

House File 780 - Introduced

HOUSE FILE _____
BY COMMITTEE ON ENVIRONMENTAL
PROTECTION

(SUCCESSOR TO HSB 237)

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the operation and purview of the office of
2 energy independence, by transferring authority over specified
3 energy-related measures and programs from the department of
4 natural resources to the office of energy independence, and
5 providing transition provisions relating to the transfer of
6 authority.
7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
8 TLSB 1302HV 83
9 rn/nh/14

PAG LIN

1 1 Section 1. Section 7D.34, subsection 2, paragraphs b and
1 2 c, Code 2009, are amended to read as follows:
1 3 b. Before a state agency seeks approval of the executive
1 4 council for leasing real or personal properties or facilities
1 5 for use as or in connection with any energy conservation
1 6 measure, the state agency shall have a comprehensive
1 7 engineering analysis done on a building in which it seeks to
1 8 improve the energy efficiency by an engineering firm approved
1 9 by the ~~department of natural resources~~ office of energy
1 10 independence through a competitive selection process and the
1 11 engineering firm is subject to approval of the executive
1 12 council. Provisions of this section shall only apply to
1 13 energy conservation measures identified in the comprehensive
1 14 engineering analysis.
1 15 c. Before the executive council gives its approval for a
1 16 state agency to lease real and personal properties or
1 17 facilities for use as or in connection with any energy
1 18 conservation measure, the executive council shall in
1 19 conjunction with the ~~department of natural resources~~ office of
1 20 energy independence and after review of the engineering
1 21 analysis submitted by the state agency make a determination
1 22 that the properties or facilities will result in energy cost
1 23 savings to the state in an amount that results in the state
1 24 recovering the cost of the properties or facilities within six
1 25 years after the initial acquisition of the properties or
1 26 facilities.
1 27 Sec. 2. Section 7D.35, Code 2009, is amended to read as
1 28 follows:
1 29 7D.35 DISPUTE RESOLUTION.
1 30 The executive council shall resolve any disputes
1 31 transmitted to it by the ~~department of natural resources~~
1 32 office of energy independence, the state building code
1 33 commissioner, or both, arising under section 470.7.
1 34 Sec. 3. Section 7E.5, subsection 1, paragraph q, Code
1 35 2009, is amended to read as follows:
2 1 q. The department of natural resources, created in section
2 2 455A.2, which has primary responsibility for state parks and
2 3 forests, protecting the environment, and managing ~~energy~~,
2 4 fish, wildlife, and land and water resources.
2 5 Sec. 4. Section 8A.362, subsection 4, paragraph c, Code
2 6 2009, is amended to read as follows:
2 7 c. Not later than June 15 of each year, the director shall
2 8 report compliance with the corporate average fuel economy
2 9 standards published by the United States secretary of
2 10 transportation for new motor vehicles, other than motor
2 11 vehicles purchased by the state department of transportation,
2 12 institutions under the control of the state board of regents,
2 13 the department for the blind, and any other state agency

2 14 exempted from the requirements of this subsection. The report
2 15 of compliance shall classify the vehicles purchased for the
2 16 current vehicle model year using the following categories:
2 17 passenger automobiles, enforcement automobiles, vans, and
2 18 light trucks. The director shall deliver a copy of the report
2 19 to the ~~department of natural resources office of energy~~
2 20 independence. As used in this paragraph, "corporate average
2 21 fuel economy" means the corporate average fuel economy as
2 22 defined in 49 C.F.R. } 533.5.

2 23 Sec. 5. Section 72.5, subsection 2, Code 2009, is amended
2 24 to read as follows:

2 25 2. The director of the ~~department of natural resources~~
2 26 office of energy independence in consultation with the
2 27 department of management, state building code commissioner,
2 28 and state fire marshal, shall develop standards and methods to
2 29 evaluate design development documents and construction
2 30 documents based upon life cycle cost factors to facilitate
2 31 fair and uniform comparisons between design proposals and
2 32 informed decision making by public bodies.

2 33 Sec. 6. Section 103A.8, subsection 7, Code 2009, is
2 34 amended to read as follows:

2 35 7. Limit the application of thermal efficiency standards
3 1 for energy conservation to construction of buildings which are
3 2 heated or cooled. Air exchange fans designed to provide
3 3 ventilation shall not be considered a cooling system. The
3 4 commissioner shall exempt any construction from any thermal
3 5 efficiency standard for energy conservation if the
3 6 commissioner determines that the standard is unreasonable as
3 7 it would apply to a particular building or class of buildings.
3 8 No standard adopted by the commissioner for energy
3 9 conservation in construction shall be interpreted to require
3 10 the replacement or modification of any existing equipment or
3 11 feature solely to ensure compliance with requirements for
3 12 energy conservation in construction. Lighting efficiency
3 13 standards shall recognize variations in lighting intensities
3 14 required for the various tasks performed within the building.
3 15 The commissioner shall consult with the ~~department of natural~~
3 16 resources office of energy independence regarding standards
3 17 for energy conservation prior to the adoption of the
3 18 standards. However, the standards shall be consistent with
3 19 section 103A.8A.

3 20 Sec. 7. Section 103A.27, subsection 4, Code 2009, is
3 21 amended to read as follows:

3 22 4. The commission shall be formed for the two-year period
3 23 beginning July 1, 2008, and ending June 30, 2010, and shall
3 24 submit a report to the governor and the general assembly by
3 25 January 1, 2011, regarding its activities and recommendations.
3 26 Administrative support shall be furnished by the department of
3 27 public safety, with the assistance of the office of energy
3 28 independence ~~and the department of natural resources~~.

3 29 Sec. 8. Section 159A.3, subsection 4, Code 2009, is
3 30 amended to read as follows:

3 31 4. The office and state entities, including the
3 32 department, the committee, the Iowa department of economic
3 33 development, the state department of transportation, the
3 34 ~~department of natural resources office of energy independence~~,
3 35 and the state board of regents institutions, shall cooperate
4 1 to implement this section.

4 2 Sec. 9. Section 159A.4, subsection 1, paragraph d, Code
4 3 2009, is amended to read as follows:

4 4 d. The director of the ~~department of natural resources~~
4 5 office of energy independence, or a person designated by the
4 6 director, representing the ~~department of natural resources~~
4 7 office of energy independence.

4 8 Sec. 10. Section 159A.4, subsection 1, unnumbered
4 9 paragraph 2, Code 2009, is amended to read as follows:

4 10 The governor shall appoint persons who shall be confirmed
4 11 by the senate, pursuant to section 2.32, to serve as voting
4 12 members of the committee. However, the secretary of
4 13 agriculture shall appoint the person representing the
4 14 department of agriculture and land stewardship, the director
4 15 of the Iowa department of economic development shall appoint
4 16 the person representing that department, the director of the
4 17 state department of transportation shall appoint the person
4 18 representing that department, and the director of the
4 19 ~~department of natural resources office of energy independence~~
4 20 shall appoint the person representing ~~that department the~~
4 21 office. The governor may make appointments of persons
4 22 representing organizations listed under paragraphs "g" through
4 23 "i" from a list of candidates which shall be provided by the
4 24 organization upon request by the governor.

4 25 Sec. 11. Section 159A.6B, unnumbered paragraph 2, Code
4 26 2009, is amended to read as follows:

4 27 The office may execute contracts in order to provide
4 28 technical support and outreach services for purposes of
4 29 assisting and educating interested persons as provided in this
4 30 section. The office may also contract with a consultant to
4 31 provide part or all of these services. The office may require
4 32 that a person receiving assistance pursuant to this section
4 33 contribute up to fifty percent of the amount required to
4 34 support the costs of contracting with the consultant to
4 35 provide assistance to the person. The office shall assist the
5 1 person in completing any technical information required in
5 2 order to receive assistance by the department of economic
5 3 development pursuant to the value-added agricultural products
5 4 and processes financial assistance program created pursuant to
5 5 section 15E.111. The office shall cooperate with the
5 6 department of economic development, the ~~department of natural~~
5 7 ~~resources office of energy independence~~, and regents
5 8 institutions or other universities and colleges as provided in
5 9 section 15E.111, in order to carry out this section.

5 10 Sec. 12. Section 214A.19, subsection 1, Code 2009, is
5 11 amended to read as follows:

5 12 1. The ~~department of natural resources office of energy~~
5 13 ~~independence~~, conditioned upon the availability of funds, is
5 14 authorized to award demonstration grants to persons who
5 15 purchase vehicles which operate on alternative fuels,
5 16 including but not limited to E-85 gasoline, biodiesel,
5 17 compressed natural gas, electricity, solar energy, or
5 18 hydrogen. A grant shall be for the purpose of conducting
5 19 research connected with the fuel or the vehicle, and not for
5 20 the purchase of the vehicle itself, except that the money may
5 21 be used for the purchase of the vehicle if all of the
5 22 following conditions are satisfied:

- 5 23 a. The ~~department office~~ retains the title to the vehicle.
5 24 b. The vehicle is used for continuing research.
5 25 c. If the vehicle is sold or when the research related to
5 26 the vehicle is completed, the proceeds of the sale of the
5 27 vehicle shall be used for additional research.

5 28 Sec. 13. Section 266.39C, subsection 2, paragraph a,
5 29 subparagraph (6), Code 2009, is amended to read as follows:

5 30 (6) One representative of the ~~department of natural~~
5 31 ~~resources office of energy independence~~, appointed by the
5 32 director.

5 33 Sec. 14. Section 272C.2, subsection 3, Code 2009, is
5 34 amended to read as follows:

5 35 3. The state board of engineering and land surveyors, the
6 1 board of architectural examiners, the board of landscape
6 2 architectural examiners, and the ~~department of natural~~
6 3 ~~resources office of energy independence~~ shall cooperate with
6 4 each other and with persons who typically offer continuing
6 5 education courses for design professionals to make available
6 6 energy efficiency related continuing education courses, and to
6 7 encourage interdisciplinary cooperation and education
6 8 concerning available energy efficiency strategies for
6 9 employment in the state's construction industry.

6 10 Sec. 15. Section 279.44, unnumbered paragraph 1, Code
6 11 2009, is amended to read as follows:

6 12 Between July 1, 1986 and June 30, 1991, and on a staggered
6 13 annual basis each five years thereafter, the board of
6 14 directors of each school district shall file with the
6 15 ~~department of natural resources office of energy independence~~,
6 16 on forms prescribed by the ~~department of natural resources~~
6 17 ~~office~~, the results of an energy audit of the buildings owned
6 18 and leased by the school district. The energy audit shall be
6 19 conducted under rules adopted by the ~~department of natural~~
6 20 ~~resources office~~ pursuant to chapter 17A. The ~~department of~~
6 21 ~~natural resources office~~ may waive the requirement for the
6 22 initial and subsequent energy audits for school districts that
6 23 submit evidence that energy audits were conducted prior to
6 24 January 1, 1987 and energy consumption for the district is at
6 25 an adjusted statewide average or below.

6 26 Sec. 16. Section 323A.2, subsection 1, paragraph c, Code
6 27 2009, is amended to read as follows:

6 28 c. The director of the ~~department of natural resources~~
6 29 ~~office of energy independence~~ determines that the franchisee
6 30 has demonstrated that a special hardship exists in the
6 31 community served by the franchisee relating to the public
6 32 health, safety, and welfare, as specified under the rules of
6 33 the ~~department of natural resources office~~.

6 34 Sec. 17. Section 441.21, subsection 8, paragraph c,
6 35 subparagraph (2), unnumbered paragraph 2, Code 2009, is

7 1 amended to read as follows:

7 2 In assessing and valuing the property for tax purposes, the
7 3 assessor shall disregard any market value added by a solar
7 4 energy system to a building. The director of revenue shall
7 5 adopt rules, after consultation with the ~~department of natural~~
7 6 ~~resources office of energy independence~~, specifying the types
7 7 of equipment and structural components to be included under
7 8 the guidelines provided in this subsection.

7 9 Sec. 18. Section 455A.2, Code 2009, is amended to read as
7 10 follows:

7 11 455A.2 DEPARTMENT OF NATURAL RESOURCES.

7 12 A department of natural resources is created, which has the
7 13 primary responsibility for state parks and forests, protecting
7 14 the environment, and managing ~~energy~~, fish, wildlife, and land
7 15 and water resources in this state.

7 16 Sec. 19. Section 469.1, subsection 4, Code 2009, is
7 17 amended to read as follows:

7 18 4. "Foreign" means a locality outside of or nation other
7 19 than the United States, ~~Canada, or Mexico.~~

7 20 Sec. 20. Section 469.3, subsection 2, Code 2009, is
7 21 amended to read as follows:

7 22 2. The director shall do all of the following:

7 23 a. Direct the office of energy independence.

7 24 b. Coordinate the administration of the Iowa power fund.

7 25 c. Lead outreach and public education efforts concerning
7 26 renewable energy, renewable fuels, and energy efficiency.

7 27 d. Pursue new research and investment funds from federal
7 28 and private sources.

7 29 e. Coordinate and monitor all existing state and federal
7 30 renewable energy, renewable fuels, and energy efficiency
7 31 grants, programs, and policy.

7 32 f. Advise the governor and general assembly concerning
7 33 renewable energy, renewable fuels, and energy efficiency
7 34 policy and legislation.

7 35 g. Establish performance measures for determining
8 1 effectiveness of renewable energy, renewable fuels, and energy
8 2 efficiency efforts.

8 3 h. Contract for and utilize assistance from the department
8 4 of economic development regarding administration of grants,
8 5 loans, and other financial incentives related to section
8 6 469.9, subsection 4, paragraph "a", subparagraph (1), the
8 7 department of natural resources and the utilities board
8 8 regarding assistance in the administration of grants, loans,
8 9 and other financial incentives related to section 469.9,
8 10 subsection 4, paragraph "a", subparagraph (2), and other state
8 11 agencies as appropriate.

8 12 i. Develop an Iowa energy independence plan pursuant to
8 13 section 469.4.

8 14 j. Approve engineering firms for performance of
8 15 comprehensive engineering analyses done on buildings in which
8 16 a state agency seeks to improve energy efficiency pursuant to
8 17 section 7D.34.

8 18 k. Develop standards and methods to evaluate design
8 19 development and construction documents based on life cycle
8 20 cost factors in relation to design proposals submitted
8 21 pursuant to section 72.5.

8 22 l. Coordinate with other state agencies regarding
8 23 implementation of the office of renewable fuels and coproducts
8 24 pursuant to section 159A.3, serve on the renewable fuels and
8 25 coproducts advisory committee, and assist in providing
8 26 technical assistance to new or existing renewable fuel
8 27 production facilities.

8 28 m. Award demonstration grants for alternative fuels
8 29 research pursuant to section 214A.19.

8 30 n. Appoint a representative to serve on the Iowa energy
8 31 center advisory council established in section 266.39C.

8 32 o. Make available energy efficiency related continuing
8 33 education courses pursuant to section 272C.2.

8 34 p. Receive results relating to energy audits from school
8 35 districts and perform related functions pursuant to section
9 1 279.44.

9 2 q. Determine whether special hardship criteria has been
9 3 demonstrated regarding franchise alternative fuel purchases
9 4 pursuant to section 323A.2.

9 5 r. Consult with the state building code commissioner
9 6 regarding submissions of life cycle cost analyses pursuant to
9 7 section 470.7.

9 8 s. Compile energy-related information, administer and
9 9 coordinate the state building energy management program, and
9 10 perform additional responsibilities specified in section
9 11 473.7.

9 12 t. Transmit by resolution to the governor a determination
9 13 of actual or impending acute usable energy shortage pursuant
9 14 to section 473.8.
9 15 u. Operate a liquid fossil fuel set-aside program as
9 16 required in section 473.10.
9 17 v. Administer the building energy management program, the
9 18 building energy management fund, and the energy loan program
9 19 established in sections 473.19, 473.19A, and 473.20,
9 20 respectively.
9 21 w. Coordinate the energy city designation program created
9 22 in section 473.41.
9 23 x. Provide assistance to local government bodies and the
9 24 public regarding access to solar energy pursuant to section
9 25 564A.9.

9 26 ~~j-~~ y. Submit an annual report to the governor and general
9 27 assembly by November 1 of each year concerning the activities
9 28 and programs of the office, Iowa power fund, and other
9 29 departments related to renewable energy, renewable fuels, and
9 30 energy efficiency. The report shall include an assessment of
9 31 needs with respect to renewable energy, renewable fuels, and
9 32 energy efficiency efforts and policy and fiscal
9 33 recommendations for renewable energy, renewable fuels, and
9 34 energy efficiency. In addition, the director shall review
9 35 issues relating to the transportation of biofuels and explore

10 1 leading and participating in multistate efforts relating to
10 2 renewable energy and energy efficiency.
10 3 ~~k-~~ z. Adopt rules pursuant to chapter 17A concerning the
10 4 office, the Iowa power fund, and the programs and functions of
10 5 the office and the fund.

10 6 Sec. 21. Section 469.4, subsection 1, Code 2009, is
10 7 amended to read as follows:

10 8 1. The director shall develop an Iowa energy independence
10 9 ~~plan with the assistance of the department of natural~~
~~10 10 resources as provided in section 473.7, and in association~~
10 11 with public and private partners selected by the director
10 12 including representatives of the energy industry,
10 13 environmental interests, agricultural interests, business
10 14 interests, other interested parties, and members of the
10 15 general public. The plan shall be subject to approval by the
10 16 board.

10 17 Sec. 22. Section 469.10, subsection 2, Code 2009, is
10 18 amended to read as follows:

10 19 2. a. Of the moneys appropriated to the office and
10 20 deposited in the fund, the office shall utilize up to three
10 21 and five-tenths percent of the amount appropriated from the
10 22 fund for a fiscal year for administrative costs.

10 23 b. From the funds available for administrative costs, the
10 24 office shall not employ more than four full-time equivalent
10 25 positions. Notwithstanding any other limitation, the director
10 26 may use funds received by the office from any source other
10 27 than the state general fund or the road use tax fund to employ
10 28 personnel necessary to administer any program assigned to the
10 29 office.

10 30 Sec. 23. Section 470.1, Code 2009, is amended to read as
10 31 follows:

10 32 470.1 DEFINITIONS.

10 33 As used in this chapter unless the context otherwise
10 34 requires:

10 35 1. "Commissioner" means the state building code
11 1 commissioner.

11 2 ~~2. "Department" means the department of natural resources.~~

11 3 ~~3. 2. "Director" means the director of the department of~~
~~11 4 natural resources office of energy independence.~~

11 5 ~~4. 3. "Economic life" means the projected or anticipated~~
11 6 useful life of a facility as expressed by a term of years.

11 7 ~~5. 4. "Energy system" includes but is not limited to the~~
11 8 following equipment or measures:

11 9 a. Equipment used to heat or cool the facility.

11 10 b. Equipment used to heat water in the facility.

11 11 c. On-site equipment used to generate electricity for the
11 12 major facility.

11 13 d. On-site equipment that uses the sun, wind, oil, natural
11 14 gas, coal or electricity as a power source.

11 15 e. Energy conservation measures in the facility design and
11 16 construction that decrease the energy requirements of the
11 17 facility.

11 18 ~~6. 5. "Facility" means a building having twenty thousand~~
11 19 square feet or more of usable floor space that is heated or
11 20 cooled by a mechanical or electrical system or any building,
11 21 system, or physical operation which consumes more than forty
11 22 thousand British thermal units (BTUs) per square foot per

11 23 year.
11 24 ~~7.~~ 6. "Initial cost" means the moneys required for the
11 25 capital construction or renovation of a facility.
11 26 ~~8.~~ 7. "Life cycle cost analysis" means an analytical
11 27 technique that considers certain costs of owning, using and
11 28 operating a facility over its economic life including but not
11 29 limited to the following:
11 30 a. Initial costs.
11 31 b. System repair and replacement costs.
11 32 c. Maintenance costs.
11 33 d. Operating costs, including energy costs.
11 34 e. Salvage value.

11 35 8. "Office" means the office of energy independence
12 1 established in section 469.2.

12 2 9. "Public agency" means a state agency, political
12 3 subdivision of the state, school district, area education
12 4 agency, or community college.

12 5 10. "Renovation" means a project where additions or
12 6 alterations exceed fifty percent of the value of a facility
12 7 and will affect an energy system.

12 8 Sec. 24. Section 470.3, subsection 2, Code 2009, is
12 9 amended to read as follows:

12 10 2. A public agency or a person preparing a life cycle cost
12 11 analysis for a public agency shall consider the methods and
12 12 analytical models provided by the ~~department office~~ and
12 13 available through the commissioner, which are suited to the
12 14 purpose for which the project is intended. Within sixty days
12 15 of final selection of a design architect or engineer, a public
12 16 agency, which is also a state agency under section 7D.34,
12 17 shall notify the commissioner and the ~~department office~~ of the
12 18 methodology to be used to perform the life cycle cost
12 19 analysis, on forms provided by the ~~department office~~.

12 20 Sec. 25. Section 470.7, Code 2009, is amended to read as
12 21 follows:

12 22 470.7 LIFE CYCLE COST ANALYSIS == APPROVAL.

12 23 1. The public agency responsible for the new construction
12 24 or renovation of a public facility shall submit a copy of the
12 25 life cycle cost analysis for review by the commissioner who
12 26 shall consult with the ~~department office~~. If the public
12 27 agency is also a state agency under section 7D.34, comments by
12 28 the ~~department office~~ or the commissioner, including any
12 29 recommendation for changes in the analysis, shall, within
12 30 thirty days of receipt of the analysis, be forwarded in
12 31 writing to the public agency. If either the ~~department office~~
12 32 or the commissioner disagrees with any aspects of the life
12 33 cycle cost analysis, the public agency affected shall timely
12 34 respond in writing to the commissioner and the ~~department~~
12 35 office. The response shall indicate whether the agency
13 1 intends to implement the recommendations and, if the agency
13 2 does not intend to implement them, the public agency shall
13 3 present its reasons. The reasons may include, but are not
13 4 limited to, a description of the purpose of the facility or
13 5 renovation, preservation of historical architectural features,
13 6 architectural and site considerations, and health and safety
13 7 concerns.

13 8 2. Within thirty days of receipt of the response of the
13 9 public agency affected, the ~~department office~~, the
13 10 commissioner, or both, shall notify in writing the public
13 11 agency affected of the ~~department's office's~~, the
13 12 commissioner's, or both's agreement or disagreement with the
13 13 response. In the event of a disagreement, the ~~department~~
13 14 office, the commissioner, or both, shall at the same time
13 15 transmit the notification of disagreement with response and
13 16 related papers to the executive council for resolution
13 17 pursuant to section 7D.34. The life cycle cost analysis
13 18 process, including submittal and approval, and implementation
13 19 exemption requests pursuant to section 470.8, shall be
13 20 completed prior to the letting of contracts for the
13 21 construction or renovation of a facility.

13 22 Sec. 26. Section 473.1, Code 2009, is amended to read as
13 23 follows:

13 24 473.1 DEFINITIONS.

13 25 As used in this chapter, unless the context otherwise
13 26 requires:

13 27 1. "Alternative and renewable energy" means the same as in
13 28 section 469.31.

13 29 2. "Commission" means the environmental protection
13 30 commission of the department of natural resources.

13 31 ~~3. "Department" means the department of natural resources~~
13 32 ~~created under section 455A.2.~~

13 33 ~~4.~~ 3. "Director" means the director of the ~~department~~

13 34 office or a designee.

13 35 ~~5- 4.~~ "Energy" or "energy sources" means gasoline, fuel
14 1 oil, natural gas, propane, coal, special fuels and
14 2 electricity.

14 3 5. "Office" means the office of energy independence
14 4 established in section 469.2.

14 5 6. "Renewable fuel" means the same as in section 469.31.

14 6 7. "Supplier" means any person engaged in the business of
14 7 selling, importing, storing, or generating energy sources,
14 8 alternative and renewable energy, or renewable fuel in Iowa.

14 9 Sec. 27. Section 473.7, Code 2009, is amended to read as
14 10 follows:

14 11 473.7 DUTIES OF THE ~~DEPARTMENT~~ OFFICE.

14 12 The ~~department~~ office shall:

14 13 1. ~~Assist the director of the office of energy~~

~~14 14 independence with preparation of the Iowa energy independence~~
~~14 15 plan as provided in section 469.4. In addition to assistance~~

~~14 16 requested by the director, the department shall supply Supply~~
14 17 and annually update the following information:

14 18 a. The historical use and distribution of energy in Iowa.

14 19 b. The growth rate of energy consumption in Iowa,

14 20 including rates of growth for each energy source.

14 21 c. A projection of Iowa's energy needs at a minimum
14 22 through the year 2025.

14 23 d. The impact of meeting Iowa's energy needs on the
14 24 economy of the state, including the impact of energy
14 25 efficiency and renewable energy on employment and economic
14 26 development.

14 27 e. The impact of meeting Iowa's energy needs on the
14 28 environment of the state, including the impact of energy
14 29 production and use on greenhouse gas emissions.

14 30 f. An evaluation of renewable energy sources, including
14 31 the current and future technological potential for such
14 32 sources.

14 33 2. ~~a-~~ The ~~department~~ office shall collect and analyze
14 34 data to use in forecasting future energy demand and supply for
14 35 the state. A supplier is required to provide information
15 1 pertaining to the supply, storage, distribution, and sale of
15 2 energy sources in this state when requested by the ~~department~~
15 3 office. The information shall be of a nature which directly
15 4 relates to the supply, storage, distribution, and sale of
15 5 energy sources, and shall not include any records, documents,
15 6 books, or other data which relate to the financial position of
15 7 the supplier. The ~~department~~ office, prior to requiring any
15 8 supplier to furnish it with such information, shall make every
15 9 reasonable effort to determine if such information is
15 10 available from any other governmental source. If it finds
15 11 such information is available, the ~~department~~ office shall not
15 12 require submission of the information from a supplier.
15 13 Notwithstanding the provisions of chapter 22, information and
15 14 reports obtained under this section shall be confidential
15 15 except when used for statistical purposes without identifying
15 16 a specific supplier and when release of the information will
15 17 not give an advantage to competitors and serves a public
15 18 purpose. The ~~department~~ office shall use this data to conduct
15 19 energy forecasts.

~~15 20 b. The department may subpoena witnesses, administer~~
~~15 21 oaths, and require the production of records, books, and~~
~~15 22 documents for examination in order to obtain information~~
~~15 23 required to be submitted under this section. In case of~~
~~15 24 failure or refusal on the part of any person to comply with a~~
~~15 25 subpoena issued by the department, or in case of the refusal~~
~~15 26 of any witness to testify as to any matter regarding which the~~
~~15 27 witness may be interrogated under this chapter, the district~~
~~15 28 court, upon the application of the department, may order the~~
~~15 29 person to show cause why the person should not be held in~~
~~15 30 contempt for failure to testify or comply with a subpoena, and~~
~~15 31 may order the person to produce the records, books, and~~
~~15 32 documents for examination, and to give testimony. The courts~~
~~15 33 may punish for contempt as in the case of disobedience to a~~
~~15 34 like subpoena issued by the court, or for refusal to testify.~~

15 35 3. Develop, recommend, and implement with appropriate
16 1 agencies public and professional education and communication
16 2 programs in energy efficiency, energy conservation, and
16 3 conversion to alternative and renewable energy.

16 4 4. When necessary to carry out its duties under this
16 5 chapter, enter into contracts with state agencies and other
16 6 qualified contractors.

16 7 5. Receive and accept grants made available for programs
16 8 relating to duties of the ~~department~~ office under this
16 9 chapter.

16 10 6. Promulgate rules necessary to carry out the provisions
16 11 of this chapter, subject to review in accordance with chapter
16 12 17A. Rules promulgated by the governor pursuant to a
16 13 proclamation issued under the provisions of section 473.8
16 14 shall not be subject to review or a public hearing as required
16 15 in chapter 17A; however, agency office rules for
16 16 implementation of the governor's proclamation are subject to
16 17 the requirements of chapter 17A.

~~16 18 7. Examine and determine whether additional state
16 19 regulatory authority is necessary to protect the public
16 20 interest and to promote the effective development, utilization
16 21 and conservation of energy resources. If the department finds
16 22 that additional regulatory authority is necessary, the
16 23 department shall submit recommendations to the general
16 24 assembly concerning the nature and extent of such regulatory
16 25 authority and which state agency should be assigned such
16 26 regulatory responsibilities.~~

16 27 8. Develop and assist 7. Assist in the implementation of
16 28 public education and communications programs in energy
16 29 development, use and conservation, in cooperation with the
16 30 department of education, the state university extension
16 31 services and other public or private agencies and
16 32 organizations as deemed appropriate by the department office.

~~16 33 9. 8. Develop, in coordination with the office of energy
16 34 independence, a program to annually give public recognition to
16 35 innovative methods of energy conservation, energy management,
17 1 and alternative and renewable energy production.~~

~~17 2 10. 9. Administer and coordinate, in coordination with the
17 3 office of energy independence, federal funds for energy
17 4 conservation, energy management, and alternative and renewable
17 5 energy programs.~~

17 6 11. 10. Administer and coordinate the state building
17 7 energy management program including projects funded through
17 8 private financing.

17 9 12. 11. Provide information from monthly fuel surveys
17 10 which establish a statistical average of motor fuel prices for
17 11 various motor fuels provided throughout the state.
17 12 Additionally, the department office shall provide statewide
17 13 monthly fuel survey information which establishes a
17 14 statistical average of motor fuel prices for various motor
17 15 fuels provided in both metropolitan and rural areas of the
17 16 state. The survey results shall be publicized in a monthly
17 17 press release issued by the department office.

~~17 18 13. Conduct a study on activities related to energy
17 19 production and use which contribute to global climate change
17 20 and the depletion of the stratospheric ozone layer. The study
17 21 shall identify the types and relative contributions of these
17 22 activities in Iowa. The department shall develop a strategy
17 23 to reduce emissions from activities identified as having an
17 24 adverse impact on the global climate and the stratospheric
17 25 ozone layer. The department shall submit a report containing
17 26 its findings and recommendations to the governor and general
17 27 assembly by January 1, 1992.~~

17 28 Sec. 28. Section 473.8, unnumbered paragraph 1, Code 2009,
17 29 is amended to read as follows:

17 30 If the department office by resolution determines the
17 31 health, safety, or welfare of the people of this state is
17 32 threatened by an actual or impending acute shortage of usable
17 33 energy, it shall transmit the resolution to the governor
17 34 together with its recommendation on the declaration of an
17 35 emergency by the governor and recommended actions, if any, to
18 1 be undertaken. Within thirty days of the date of the
18 2 resolution, the governor may issue a proclamation of emergency
18 3 which shall be filed with the secretary of state. The
18 4 proclamation shall state the facts relied upon and the reasons
18 5 for the proclamation.

18 6 Sec. 29. Section 473.8, subsection 4, Code 2009, is
18 7 amended to read as follows:

18 8 4. Delegate any administrative authority vested in the
18 9 governor to the department office or the director.

18 10 Sec. 30. Section 473.10, Code 2009, is amended to read as
18 11 follows:

18 12 473.10 RESERVE REQUIRED.

18 13 1. If the department office or the governor finds that an
18 14 impending or actual shortage or distribution imbalance of
18 15 liquid fossil fuels may cause hardship or pose a threat to the
18 16 health and economic well-being of the people of the state or a
18 17 significant segment of the state's population, the department
18 18 office or the governor may authorize the director to operate a
18 19 liquid fossil fuel set-aside program as provided in subsection
18 20 2.

18 21 2. Upon authorization by the ~~department office~~ or the
18 22 governor the director may require a prime supplier to reserve
18 23 a specified fraction of the prime supplier's projected total
18 24 monthly release of liquid fossil fuel in Iowa. The director
18 25 may release any or all of the fuel required to be reserved by
18 26 a prime supplier to end-users or to distributors for release
18 27 through normal retail distribution channels to retail
18 28 customers. However, the specified fraction required to be
18 29 reserved shall not exceed three percent for propane, aviation
18 30 fuel and residual oil, and five percent for motor gasoline,
18 31 heating oil, and diesel oil.

18 32 3. The ~~department office~~ shall periodically review and may
18 33 terminate the operation of a set-aside program authorized by
18 34 the ~~department office~~ under subsection 1 when the ~~department~~
18 35 ~~office~~ finds that the conditions that prompted the
19 1 authorization no longer exist. The governor shall
19 2 periodically review and may terminate the operation of a
19 3 set-aside program authorized by the governor under subsection
19 4 1 when the governor finds that the conditions that prompted
19 5 the authorization no longer exist.

19 6 4. The director shall adopt rules to implement this
19 7 section.

19 8 Sec. 31. Section 473.15, Code 2009, is amended to read as
19 9 follows:

19 10 473.15 ANNUAL REPORT.

19 11 The ~~department office~~ shall complete an annual report to
19 12 assess the progress of state agencies in implementing energy
19 13 management improvements, alternative and renewable energy
19 14 systems, and life cycle cost analyses under chapter 470, and
19 15 on the use of renewable fuels. The ~~department office~~ shall
19 16 work with state agencies and with any entity, agency, or
19 17 organization with which they are associated or involved in
19 18 such implementation, to use available information to minimize
19 19 the cost of preparing the report. The ~~department office~~ shall
19 20 also provide an assessment of the economic and environmental
19 21 impact of the progress made by state agencies related to
19 22 energy management and alternative and renewable energy, along
19 23 with recommendations on technological opportunities and
19 24 policies necessary for continued improvement in these areas.

19 25 Sec. 32. Section 473.19, Code 2009, is amended to read as
19 26 follows:

19 27 473.19 ~~ENERGY BANK BUILDING ENERGY MANAGEMENT~~ PROGRAM.

19 28 1. The ~~building energy bank management~~ program is
19 29 established by the ~~department office~~. The ~~building energy~~
19 30 ~~bank management~~ program consists of the following forms of
19 31 assistance for the state, state agencies, political
19 32 subdivisions of the state, school districts, area education
19 33 agencies, community colleges, and nonprofit organizations:

19 34 a. Promoting program availability.

19 35 b. Developing or identifying guidelines and model energy
20 1 techniques for the completion of energy analyses for state
20 2 agencies, political subdivisions of the state, school
20 3 districts, area education agencies, community colleges, and
20 4 nonprofit organizations.

20 5 c. Providing technical assistance for conducting or
20 6 evaluating energy analyses for state agencies, political
20 7 subdivisions of the state, school districts, area education
20 8 agencies, community colleges, and nonprofit organizations.

20 9 d. Providing or facilitating loans, leases, and other
20 10 methods of alternative financing under the energy loan program
20 11 for the state, state agencies, political subdivisions of the
20 12 state, school districts, area education agencies, community
20 13 colleges, and nonprofit organizations to implement energy
20 14 management improvements or energy analyses.

20 15 e. Providing assistance for obtaining insurance on the
20 16 energy savings expected to be realized from the implementation
20 17 of energy management improvements.

20 18 f. Facilitating self-liquidating financing for the state,
20 19 state agencies, political subdivisions of the state, school
20 20 districts, area education agencies, community colleges, and
20 21 nonprofit organizations pursuant to section 473.20A.

20 22 g. Assisting the treasurer of state with financing
20 23 agreements entered into by the treasurer of state on behalf of
20 24 state agencies to finance energy management improvements
20 25 pursuant to section 12.28.

20 26 2. For the purpose of this section, section 473.20, and
20 27 section 473.20A, "energy management improvement" means
20 28 construction, rehabilitation, acquisition, or modification of
20 29 an installation in a facility or vehicle which is intended to
20 30 reduce energy consumption, or energy costs, or both, or allow
20 31 the use of alternative and renewable energy. "Energy

20 32 management improvement" may include control and measurement
20 33 devices. "Nonprofit organization" means an organization
20 34 exempt from federal income taxation under section 501(c)(3) of
20 35 the Internal Revenue Code.

21 1 3. The ~~department office~~ shall submit a report by January
21 2 1 annually to the governor and the general assembly detailing
21 3 services provided and assistance rendered pursuant to the
21 4 building energy bank management program and pursuant to
21 5 sections 473.20 and 473.20A, and receipts and disbursements in
21 6 relation to the building energy bank management fund created
21 7 in section 473.19A.

21 8 4. Moneys awarded or allocated to the state, its citizens,
21 9 or its political subdivisions as a result of the federal court
21 10 decisions and United States department of energy settlements
21 11 resulting from alleged violations of federal petroleum pricing
21 12 regulations attributable to or contained within the Stripper
21 13 Well fund shall be allocated to and remain under the control
21 14 of the ~~department office~~ for utilization for energy
21 15 program-related staff support purposes.

21 16 Sec. 33. Section 473.19A, Code 2009, is amended to read as
21 17 follows:

21 18 473.19A BUILDING ENERGY BANK MANAGEMENT FUND.

21 19 1. The building energy bank management fund is created
21 20 within the state treasury under the control of the ~~department,~~
~~21 21 in collaboration with the office of energy independence~~
~~21 22 established in section 469.2 office.~~ The fund shall be used
21 23 for the operational expenses and administrative costs incurred
21 24 by the ~~department office~~ in facilitating and administering the
21 25 building energy bank management program established in section
21 26 473.19.

21 27 2. The building energy bank management fund shall consist
21 28 of amounts deposited into the fund or allocated from the
21 29 following sources:

21 30 a. Any moneys awarded or allocated to the state, its
21 31 citizens, or its political subdivisions as a result of the
21 32 federal court decisions and United States department of energy
21 33 settlements resulting from alleged violations of federal
21 34 petroleum pricing regulations attributable to or contained
21 35 within the Exxon fund. Amounts remaining in the oil
22 1 overcharge account established in section 455E.11, subsection
22 2 2, paragraph "e", Code 2007, and the energy conservation trust
22 3 established in section 473.11, Code 2007, as of June 30, 2008,
22 4 shall be deposited into the building energy bank management
22 5 fund pursuant to this paragraph, notwithstanding section 8.60,
22 6 subsection 15, Code 2007.

22 7 b. (1) Moneys received in the form of fees imposed upon
22 8 the state, state agencies, political subdivisions of the
22 9 state, school districts, area education agencies, community
22 10 colleges, and nonprofit organizations for services performed
22 11 or assistance rendered pursuant to the building energy bank
22 12 management program. Fees imposed pursuant to this paragraph
22 13 shall be established by the ~~department office~~ in an amount
22 14 corresponding to the operational expenses or administrative
22 15 costs incurred by the ~~department office~~ in performing services
22 16 or providing assistance authorized pursuant to the building
22 17 energy bank management program, as follows:

22 18 (a) For a building of up to twenty-five thousand square
22 19 feet, two thousand five hundred dollars.

22 20 (b) For a building in excess of twenty-five thousand
22 21 square feet, an additional eight cents per square foot.

22 22 (c) A building that houses more energy intensive functions
22 23 may be subject to a higher fee than the fees specified in
22 24 subparagraphs (a) and (b) as determined by the ~~department~~
22 25 office.

22 26 (2) Any fees imposed shall be retained by the ~~department~~
22 27 office and are appropriated to the ~~department office~~ for
22 28 purposes of providing services or assistance under the
22 29 program.

22 30 c. Moneys appropriated by the general assembly and any
22 31 other moneys, including grants and gifts from government and
22 32 nonprofit organizations, available to and obtained or accepted
22 33 by the ~~department office~~ for placement in the fund.

22 34 d. Moneys contained in the intermodal revolving loan fund
22 35 administered by the department of transportation for the
23 1 fiscal year beginning July 1, 2019, and succeeding fiscal
23 2 years.

23 3 e. Moneys in the fund are not subject to section 8.33.
23 4 Notwithstanding section 12C.7, interest or earnings on moneys
23 5 in the fund shall be credited to the fund.

23 6 3. The building energy bank management fund shall be
23 7 limited to a maximum of one million dollars. Amounts in

23 8 excess of this maximum limitation shall be transferred to and
23 9 deposited in the rebuild Iowa infrastructure fund created in
23 10 section 8.57, subsection 6.

23 11 Sec. 34. Section 473.20, Code 2009, is amended to read as
23 12 follows:

23 13 473.20 ENERGY LOAN PROGRAM.

23 14 1. An energy loan program is established and shall be
23 15 administered by the ~~department~~ office.

23 16 2. The ~~department~~ office may facilitate the loan process
23 17 for political subdivisions of the state, school districts,
23 18 area education agencies, community colleges, and nonprofit
23 19 organizations for implementation of energy management
23 20 improvements identified in an energy analysis. Loans shall be
23 21 facilitated for all cost-effective energy management
23 22 improvements. For political subdivisions of the state, school
23 23 districts, area education agencies, community colleges, and
23 24 nonprofit organizations to receive loan assistance under the
23 25 program, the ~~department~~ office shall require completion of an
23 26 energy management plan including an energy analysis. The
23 27 ~~department~~ office shall approve loans facilitated under this
23 28 section.

23 29 3. a. Cities and counties shall repay the loans from
23 30 moneys in their debt service funds. Area education agencies
23 31 shall repay the loans from any moneys available to them.

23 32 b. School districts and community colleges may enter into
23 33 financing arrangements with the ~~department~~ office or its duly
23 34 authorized agents or representatives obligating the school
23 35 district or community college to make payments on the loans
24 1 beyond the current budget year of the school district or
24 2 community college. Chapter 75 shall not be applicable.
24 3 School districts shall repay the loans from moneys in either
24 4 their general fund or debt service fund. Community colleges
24 5 shall repay the loans from their general fund. Other entities
24 6 receiving loans under this section shall repay the loans from
24 7 any moneys available to them.

24 8 4. For the purpose of this section, "loans" means loans,
24 9 leases, or alternative financing arrangements.

24 10 5. Political subdivisions of the state, school districts,
24 11 area education agencies, and community colleges shall design
24 12 and construct the most energy cost-effective facilities
24 13 feasible and may use financing facilitated by the ~~department~~
24 14 office to cover the incremental costs above minimum building
24 15 code energy efficiency standards of purchasing
24 16 energy-efficient devices and materials unless other lower cost
24 17 financing is available. As used in this section, "facility"
24 18 means a structure that is heated or cooled by a mechanical or
24 19 electrical system, or any system of physical operation that
24 20 consumes energy to carry out a process.

24 21 6. The ~~department~~ office shall not require the state,
24 22 state agencies, political subdivisions of the state, school
24 23 districts, area education agencies, and community colleges to
24 24 implement a specific energy management improvement identified
24 25 in an energy analysis if the entity which prepared the
24 26 analysis demonstrates to the ~~department~~ office that the
24 27 facility which is the subject of the energy management
24 28 improvement is unlikely to be used or operated for the full
24 29 period of the expected savings payback of all costs associated
24 30 with implementing the energy management improvement, including
24 31 without limitation, any fees or charges of the ~~department~~
24 32 office, engineering firms, financial advisors, attorneys, and
24 33 other third parties, and all financing costs including
24 34 interest, if financed.

24 35 Sec. 35. Section 473.20A, subsection 1, Code 2009, is
25 1 amended to read as follows:

25 2 1. a. The ~~department of natural resources~~ office may
25 3 facilitate financing agreements that may be entered into with
25 4 political subdivisions of the state, school districts, area
25 5 education agencies, community colleges, or nonprofit
25 6 organizations to finance the costs of energy management
25 7 improvements on a self-liquidating basis. The provisions of
25 8 section 473.20 defining eligible energy management
25 9 improvements apply to financings under this section.

25 10 b. The financing agreement may contain provisions,
25 11 including interest, term, and obligations to make payments on
25 12 the financing agreement beyond the current budget year, as may
25 13 be acceptable to political subdivisions of the state, school
25 14 districts, area education agencies, community colleges, or
25 15 nonprofit organizations.

25 16 c. The ~~department~~ office shall assist the treasurer of
25 17 state with financing agreements entered into by the treasurer
25 18 of state on behalf of state agencies pursuant to section 12.28

25 19 to finance energy management improvements being implemented by
25 20 state agencies.

25 21 Sec. 36. Section 473.41, Code 2009, is amended to read as
25 22 follows:

25 23 473.41 ENERGY CITY DESIGNATION PROGRAM.

25 24 1. The ~~department office~~ shall establish an energy city
25 25 designation program, with the objective of encouraging cities
25 26 to develop and implement innovative energy efficiency
25 27 programs. To qualify for designation as an energy city, a
25 28 city shall submit an application on forms prescribed by the
25 29 ~~department office~~ by rule, indicating the following:

25 30 a. Submission of community-based plans for energy
25 31 reduction projects, energy-efficient building construction and
25 32 rehabilitation, and alternative or renewable energy
25 33 production.

25 34 b. Efforts to secure local funding for community-based
25 35 plans, and documentation of any state or federal grant or loan
26 1 funding being pursued in connection therewith.

26 2 c. Involvement of local schools, civic organizations,
26 3 chambers of commerce, and private groups in a community-based
26 4 plan.

26 5 d. Existing or proposed ordinances encouraging energy
26 6 efficiency and conservation, recycling efforts, and
26 7 energy-efficient building code provisions and enforcement.

26 8 e. Organization of an energy day observance and
26 9 proclamation with a commemorating event and awards ceremony
26 10 for leading energy-efficient community businesses, groups,
26 11 schools, or individuals.

26 12 2. The ~~department office~~ shall establish by rule criteria
26 13 for awarding energy city designations. If more than one
26 14 designation is awarded annually, the criteria shall include a
26 15 requirement that the ~~department office~~ award the designations
26 16 to cities of varying populations. Rules shall also be
26 17 established identifying and publicizing state grant and loan
26 18 programs relating to energy efficiency, and the development of
26 19 a procedure whereby the ~~department office~~ shall coordinate
26 20 with other state agencies preferences given in the awarding of
26 21 grants or making of loans to energy city designated
26 22 applicants.

26 23 Sec. 37. Section 476.6, subsection 16, paragraph b, Code
26 24 2009, is amended to read as follows:

26 25 b. A gas and electric utility required to be
26 26 rate-regulated under this chapter shall assess potential
26 27 energy and capacity savings available from actual and
26 28 projected customer usage by applying commercially available
26 29 technology and improved operating practices to energy-using
26 30 equipment and buildings. The utility shall submit the
26 31 assessment to the board. Upon receipt of the assessment, the
26 32 board shall consult with the ~~department of natural resources~~
26 33 office of energy independence to develop specific capacity and
26 34 energy savings performance standards for each utility. The
26 35 utility shall submit an energy efficiency plan which shall
27 1 include economically achievable programs designed to attain
27 2 these energy and capacity performance standards. The board
27 3 shall periodically report the energy efficiency results
27 4 including energy savings of each utility to the general
27 5 assembly.

27 6 Sec. 38. Section 476.63, Code 2009, is amended to read as
27 7 follows:

27 8 476.63 ENERGY EFFICIENCY PROGRAMS.

27 9 The division shall consult with the ~~department of natural~~
27 10 ~~resources office of energy independence~~ in the development and
27 11 implementation of public utility energy efficiency programs.

27 12 Sec. 39. Section 564A.9, Code 2009, is amended to read as
27 13 follows:

27 14 564A.9 ASSISTANCE TO LOCAL GOVERNMENT BODIES AND THE
27 15 PUBLIC.

27 16 The ~~department of natural resources~~ office of energy
27 17 independence shall make available information and guidelines
27 18 to assist local government bodies and the public to understand
27 19 and use the provisions of this chapter. The information and
27 20 guidelines shall include an application form for a solar
27 21 access easement, instructions and aids for preparing and
27 22 recording solar access easements and model ordinances that
27 23 promote reasonable access to solar energy.

27 24 Sec. 40. Section 473.13A, Code 2009, is repealed.

27 25 Sec. 41. TRANSITION PROVISIONS == RULEMAKING.

27 26 1. Any moneys retained in any account or fund under the
27 27 control of the department of natural resources relative to the
27 28 provisions of this Act shall be transferred to a comparable
27 29 fund or account under the control of the office of energy

27 30 independence for such purposes.
27 31 2. Any license, permit, or contract issued or entered into
27 32 by the department of natural resources relative to the
27 33 provisions of this Act in effect on the effective date of this
27 34 Act shall continue in full force and effect pending transfer
27 35 of such licenses, permits, or contracts to the office of
28 1 energy independence.

28 2 3. Not later than August 1, 2009, the office of energy
28 3 independence shall adopt administrative rules previously
28 4 adopted by the department of natural resources relative to the
28 5 provisions of this Act in existence on the effective date of
28 6 this Act by emergency rulemaking pursuant to section 17A.4,
28 7 subsection 3, and section 17A.5, subsection 2, paragraph "b".
28 8 The rules shall become effective immediately upon filing or on
28 9 a later effective date specified in the rules. Any rules
28 10 adopted in accordance with the provisions of this section
28 11 shall also be published as a notice of intended action as
28 12 provided in section 17A.4. Any rule, regulation, form, order,
28 13 or directive promulgated by the department relative to the
28 14 provisions of this Act in effect on the effective date of this
28 15 Act shall continue in full force and effect until such
28 16 emergency rules are adopted.

28 17 4. The provisions of section 469.10, subsection 2,
28 18 relating to utilization by the director of the office of
28 19 energy independence of funds received by the office from any
28 20 source other than the state general fund or the road use tax
28 21 fund to employ personnel necessary to administer any program
28 22 assigned to the office, shall be applicable to the transfer
28 23 from the department of natural resources to the office of
28 24 energy independence of individuals currently employed by the
28 25 department in capacities relating to the programs or
28 26 provisions transferred from the department to the office
28 27 pursuant to this Act.

28 28 EXPLANATION

28 29 This bill transfers authority over specified energy-related
28 30 measures and programs from the department of natural resources
28 31 to the office of energy independence. References to the
28 32 "department" are changed to the "office" throughout Code
28 33 chapter 470 relating to life cycle cost analyses of public
28 34 facilities, and Code chapter 473, which contains provisions
28 35 relating to the development of policies and programs that
29 1 promote energy efficiency, alternative and renewable energy,
29 2 and energy management improvement financing. Similar
29 3 reference changes are made with regard to approving
29 4 engineering firms for performance of comprehensive engineering
29 5 analyses done on a building in which a state agency seeks to
29 6 improve energy efficiency pursuant to Code section 7D.34,
29 7 developing standards and methods to evaluate design
29 8 development and construction documents based on life cycle
29 9 cost factors in relation to design proposals submitted
29 10 pursuant to Code section 72.5, and coordinating with other
29 11 state agencies regarding implementation of the office of
29 12 renewable fuels and coproducts pursuant to Code section
29 13 159A.3, serving on the renewable fuels and coproducts advisory
29 14 committee, and assisting in providing technical assistance to
29 15 new or existing renewable fuel production facilities.
29 16 Additional transfers of authority include awarding
29 17 demonstration grants for alternative fuels research pursuant
29 18 to Code section 214A.19, appointing a representative to serve
29 19 on the Iowa energy center advisory council established in Code
29 20 section 266.39C, making available energy efficiency-related
29 21 continuing education courses pursuant to Code section 272C.2,
29 22 receiving results relating to energy audits from school
29 23 districts and perform related functions pursuant to Code
29 24 section 279.44, determining whether special hardship criteria
29 25 has been demonstrated regarding franchise alternative fuel
29 26 purchases pursuant to Code section 323A.2, and providing
29 27 assistance to local government bodies and the public regarding
29 28 access to solar energy pursuant to Code section 564A.9.
29 29 Conforming changes are made in Code chapter 469 regarding the
29 30 transfer of authority.

29 31 The bill modifies authority previously granted the
29 32 department in Code section 473.7 to remove the ability to
29 33 subpoena witnesses and require the production of records,
29 34 books and documents for examination; and to examine and
29 35 determine whether additional state regulatory authority is
30 1 necessary to protect the public interest and to promote the
30 2 effective development, utilization, and conservation of energy
30 3 resources. The bill also modifies the definition of "foreign"
30 4 with reference to sources of energy such that foreign sources
30 5 now include the countries of Canada and Mexico.

30 6 Additionally, the bill provides that, notwithstanding any
30 7 other limitation, the director may use funds received from any
30 8 source other than the state general fund or the road use tax
30 9 fund to employ personnel necessary to administer any program
30 10 assigned to the office, including employing employees
30 11 transferred from the department in positions relating to the
30 12 authority transferred under the bill.

30 13 The bill repeals Code section 473.13A, which contained
30 14 outdated terminology and outdated provisions regarding
30 15 financing for energy measures provided directly by the
30 16 department. The bill also changes the names of the energy
30 17 bank program and the energy bank fund to building energy
30 18 management program and building energy management fund,
30 19 respectively.

30 20 The bill contains transition provisions regarding the
30 21 transfer of moneys retained in an account or fund under the
30 22 control of the department to a comparable fund or account of
30 23 the office, regarding the continuation of any license, permit,
30 24 or contract issued or entered into by the department of
30 25 natural resources pending transfer and assignment to the
30 26 office; and regarding the continuation of any rule,
30 27 regulation, form, order, or directive promulgated by the
30 28 department relative to the provisions of the bill until
30 29 emergency rules are promulgated by the department.

30 30 LSB 1302HV 83

30 31 rn/nh/14