

FEB 9 1976

HOUSE FILE 1371

Place On Calendar

By COMMITTEE ON ENERGY

Passed House, Date 4-5-76 (1613) Passed Senate, Date 5-20-76 (p. 2128)

Vote: Ayes 21 Nays 4 Vote: Ayes 41 Nays 4

Approved 6-20-76

Motion to reconsider (1622), prevailed 5/4 Motion to reconsider (2128) withdrawn 5/28/76
Repassed House 5-4-76 (p. 2410)
78-4

A BILL FOR

1 An Act relating to the status, and duties of the energy policy
 2 council by providing additional duties for the energy
 3 policy council, by transferring certain duties of the
 4 council to the state department of transportation and
 5 by providing for the abolition of the energy policy
 6 council effective June 30, 1979.

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

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HOUSE FILE 1371

H-5297

1 Amend House File 1371 as follows:

2 1. Page 3, by striking everything after the
3 period in line 6 and all of lines 7 through 35.

4 2. Page 4, by striking all of lines 1 through
5 18.

H-5297 FILED - *adopted 4/5* BY WELDEN of Hardin
FEBRUARY 20, 1976 *71-4* CUSACK of Scott

1 Section 1. Section ninety-three point seven (93.7), subsec-
2 tion one (1), Code 1975, is amended to read as follows:

3 1. Annually ~~prepare~~ recommend a state policy for the de-
4 velopment, utilization, and conservation of all energy sources
5 in the state and submit ~~the same~~ a report of such policy
6 recommendations to the governor and the general assembly by
7 January ~~45~~ fifteenth of each year. The ~~council~~ report shall
8 evaluate the future energy needs of Iowa. ~~This study~~ The
9 report shall include, but is not limited to:

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

12 b. ~~determining-the~~ The growth rate of energy consumption
13 in Iowa,

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

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

18 e. ~~determining-the~~ The impact of meeting these needs on
19 the environment of the state,

20 f. ~~evaluating~~ An evaluation of alternative sources and
21 uses of energy, and

22 g. ~~evaluating~~ An evaluation of the feasibility of coal
23 gasification for the purpose of producing combustible gas.
24 ~~The-council-shall-serve-as-policy-advisor-to-the-governor~~
25 ~~on-all-energy-matters.~~

26 h. A comprehensive state energy conservation plan for
27 implementing the energy conservation policy recommended by
28 the council, and

29 i. Legislation necessary to implement the state policy
30 for the development and utilization of energy sources and
31 the comprehensive conservation plan. The council shall serve
32 as policy advisor to the governor on all energy matters.

33 Sec. 2. Section ninety-three point seven (93.7), Code
34 1975, is amended by adding the following new subsections:

35 NEW SUBSECTION. Publicize and promote activities which

1 offer members of the general assembly the opportunity to
2 exchange ideas and gain information on other state, regional
3 and national energy developments.

4 NEW SUBSECTION. Examine and determine whether additional
5 state regulatory authority is necessary to protect the public
6 interest and to promote the effective development, utilization
7 and conservation of energy resources. If the council finds
8 that additional regulatory authority is necessary, the coun-
9 cil shall submit recommendations to the general assembly con-
10 cerning the nature and extent of such regulatory authority
11 and which state agency should be assigned such regulatory
12 responsibilities.

13 NEW SUBSECTION. Coordinate policies and programs between
14 the council and the department of environmental quality and
15 submit to the general assembly proposed legislation to effect
16 such coordination when legislation is deemed necessary.

17 NEW SUBSECTION. Develop and assist in the implementation
18 of public education and communications programs in energy
19 development, use and conservation, in cooperation with the
20 department of public instruction, the state university
21 extension services and other public or private agencies and
22 organizations as deemed appropriate by the council.

23 Sec. 3. Acts of the Sixty-sixth General Assembly, 1975
24 Session, chapter two hundred thirty-one (231), is amended
25 as follows:

26 1. By adding the following new sections after section
27 one (1):

28 NEW SECTION. AID TO RAILWAYS. The state department of
29 transportation shall identify those segments of branch line
30 railroad trackage which, if improved, may provide increased
31 transportation services for the citizens of this state. The
32 department shall develop and implement programs to encourage
33 the improvement of rail freight services on such railroad
34 trackage. If the department determines that public assistance
35 is in the best interest of the citizens of this state, the

1 department may, in emergencies, provide financial assistance
2 on behalf of the citizens of this state to railroad companies,
3 which assistance shall be used exclusively to upgrade branch
4 line railroad roadbeds in order to improve the freight-carrying
5 capacity of the railroad and to increase the speed limitations
6 of the railroad trackage. In the alternative, there is granted
7 a tax exemption to the branch line railroad roadbeds if the
8 department determines that there is a need for continuation
9 of rail transportation services to the area and communities
10 served by the railroad, that discontinuance of rail services
11 will not be in the best interest of the citizens of this state
12 who reside in the area or community served, that an undue
13 economic hardship will result in that area or community if
14 service is discontinued, and that other transportation
15 facilities are not available or are inadequate to meet the
16 economic needs of the area or community. Before granting
17 the tax exemption, the department shall require and the
18 railroad company shall agree that an amount equal to the
19 amount which would otherwise be paid for taxes if the tax
20 exemption was not granted, shall be expended by the railroad
21 company to upgrade the railroad roadbed for which the tax
22 exemption is granted.

23 NEW SECTION. TAX EXEMPTION. If the state department of
24 transportation determines that a tax exemption shall be granted
25 for certain branch line railroad trackage, the department
26 shall notify the county auditor of the county in which the
27 railroad trackage is located of such fact not later than
28 October first of each year. The exemption shall be granted
29 on the valuation of the railroad trackage as of January first
30 of the year in which the exemption is granted and such
31 exemption shall be for a period of one year. The county
32 auditor shall reduce by fifty percent the valuation of all
33 railroad trackage which has been granted a tax exemption by
34 the state department of transportation.

35 NEW SECTION. REDUCED LEVY BY AUDITOR. Each year in which

1 a tax exemption is granted for branch line railroad trackage
2 in the county and the county auditor receives notice from
3 the state department of transportation to reduce the valuation
4 on railroad trackage by fifty percent, the county auditor
5 shall levy the taxes against the reduced value of the property
6 and give notice of the assessment to the state department
7 of transportation and to the state comptroller.

8 NEW SECTION. TAX EQUIVALENT PAID BY DEPARTMENT. The state
9 department of transportation shall pay all taxes due because
10 of the reduced valuation of branch line railroad trackage
11 granted an exemption from property taxes by the department.
12 The department shall not grant exemptions for railroad trackage
13 for which the department has insufficient funds under the
14 provisions of section three (3) of this Act and chapter two
15 hundred thirty-one (231) of Acts of the Sixty-sixth General
16 Assembly, 1975 Session to reimburse counties for that portion
17 of the taxes levied against railroad trackage in the counties
18 which would be reimbursed by the state.

19 2. By renumbering the remaining sections of chapter two
20 hundred thirty-one (231) in accordance with this section.

21 Sec. 4. Acts of the Sixty-fifth General Assembly, 1974
22 Session, chapter one thousand one hundred thirteen (1113),
23 section twenty-two (22), is amended to read as follows:

24 ~~SEC. 22. Sections one-(1)-through-twelve-(12)-of-this~~
25 ~~Act-are~~ Chapter ninety-three (93) of the Code is repealed
26 effective June 30, 1977 1979. The second session of the
27 Sixty-seventh General Assembly meeting in the year 1978 shall
28 review the activities and performance of the council and shall
29 not later than July 1, 1978 make a determination concerning
30 the status and duties of the council.

31 Sec. 5. Sections ninety-three point nine (93.9), ninety-
32 three point ten (93.10), ninety-three point eleven (93.11),
33 ninety-three point twelve (93.12), and ninety-three point
34 thirteen (93.13), Code 1975, are repealed.

35 Sec. 6. The Code editor is directed to place section

1 twenty-two (22) of chapter one thousand one hundred thirteen
2 (1113) of the Acts of the Sixty-fifth General Assembly, 1974
3 Session, as amended by section four (4) of this Act in chapter
4 ninety-three (93) of the Code of Iowa, to be published in
5 1977.

6 EXPLANATION

7 This bill extends the life of the energy policy council
8 to June 30, 1979, and requires that the second session of
9 the Sixty-seventh General Assembly meeting in the year 1978
10 review the council's activities and performance and make a
11 determination concerning the council's status and duties.

12 This bill also expands the council's duties as follows:

13 1. The council shall examine and determine whether addi-
14 tional state regulatory authority is necessary in the areas
15 of energy development, utilization and conservation and shall
16 submit any recommendations for additional regulatory authority,
17 in detail, to the general assembly.

18 2. The council shall promote informational exchange oppor-
19 tunities for legislators.

20 3. The council shall coordinate policies and programs
21 with the department of environmental quality.

22 4. The council shall develop and assist in implementing
23 public information programs on energy development, use and
24 conservation.

25 5. The council shall prepare a state conservation plan
26 as a part of the annual state policy report submitted to the
27 governor and the general assembly along with proposed
28 legislation to implement the policy and the plan.

29 In addition, this bill transfers the energy policy council's
30 railroad assistance responsibilities to the state department
31 of transportation.

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LSB 4090
dd/jw/5

1 Amend House File 1371 as follows:

2 1. Page 1, by inserting before line 1 the following
3 section:

4 "Section 1. Section ninety-three point two (93.2),
5 Code 1975, as amended by Acts of the Sixty-sixth
6 General Assembly, chapter ninety-one (91), section
7 one (1), is amended to read as follows:

8 93.2 ESTABLISHMENT. There is established an
9 energy policy council which shall consist of ~~fifteen~~
10 seventeen members. Two members shall be appointed
11 by the president of the senate from the membership
12 of the senate with no more than one member being
13 appointed from the same political party. Two members
14 shall be appointed by the speaker of the house of
15 representatives from the members of the house with
16 no more than one member being appointed from the same
17 political party. The governor shall appoint ~~five~~
18 seven members who shall be reasonably knowledgeable
19 in the field of energy. Not more than ~~three~~ four
20 of the governor's appointees shall be of the same
21 political party. They shall be subject to confirmation
22 by two-thirds of the membership of the senate. The
23 state geologist, the secretary of agriculture, the
24 chairman of the Iowa state commerce commission, the
25 administrative officer of the state soil conservation
26 committee, the director of transportation, and the
27 executive director of environmental quality and
28 legislative members shall serve as ex officio nonvoting
29 members of the council. If ~~an~~ a nonlegislative ex
30 officio nonvoting member is unable to attend a meeting
31 of the council, the member shall designate a
32 replacement who shall be authorized to represent the
33 member at the meeting."

34 2. By renumbering the remaining sections and
35 correcting internal references in accordance with
36 this amendment.

37 3. Amend the title, line 1, by inserting after
38 the word "status" the word ", membership,".

H-6276 FILED - *Adopted 5/4* BY OAKLEY of Clinton
APRIL 13, 1976 (*2409*)

HOUSE FILE 1371

H-6286

1 Amend House File 1371 as follows:

2 1. Page 2, by inserting after line 22 the fol-
3 lowing:

4 "NEW SUBSECTION. Develop a program in each con-
5 gressional district of the state to annually recognize
6 unique and innovative energy conservation projects
7 in the following categories:

- 8 a. Individual;
- 9 b. Group;
- 10 c. Agricultural;
- 11 d. Government;
- 12 e. Industrial, including public utilities; and
- 13 f. Commercial."

H-6286 FILED - *Withdrawn 5/4* BY HOWELL of Floyd
APRIL 14, 1976 (*2409*)

S-5870

1 Amend House File 1371 as amended and passed as
2 follows:

3 1. Page 1, before line 1, add the following:

4 "Section 1. Chapter ninety-three (93), Code
5 1975 is amended by adding the following new section:

6 NEW SECTION. 1. The council shall develop
7 rules establishing energy efficiency standards for
8 covered appliances and for the disclosure of the
9 energy efficiency rating of all brands, makes, and
10 models of covered appliances. The rules shall be
11 developed in accordance with chapter seventeen A (17A)
12 of the Code, except that the council shall give at
13 least sixty days notice of the public hearing on any
14 such rules and such notice shall list the time and
15 place of the hearing.

16 Sec. 2. Section ninety-three point one (93.1),
17 Code 1975 is amended by adding the following new sub-
18 section:

19 NEW SUBSECTION. "Covered appliance" means air
20 conditioners, refrigerators, freezers and refrigerator
21 freezers.

22 NEW SUBSECTION. "Energy efficiency rating" means
23 the ratio of the useful output of services from a
24 covered appliance to the energy consumption of the
25 covered appliance. The ratio shall be calculated at a
26 uniform set of rating conditions and in accordance with
27 such testing procedures as the council may develop
28 or select. The ratios shall be expressed in a uni-
29 form manner and in both English and metric units.

30 NEW SUBSECTION. "Energy efficiency standard"
31 means a performance standard which prescribes a min-
32 imum energy efficiency rating for covered appliances
33 in order to ensure reasonable conservation of the
34 state's energy resources."

35 2. Renumber the remaining sections accordingly.

S-5870 FILED - *Withdrawn 5/20 (2/28)*
MAY 20, 1976

BY JAMES GALLAGHER
WILLIAM D. PALMER

HOUSE FILE 1371

AN ACT

RELATING TO THE STATUS, MEMBERSHIP, AND DUTIES OF THE ENERGY POLICY COUNCIL BY PROVIDING ADDITIONAL DUTIES FOR THE ENERGY POLICY COUNCIL, BY TRANSFERRING CERTAIN DUTIES OF THE COUNCIL TO THE STATE DEPARTMENT OF TRANSPORTATION AND BY PROVIDING FOR THE ABOLITION OF THE ENERGY POLICY COUNCIL EFFECTIVE JUNE 30, 1979.

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

Section 1. Section ninety-three point two (93.2), Code 1975, as amended by Acts of the Sixty-sixth General Assembly, chapter ninety-one (91), section one (1), is amended to read as follows:

93.2 ESTABLISHMENT. There is established an energy policy council which shall consist of ~~fifteen~~ seventeen members. Two members shall be appointed by the president of the senate from the membership of the senate with no more than one member being appointed from the same political party. Two members shall be appointed by the speaker of the house of representatives from the members of the house with no more than one member being appointed from the same political party. The governor shall appoint ~~five~~ seven members who shall be reasonably knowledgeable in the field of energy. Not more than ~~three~~ four of the governor's appointees shall be of the same political party. They shall be subject to confirmation by two-thirds of the membership of the senate. The state geologist, the secretary of agriculture, the chairman of the Iowa state commerce commission, the administrative officer of the state soil conservation committee, the director of transportation, and the executive director of environmental quality and legislative members shall serve as ex officio nonvoting members of the council. If ~~an~~ a nonlegislative ex officio nonvoting member is unable to attend a meeting of the council, the member shall designate a replacement

who shall be authorized to represent the member at the meeting.

Sec. 2. Section ninety-three point seven (93.7), subsection one (1), Code 1975, is amended to read as follows:

1. Annually ~~prepare~~ recommend a state policy for the development, utilization, and conservation of all energy sources in the state and submit ~~the same~~ a report of such policy recommendations to the governor and the general assembly by January ~~15~~ fifteenth of each year. The ~~council~~ report shall evaluate the future energy needs of Iowa. ~~This study~~ The report shall include, but is not limited to:

- a. ~~the~~ The historical use and distribution of energy in Iowa,
- b. ~~determining-the~~ The growth rate of energy consumption in Iowa,
- c. ~~projecting~~ A projection of Iowa's energy needs at least ten years in the future,
- d. ~~determining-the~~ The impact of meeting these needs on the economy of the state,
- e. ~~determining-the~~ The impact of meeting these needs on the environment of the state,
- f. ~~evaluating~~ An evaluation of alternative sources and uses of energy, and
- g. ~~evaluating~~ An evaluation of the feasibility of coal gasification for the purpose of producing combustible gas. ~~The council shall serve as policy advisor to the governor on all energy matters.~~
- h. A comprehensive state energy conservation plan for implementing the energy conservation policy recommended by the council, and
 - i. Legislation necessary to implement the state policy for the development and utilization of energy sources and the comprehensive conservation plan. The council shall serve as policy advisor to the governor on all energy matters.

Sec. 3. Section ninety-three point seven (93.7), Code 1975, is amended by adding the following new subsections:

NEW SUBSECTION. Publicize and promote activities which offer members of the general assembly the opportunity to

exchange ideas and gain information on other state, regional and national energy developments.

NEW SUBSECTION. Examine and determine whether additional state regulatory authority is necessary to protect the public interest and to promote the effective development, utilization and conservation of energy resources. If the council finds that additional regulatory authority is necessary, the council shall submit recommendations to the general assembly concerning the nature and extent of such regulatory authority and which state agency should be assigned such regulatory responsibilities.

NEW SUBSECTION. Coordinate policies and programs between the council and the department of environmental quality and submit to the general assembly proposed legislation to effect such coordination when legislation is deemed necessary.

NEW SUBSECTION. Develop and assist in the implementation of public education and communications programs in energy development, use and conservation, in cooperation with the department of public instruction, the state university extension services and other public or private agencies and organizations as deemed appropriate by the council.

Sec. 4. Acts of the Sixty-sixth General Assembly, 1975 Session, chapter two hundred thirty-one (231), is amended as follows:

1. By adding the following new section after section one (1):

NEW SECTION. AID TO RAILWAYS. The state department of transportation shall identify those segments of branch line railroad trackage which, if improved, may provide increased transportation services for the citizens of this state. The department shall develop and implement programs to encourage the improvement of rail freight services on such railroad trackage. If the department determines that public assistance is in the best interest of the citizens of this state, the department 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.

2. By renumbering the remaining sections of chapter two hundred thirty-one (231) in accordance with this section.

Sec. 5. Acts of the Sixty-fifth General Assembly, 1974 Session, chapter one thousand one hundred thirteen (1113), section twenty-two (22), is amended to read as follows:

~~SEC. 22. Sections one-(1)-through-twelve-(12)-of-this Act-are~~ Chapter ninety-three (93) of the Code is repealed effective June 30, 1977 1979. The second session of the Sixty-seventh General Assembly meeting in the year 1978 shall review the activities and performance of the council and shall not later than July 1, 1978 make a determination concerning the status and duties of the council.

Sec. 6. Sections ninety-three point nine (93.9), ninety-three point ten (93.10), ninety-three point eleven (93.11), ninety-three point twelve (93.12), and ninety-three point thirteen (93.13), Code 1975, are repealed.

Sec. 7. The Code editor is directed to place section twenty-two (22) of chapter one thousand one hundred thirteen (1113) of the Acts of the Sixty-fifth General Assembly, 1974 Session, as amended by section five (5) of this Act in chapter ninety-three (93) of the Code of Iowa, to be published in 1977.

DALE M. COCHRAN
Speaker of the House

ARTHUR A. NEU
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 1371, Sixty-sixth General Assembly.

Approved June 20, 1976

DAVID L. WRAY
Chief Clerk of the House

ROBERT D. RAY
Governor