chairman. The council
10 shall establish procedures and requirements with respect
11 to quorum, place and conduct of meetings and may pro-
12 vide for the establishment of an executive committee
13 selected from among the voting members of the council
14 to supervise the administrative duties assigned to
15 the director.

16 Sec. 5. COMPENSATION AND EXPENSES. Council
17 members who are not employees of the state shall
18 receive a per diem at the rate of forty dollars for
19 each day devoted to council business and all members
20 shall be reimbursed for actual expenses incurred in
21 carrying out their duties as members of the council.

22 Sec. 6. VACANCIES. Vacancies in the membership
23 of the council shall be filled in the manner of
24 original appointment. A vacancy shall occur when a
25 legislative member ceases to be a member of the general

Page 4

1 assembly.

2 Sec. 7. DUTIES OF THE COUNCIL. The council shall:

3 1. Annually prepare a state policy for the develop-
4 ment, utilization, and conservation of all energy
5 sources in the state and submit the same to the gov-
6 ernor and the general assembly by January fifteenth
7 of each year. The council shall evaluate the future
8 energy needs of Iowa. This study shall include, but
9 is not limited to:

10 a. the historical use and distribution of energy
11 in Iowa,

12 b. determining the growth rate of energy con-
13 sumption in Iowa,

14 c. projecting Iowa's energy needs at least ten
15 years in the future,

16 d. determining the impact of meeting these needs
17 on the economy of the state,

18 e. determining the impact of meeting these needs
19 on the environment of the state, and

20 f. evaluating alternative sources and uses of
21 energy.

22 The council shall serve as policy advisor to the
23 governor on all energy matters.

24 2. The The council shall exchange information with
25 other states on energy and especially on the allocation

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1 of fuel and shall request all information necessary to
2 determine the reasonableness of any reduction of Iowa's
3 fuel allocation.

4 3. Establish a central depository within the
5 state for energy data. The council may require a
6 supplier to provide information pertaining to the
7 supply, storage, distribution and sale of energy
8 sources in this state. The information shall be
9 furnished on a periodic basis, shall be of a nature
10 which directly relates to the supply, storage,
11 distribution and sale of energy sources, and shall
12 not include any records, documents, books, or other
13 data which relate to the financial position of the
14 supplier. Provided the council, prior to requiring
15 any supplier to furnish it with such information,
16 shall make every reasonable effort to determine if
17 the same is available from any other governmental
18 source. If it finds such information is available,
19 the council shall not require submission of the same
20 from a supplier. Notwithstanding the provisions of
21 chapter sixty-eight A (68A) of the Code, information
22 and reports obtained under this section shall be
23 confidential except when used for statistical
24 purposes without identifying a specific supplier and
25 when release of the information will not give an

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1 advantage to competitors and serves a public purpose.

2 The council may subpoena witnesses, administer
3 oaths, and require the production of records, books,
4 and documents for examination in order to obtain
5 information required to be submitted under this
6 section. In case of failure or refusal on the part
7 of any person to comply with a subpoena issued by the
8 council, or in case of the refusal of any witness to
9 testify as to any matter regarding which he may be
10 interrogated under this Act, the district court, upon
11 the application of the council, may order the person
12 to show cause why the person should not be held in
13 contempt for failure to testify or comply with a
14 subpoena, and may order the person to produce the
15 records, books, and documents for examination, and to
16 give his testimony. The courts may punish for
17 contempt as in the case of disobedience to a like
18 subpoena issued by the court, or for refusal to testify.

19 4. On at least a quarterly basis submit to the
20 governor and the general assembly, and to each member
21 of the senate and the house of representatives and
22 the legislative council when the general assembly is
23 not in session, a report identifying trends relating
24 to energy supply, demand, and conservation and making
25 recommendations to the governor and the general

1 assembly for additional action in accordance with the
2 report. The council shall include in its report the
3 amount, price, and disposition of the fuel contracted
4 for each month pursuant to subsection nine (9) of
5 this section and the name of the supplier of the fuel.

6 5. Review, propose and recommend legislation
7 relating to the development and use of energy in this
8 state.

9 6. Develop and recommend public education and
10 communication programs in energy conservation.

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

14 8. Receive and accept grants made available for
15 programs relating to duties of the council under this
16 Act.

17 9. Allocate state-owned or operated energy
18 supplies to those determined to be in need. In the
19 performance of this duty the director
20 may, with the approval of the council, contract with
21 fuel suppliers for the purpose of establishing a state-
22 owned emergency fuel reserve and may cooperate with
23 the federal government in implementing federally-
24 mandated allocation and rationing programs for
25 refined petroleum products.

1 10. Promulgate rules necessary to carry out the
2 provisions of this Act, subject to review in accord-
3 ance with chapter seventeen A (17A) of the Code.
4 Before a proposed rule is submitted to the depart-
5 mental rules review committee, a public hearing shall
6 be held in regard to the rule, and members of the
7 departmental rules review committee shall be notified
8 of the hearing as required in section seventeen A
9 point sixteen (17A.16) of the Code. Rules promul-
10 gated by the governor pursuant to a proclamation
11 issued under the provisions of section eight (8) of
12 this Act shall not be subject to review or a public
13 hearing as required in this subsection.

14 Sec. 8. EMERGENCY POWERS. If the council by
15 resolution determines the health, safety, or welfare
16 of the people of this state is threatened by an
17 actual or impending acute shortage of usable energy,
18 it shall transmit the resolution to the governor
19 together with its recommendation on the declaration
20 of an emergency by the governor and recommended
21 actions, if any, to be undertaken. Within thirty
22 days of the date of the resolution, the governor may
23 issue a proclamation of emergency which shall be
24 filed with the secretary of state. The proclamation
25 shall state the facts relied upon and the reasons

- 1 for the proclamation.
2 Pursuant to the proclamation of an emergency,
3 the governor by executive order may:
4 1. Regulate the operating hours of energy con-
5 suming instrumentalities of state government, politi-
6 cal subdivisions, private institutions and business
7 facilities to the extent the regulation is not
8 hazardous or detrimental to the health, safety, or
9 welfare of the people of this state. However, the
10 governor shall have no authority to suspend, amend
11 or nullify any service being provided by a public
12 utility pursuant to an order or rule of a federal
13 agency which has jurisdiction over the public utility.
14 2. Establish a system for the distribution and
15 supply of energy. The system shall not include a
16 coupon rationing program, unless the program is
17 federally mandated.
18 3. Curtail public and private transportation
19 utilizing energy sources. Curtailment may include
20 measures designed to promote the use of car pools
21 and mass transit systems.
22 4. Delegate any administrative authority vested
23 in him to the council or the director.
24 5. Provide for the temporary transfer of direc-
25 tors, personnel, or functions of state departments

- 1 and agencies, for the purpose of performing or
2 facilitating emergency measures pursuant to subsec-
3 tions one (1) and two (2) of this section.
4 If the general assembly is in session, it may
5 revoke by concurrent resolution any proclamation of
6 emergency issued by the governor. If the general
7 assembly is not in session, the proclamation of emer-
8 gency by the governor may be revoked by a majority
9 vote of the standing membership of the legislative
10 council. Such revocation shall be effective upon
11 receipt of notice of the revocation by the secretary
12 of state and any functions being performed pursuant
13 to the governor's proclamation shall cease immediately.
14 Sec. 9. This Act is repealed effective June 30,
15 1977.
16 Sec. 10. This Act, being deemed of immediate im-
17 portance, shall take effect and be in force from and
18 after its publication in the Citizen Herald, a news-
19 paper published in Jesup, Iowa, and in The Red Oak
20 Express, a newspaper published in Red Oak, Iowa.
21 2. Amend the title, page 1, line 2, by striking the
22 words "with emergency powers and making an appropriation"
23 and inserting in lieu thereof the words "and granting
24 certain emergency powers to the governor".

H-3143

1 Amend the sifting committee amendment H-3141
2 to Senate File 1222 as passed and reprinted by the Senate
3 as follows:

Division H-3143A

4 (1) Line 15 by striking the words "civil
5 defense" and inserting in lieu thereof "energy
6 policy".

7 (2) Line 31 by inserting after the word
8 "commission", the words, "director of the department
9 of transportation, director of civil defense".

10 (3) By striking all of lines 34 and 35 and
11 inserting in lieu thereof "Sec. 3. PERSONNEL. The
12 director shall carry".

Division H-3143B

13 (4) Line 61 by inserting after the word
14 "committee" the words "selected from among the
15 voting members of the council".

Division H-3143C

16 (5) Line 167 by striking the words "of energy
17 policy".

Division H-3143D

18 (6) Line 207 by striking all after the period
19 in line 207 and all of lines 208 through 211.

Division H-3143E

20 (7) Line 213 by striking "refined petroleum
21 products" and inserting in lieu thereof "energy".

Division H-3143F

22 (8) By striking all of lines 238 through 240
23 and inserting in lieu thereof the following:
24 "1977."

H-3143 Filed

By OAKLEY of Clinton
CUSACK of Scott

Division H-3143A lost

Division H-3143B adopted

Division H-3143C adopted

Division H-3143D lost

Division H-3143E adopted

Division H-3143F adopted

May 3, 1974

H-3147

1 Amend the Sifting Committee amendment (H-3141)
2 to Senate File 1222, page 3, by striking the word
3 ",but" in line 52 and by striking lines 53 and 54
4 and inserting in lieu thereof a period.

H-3147 Filed and lost
May 3, 1974

By KRAUSE of Palo Alto

SENATE FILE 1222

H—3141

1 Amend Senate File 1222, as amended, passed and
2 reprinted by the Senate, as follows:

3 1. By striking everything after the enacting
4 clause and inserting in lieu thereof the following:

5 Section 1. DEFINITIONS. As used in this Act,
6 unless the context otherwise requires:

7 1. "Council" means the energy policy council
8 established in section two (2) of this Act.

9 2. "Energy" or "energy sources" means gasoline,
10 fuel oil, natural gas, propane, coal, special fuels,
11 and electricity.

12 3. "Supplier" means any person engaged in the
13 business of selling, importing, storing, or generating
14 energy sources in Iowa.

15 4. "Director" means the director of civil defense.

16 Sec. 2. ESTABLISHMENT. There is established an
17 energy policy council which shall consist of thirteen
18 members. Two members shall be appointed by the
19 president of the senate from the membership of the
20 senate with no more than one member being appointed
21 from the same political party. Two members shall be
22 appointed by the speaker of the house of representatives
23 from the members of the house with no more than one
24 member being appointed from the same political party.
25 The governor shall appoint five members who shall be
25A reasonably knowledgeable in the field of energy.
26 Not more than three of the governor's appointees
27 shall be of the same political party. They shall be
28 subject to confirmation by two-thirds of the member-
29 ship of the senate. The state geologist, the sec-
30 retary of agriculture, the chairman of the Iowa state
31 commerce commission and the executive director of
32 environmental quality shall serve as ex officio non-
33 voting members of the council.

34 Sec. 3. PERSONNEL. The director of civil defense
35 shall serve as the director of energy policy to carry
36 out duties assigned to him by the council or duties
37 assigned to him by the governor pursuant to a proclama-
38 tion of emergency issued under the provisions of sec-
39 tion eight (8) of this Act. The personnel necessary
40 for the director to carry out his duties under this
41 Act shall be employed whenever possible through a pro-
42 gram of interchange pursuant to chapter twenty-eight D
43 (28D) of the Code, but the director may, if necessary,
44 employ additional technical, professional, secretarial
45 and clerical staff. For purposes of this Act, employees
46 participating in an exchange of personnel pursuant to
47 chapter twenty-eight D (28D) of the Code shall be con-
48 sidered to be on detail to regular work assignments of
49 the sending agency. The additional technical, profes-
50 sional, secretarial and clerical staff employed by the

51 director under the authority granted to him under this
52 section shall be considered employees of the state, but
53 shall be exempt from the merit system established by
54 chapter nineteen A (19A) of the Code.

55 Sec. 4. MEETINGS. The council shall organize
56 within ten days following the effective date of this
57 Act by electing one of its members to serve as chair-
58 man and one to serve as vice chairman. The council
59 shall establish procedures and requirements with respect
60 to quorum, place and conduct of meetings and may pro-
61 vide for the establishment of an executive committee
62 to supervise the administrative duties assigned to
63 the director.

64 Sec. 5. COMPENSATION AND EXPENSES. Council
65 members who are not employees of the state shall
66 receive a per diem at the rate of forty dollars for
67 each day devoted to council business and all members
68 shall be reimbursed for actual expenses incurred in
69 carrying out their duties as members of the council.

70 Sec. 6. VACANCIES. Vacancies in the membership
71 of the council shall be filled in the manner of
72 original appointment. A vacancy shall occur when a
73 legislative member ceases to be a member of the general
74 assembly.

75 Sec. 7. DUTIES OF THE COUNCIL. The council shall:

76 1. Annually prepare a state policy for the develo-
77 ment, utilization, and conservation of all energy
78 sources in the state and submit the same to the gov-
79 ernor and the general assembly by January fifteenth
80 of each year. The council shall evaluate the future
81 energy needs of Iowa. This study shall include, but
82 is not limited to:

83 a. the historical use and distribution of energy
84 in Iowa,

85 b. determining the growth rate of energy con-
86 sumption in Iowa,

87 c. projecting Iowa's energy needs at least ten
88 years in the future,

89 d. determining the impact of meeting these needs
90 on the economy of the state,

91 e. determining the impact of meeting these needs
92 on the environment of the state, and

93 f. evaluating alternative sources and uses of
94 energy.

95 The council shall serve as policy advisor to the
96 governor on all energy matters.

97 2. The council shall exchange information with
98 other states on energy and especially on the allocation
99 of fuel and shall request all information necessary to
100 determine the reasonableness of any reduction of Iowa's

101 fuel allocation.
102 3. Establish a central depository within the
103 state for energy data. The council may require a
104 supplier to provide information pertaining to the
105 supply, storage, distribution and sale of energy
106 sources in this state. The information shall be
107 furnished on a periodic basis, shall be of a nature
108 which directly relates to the supply, storage,
109 distribution and sale of energy sources, and shall
110 not include any records, documents, books, or other
111 data which relate to the financial position of the
112 supplier. Provided the council, prior to requiring
113 any supplier to furnish it with such information,
114 shall make every reasonable effort to determine if
115 the same is available from any other governmental
116 source. If it finds such information is available,
117 the council shall not require submission of the same
118 from a supplier. Notwithstanding the provisions of
119 chapter sixty-eight A (68A) of the Code, information
120 and reports obtained under this section shall be
121 confidential except when used for statistical
122 purposes without identifying a specific supplier and
123 when release of the information will not give an
124 advantage to competitors and serves a public purpose.
125 The council may subpoena witnesses, administer
126 oaths, and require the production of records, books,
127 and documents for examination in order to obtain
128 information required to be submitted under this
129 section. In case of failure or refusal on the part
130 of any person to comply with a subpoena issued by the
131 council, or in case of the refusal of any witness to
132 testify as to any matter regarding which he may be
133 interrogated under this Act, the district court, upon
134 the application of the council, may order the person
135 to show cause why the person should not be held in
136 contempt for failure to testify or comply with a
137 subpoena, and may order the person to produce the
138 records, books, and documents for examination, and to
139 give his testimony. The courts may punish for
140 contempt as in the case of disobedience to a like
141 subpoena issued by the court, or for refusal to testify.
142 4. On at least a quarterly basis submit to the
143 governor and the general assembly, and to each member
144 of the senate and the house of representatives and
145 the legislative council when the general assembly is
146 not in session, a report identifying trends relating
147 to energy supply, demand, and conservation and making
148 recommendations to the governor and the general
149 assembly for additional action in accordance with the
150 report. The council shall include in its report the

151 amount, price, and disposition of the fuel contracted
152 for each month pursuant to subsection nine (9) of
153 this section and the name of the supplier of the fuel.

154 5. Review, propose and recommend legislation
155 relating to the development and use of energy in this
156 state.

157 6. Develop and recommend public education and
158 communication programs in energy conservation.

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

162 8. Receive and accept grants made available for
163 programs relating to duties of the council under this
164 Act.

165 9. Allocate state-owned or operated energy
166 supplies to those determined to be in need. In the
167 performance of this duty the director of energy policy
168 may, with the approval of the council, contract with
169 fuel suppliers for the purpose of establishing a state-
170 owned emergency fuel reserve and may cooperate with
171 the federal government in implementing federally-
172 mandated allocation and rationing programs for
173 refined petroleum products.

174 10. Promulgate rules necessary to carry out the
175 provisions of this Act, subject to review in accord-
176 ance with chapter seventeen A (17A) of the Code.
177 Before a proposed rule is submitted to the depart-
178 mental rules review committee, a public hearing shall
179 be held in regard to the rule, and members of the
180 departmental rules review committee shall be notified
181 of the hearing as required in section seventeen A
182 point sixteen (17A.16) of the Code. Rules promul-
183 gated by the governor pursuant to a proclamation
184 issued under the provisions of section eight (8) of
185 this Act shall not be subject to review or a public
186 hearing as required in this subsection.

187 Sec. 8. EMERGENCY POWERS. If the council by
188 resolution determines the health, safety, or welfare
189 of the people of this state is threatened by an
190 actual or impending acute shortage of usable energy,
191 it shall transmit the resolution to the governor
192 together with its recommendation on the declaration
193 of an emergency by the governor and recommended
194 actions, if any, to be undertaken. Within thirty
195 days of the date of the resolution, the governor may
196 issue a proclamation of emergency which shall be
197 filed with the secretary of state. The proclamation
198 shall state the facts relied upon and the reasons
199 for the proclamation.

200 Pursuant to the proclamation of an emergency,

201 the governor by executive order may:
202 1. Regulate the operating hours of energy con-
203 suming instrumentalities of state government, politi-
204 cal subdivisions, private institutions and business
205 facilities to the extent the regulation is not
206 hazardous or detrimental to the health, safety, or
207 welfare of the people of this state. However, the
208 governor shall have no authority to suspend, amend
209 or nullify any service being provided by a public
210 utility pursuant to an order or rule of a federal
211 agency which has jurisdiction over the public utility.
212 2. Establish a system for the distribution and
213 supply of refined petroleum products. The system
214 shall not include a coupon rationing program, unless
215 the program is federally mandated.
216 3. Curtail public and private transportation
217 utilizing energy sources. Curtailment may include
218 measures designed to promote the use of car pools
219 and mass transit systems.
220 4. Delegate any administrative authority vested
221 in him to the council or the director.
222 5. Provide for the temporary transfer of direc-
223 tors, personnel, or functions of state departments
224 and agencies, for the purpose of performing or
225 facilitating emergency measures pursuant to subsec-
226 tions one (1) and two (2) of this section.
227 If the general assembly is in session, it may
228 revoke by concurrent resolution any proclamation of
229 emergency issued by the governor. If the general
230 assembly is not in session, the proclamation of emer-
231 gency by the governor may be revoked by a majority
232 vote of the standing membership of the legislative
233 council. Such revocation shall be effective upon
234 receipt of notice of the revocation by the secretary
235 of state and any functions being performed pursuant
236 to the governor's proclamation shall cease immediately.
237 Sec. 9. This Act is repealed effective June 30,
238 1977 and shall not be printed as a permanent part of
239 the Code of Iowa, but shall be printed in the session
240 laws.
241 Sec. 10. This Act, being deemed of immediate im-
242 portance, shall take effect and be in force from and
243 after its publication in the Citizen Herald, a news-
244 paper published in Jesup, Iowa, and in The Red Oak
245 Express, a newspaper published in Red Oak, Iowa.
246 2. Amend the title, page 1, line 2, by striking the
247 words "with emergency powers and making an appropriation"
248 and inserting in lieu thereof the words "and granting
249 certain emergency powers to the governor".

H-3141 Filed and adopted
as amended
May 3, 1974

By SIFTING COMMITTEE
HOLDEN of Scott, Chairman

H--2523

1 Amend Senate File 1222 as passed by the Senate and
2 reprinted, as follows:

3 1. Page 2, line 10, by striking the words "an eleven-"
4 and inserting in lieu thereof the words "a ten".

5 2. Page 2, line 17, by striking the words "two
6 members" and inserting in lieu thereof the words "one
7 member".

8 3. Page 2, line 20, by striking the word "appoint-
9 ments" and inserting in lieu thereof the word
10 "appointment".

11 4. Page 3A, line 2, by striking the words "a
12 majority" and inserting in lieu thereof the word
13 "three".

14 5. Page 3A, line 7, by striking the words "council
15 shall be required" and inserting in lieu thereof the
16 words "combined total of legislative and public mem-
17 bers shall be sufficient".

18 6. Page 3B, by striking all of lines 37 and 38 and
19 inserting in lieu thereof the words and letter "f.
20 evaluating alternative sources and uses of energy."

21 7. Page 4B, line 39, by inserting after the word
22 "the" the words "development and".

23 8. Page 5A, line 27, by striking the words "direct
24 the council" and inserting in lieu thereof the words
25 "with the approval of the council,".

26 9. Page 5A, line 28, by striking the word "to".

27 10. Page 5A, line 35, by inserting after the
28 period the sentence "Curtailement may include measures
29 designed to promote the use of car pools and
30 mass transit systems."

31 11. Page 5B, line 40, by striking the word "dis-
32 affirm" and inserting in lieu thereof the word
33 "nullify".

34 12. Page 6, line 1, by striking the word "council"
35 and inserting in lieu thereof the word "governor".

36 13. Page 6, line 2, by striking the word "council"
37 and inserting in lieu thereof the word "governor".

38 14. Page 5, line 4, by striking the word "dis-
39 affirmed" and inserting in lieu thereof the word
40 "nullified".

41 15. Page 6, line 5, by inserting after the period
42 the sentence "Action affirmed by the legislative
43 council shall be either affirmed or nullified by con-
44 current resolution of the general assembly when it is
45 next in session."

46 16. Page 6, line 6, by striking the word "dis-
47 affirmed" and inserting in lieu thereof the word
48 "nullified".

H--2523 Filed - *w/d 5/3*
March 15, 1974

By CUSACK of Scott

SENATE FILE 1222

H-2986

1 Amend Senate File 1222, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 2, line 25, by inserting after the word
4 "council" the words ", or duties assigned to him by
5 the governor pursuant to a proclamation of emergency
6 issued under the provisions of section eight (8) of
7 this Act".

8 2. Page 3A, by striking everything after the period
9 in line 22 and all of lines 23 and 24 and inserting
10 in lieu thereof the sentence "Annually prepare a
11 state policy for the development, utilization, and
12 conservation of all energy sources in the state and
13 submit the same to the governor and the general
14 assembly by January fifteenth of each year."

15 3. Page 4A, by striking lines 22 through 26,
16 inclusive.

17 4. Page 5A, line 21, by inserting after the period
18 the sentence "Rules promulgated by the governor pur-
19 suant to a proclamation issued under the provisions
20 of section eight (8) of this Act shall not be sub-
21 ject to review or a public hearing as required in
22 this subsection."

23 5. Page 5A, by striking lines 22 through 35
24 and inserting in lieu thereof the following:

25 Sec. 8. EMERGENCY POWERS. If the council by
26 resolution determines the health, safety, or welfare
27 of the people of this state is threatened by an
28 actual or impending acute shortage of usable energy,
29 it shall transmit the resolution to the governor
30 together with its recommendation on the declaration
31 of an emergency by the governor and recommended
32 actions, if any, to be undertaken. Within thirty
33 days of the date of the resolution, the governor may
34 issue a proclamation of emergency which shall be
35 filed with the secretary of state. The proclamation
36 shall state the facts relied upon and the reasons
37 for the proclamation.

38 Pursuant to the proclamation of an emergency,
39 the governor by executive order may:

40 1. Regulate the operating hours of energy con-
41 suming instrumentalities of state government, politi-
42 cal subdivisions, and private institutions, business,
43 facilities, and persons to the extent the regulation
44 is not hazardous or detrimental to the health, safety,
45 or welfare of the people of this state.

46 2. Establish a system for the distribution and
47 supply of energy. The system shall not include a
48 coupon rationing program, unless the program is
49 federally mandated.

50 3. Curtail public and private transportation

House 17
April 25, 1974

51 utilizing energy sources. Curtailment may include
52 measures designed to promote the use of car pools
53 and mass transit systems.

54 4. Delegate any administrative authority vested
55 in him to the council or the director.

56 5. Provide for the temporary transfer of direc-
57 tors, personnel, or functions of state departments
58 and agencies, for the purpose of performing or
59 facilitating emergency measures pursuant to subsec-
60 tions one (1), two (2) and three (3) of this sec-
61 tion.

62 If the general assembly is in session, it may
63 revoke by concurrent resolution any proclamation of
64 emergency issued by the governor. If the general
65 assembly is not in session, the proclamation of emer-
66 gency by the governor may be revoked by a majority
67 vote of the standing membership of the legislative
68 council. Such revocation shall be effective upon
69 receipt by the secretary of state and any functions
70 being performed pursuant to the governor's proclama-
71 tion shall cease immediately.

72 6. Page 5B, by striking lines 36 through 40,
73 inclusive.

74 7. Page 6, by striking lines 1 through 7, inclu-
75 sive.

76 8. Page 1, line 2, amend the title, by striking
77 the words "with emergency powers" and inserting in
78 lieu thereof the words ", granting certain emergency
79 powers to the governor".

H-2986 Filed *and 5/3*
April 24, 1974

By OAKLEY of Clinton

H-3145

1 Amend the Sifting Committee amendment, H-3141, to
2 Senate File 1222, as amended, passed, and reprinted by
3 the Senate, as follows:

Division H-3145A

- 4 1. Page 5, line 107, by striking the comma and
5 inserting in lieu thereof the word "and".
6 2. Page 5, line 109, by striking everything after
7 the word "sources" and all of lines 110, 111, and up
8 to the period in line 112.

Division H-3145B

- 9 3. Page 9, by striking lines 202 through 211 and
10 inserting in lieu thereof the following:
11 1. Regulate the operating hours of energy consuming
12 instrumentalities of state government and political
13 subdivisions to the extent the regulation is not
14 hazardous or detrimental to the health, safety, or
15 welfare of the people of this state.

Division H-3145C

- 16 4. Page 9, line 214, by striking the words "shall
17 not" and inserting in lieu thereof the word "may"
18 and by striking the word ", unless" and inserting in
19 lieu thereof a period.
20 5. Page 9, by striking line 215.

Division H-3145D

- 21 6. Page 10, by striking lines 241 through 245.

H-3145 Filed

By MONROE of Des Moines

Division H-3145 A lost

Division H-3145 B withdrawn

Division H-3145 C lost

Division H-3145 D lost

May 3, 1974

H-3123

1 Amend the Oakley amendment, H-2986, to Senate File
2 1222, as amended, passed, and reprinted by the Senate,
3 as follows:

- 4 1. By striking lines 15 and 16.
5 2. Line 41, by striking the word "government," and
6 inserting in lieu thereof the words "government and".
7 3. Lines 42 and 43, by striking the words "and
8 private institutions, business, facilities, and per-
9 sons".
10 4. Line 47, by striking the words "shall not" and
11 inserting in lieu thereof the word "may".
12 5. Line 48, by striking everything after the first
13 word "program" and inserting in lieu thereof a period.
14 6. By striking line 49.
15 7. By renumbering the amendments in accordance
16 with this amendment.

H-3123 Filed - 2-26-74
May 2, 1974

By MONROE of Des Moines

-2915

Amend Senate File 1222, as amended, passed, and reprinted by the Senate, as follows:

1. Page 2, line 10, by striking the words "an eleven-" and inserting in lieu thereof the words "within the civil defense division, department of public defense, a ten-".
2. Page 2, line 13, by striking the words "the director of civil defense,".
3. Page 2, by striking lines 23 through 32, inclusive, and inserting in lieu thereof the following:
Sec. 3. PERSONNEL. The director of civil defense shall serve as the director of energy policy to carry out duties assigned to him by the council. The director may employ the technical, professional, secretarial and clerical staff necessary to carry out his duties under this Act.
4. Page 3A, line 17, by striking the words "or in the office of the director".

H-2915 Filed *u/s*
April 17, 1974

By HOLDEN of Scott

H-2423

- Amend Senate File 1222, as amended, passed, and reprinted, as follows:
 1. Page 6, line 21, by striking all after the word Act, and inserting in lieu of, the following:
shall be reviewed by the 66th General Assembly,
no later than February 3, 1975,

H-2423 Filed *u/s*
March 6, 1974

By MILLER of Calhoun

H-2943

- Amend Senate File 1222, as passed by the Senate, and reprinted, page 6, by striking lines 2 through 20.

H-2943 Filed *u/s*
April 22, 1974

By KRAUSE of Palo Alto