

# House Concurrent Resolution 105 - Introduced

## HOUSE CONCURRENT RESOLUTION NO. 105

BY COWNIE, HALL, GRASSLEY, LANDON, DEYOE, WORTHAN,  
SHEETS, KAUFMANN, STANERSON, MOORE, KLEIN, MAXWELL,  
HANUSA, WINDSCHITL, DOLECHECK, BAUDLER, RAYHONS,  
L. MILLER, FORRISTALL, DRAKE, BRANDENBURG, HEATON,  
UPMEYER, HIGHFILL, HAGENOW, PETTENGILL, ALONS,  
SALMON, LOFGREN, HUSEMAN, WATTS, SODERBERG,  
HEARTSILL, SANDS, SCHULTZ, VANDER LINDEN, FRY,  
S. OLSON, BACON, COSTELLO, HESS, R. TAYLOR,  
KOESTER, BALTIMORE, ROGERS, SHAW, BYRNES,  
J. SMITH, GASSMAN, FISHER, PAULSEN, JORGENSEN,  
HEIN, GUSTAFSON, DUNKEL, HANSON, ABDUL-SAMAD,  
GASKILL, M. SMITH, STUTSMAN, KEARNS, BEARINGER,  
LYKAM, T. TAYLOR, OURTH, FORBES, STAED, OLDSON,  
GAINES, KRESSIG, JACOBY, RIDING, MUHLBAUER, WOLFE,  
WESSEL-KROESCHELL, BERRY, PRICHARD, THOMAS, DAWSON,  
RUFF, THEDE, KELLEY, WOOD, ANDERSON, STECKMAN,  
LENSING, HEDDENS, LUNDBY, HUNTER, MURPHY, WINCKLER,  
MASCHER, COHOON, MEYER, and H. MILLER

1 A Concurrent Resolution urging the Federal Emergency  
2 Management Agency to reverse its unilateral  
3 decision to place new and unachievable conditions  
4 on the eligibility of the Department of Homeland  
5 Security and Emergency Management, rural  
6 electric cooperatives, and municipal utilities to  
7 receive storm recovery funding in the event of a  
8 presidential major disaster declaration.  
9 WHEREAS, since February 2007, Iowa has experienced  
10 19 presidential disaster declarations resulting in  
11 rural electric cooperative and municipal utility system

1 damage in nearly every instance; and

2 WHEREAS, during presidential major disaster  
3 declarations occurring in 2007 and 2010, rural  
4 electric cooperatives and municipal utilities incurred  
5 particularly significant and widespread system  
6 damage; and

7 WHEREAS, the Federal Emergency Management Agency  
8 adopted policy 9580.6, Electric Utility Repair, in  
9 2009, to establish criteria to determine eligibility  
10 for repair or replacement of disaster-damaged electric  
11 distribution and transmission systems under the  
12 authority of rural electric cooperatives, municipal  
13 utilities, public power districts, and other public  
14 entities following a presidential major disaster  
15 declaration; and

16 WHEREAS, since 2009 the Federal Emergency Management  
17 Agency has followed and applied policy 9580.6 in  
18 Iowa which resulted in the receipt of storm recovery  
19 funding by rural electric cooperatives and municipal  
20 utilities; and

21 WHEREAS, three Iowa distribution cooperatives,  
22 Iowa Lakes Electric Cooperative, Lyon Rural Electric  
23 Cooperative, and Osceola Electric Cooperative; one  
24 municipal utility, Sanborn Municipal Electric Utility;  
25 and one transmission cooperative, L and O Power  
26 Cooperative submitted applications for storm recovery  
27 funding based upon damage suffered during a late winter  
28 storm which resulted in a presidential major disaster  
29 declaration issued on May 6, 2013; and

30 WHEREAS, the Federal Emergency Management Agency

1 elected to ignore policy 9580.6 and denied the  
2 applications to rebuild damaged transmission and  
3 distribution lines in the manner funded by the agency  
4 since 2007, stating that the utilities had failed to  
5 perform physical testing of their lines before and  
6 after the storm; and

7 WHEREAS, for the first time in the nation, the  
8 Federal Emergency Management Agency has determined that  
9 these utilities have not been able to substantiate  
10 that their conductor was in good repair and was  
11 properly maintained prior to the storm event because  
12 unprecedented physical testing of their overhead lines  
13 was not performed; and

14 WHEREAS, the Iowa Utilities Board requires  
15 electric utilities to prepare and submit for approval  
16 reliability plans and to perform system inspections to  
17 ensure that their systems are well maintained, safe,  
18 and reliable; and

19 WHEREAS, the Federal Emergency Management Agency  
20 has been provided copies of the reliability plans and  
21 inspection reports for the applicant cooperatives and  
22 utilities, all of which substantiate that their systems  
23 were well maintained prior to the storm; and

24 WHEREAS, the testing required by the Federal  
25 Emergency Management Agency in ignoring policy 9580.6  
26 is not required by any federal, state, or local  
27 regulatory body, is not performed as a matter of  
28 industry practice, and is not known to satisfy any  
29 industry or engineering standard; and

30 WHEREAS, the loss of Federal Emergency Management

1 Agency storm recovery funds will have a significant  
2 detrimental financial impact on Iowa's rural electric  
3 cooperatives and their member consumers and on Iowa's  
4 municipal utilities and their customers; NOW THEREFORE,  
5 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES,  
6 THE SENATE CONCURRING, That the Federal Emergency  
7 Management Agency and specifically the Federal  
8 Emergency Management Agency Region VII are urged to  
9 reconsider their detrimental policy decision denying  
10 storm recovery funding for the applicant utilities and  
11 to return to the application of policy 9580.6 which was  
12 in place prior to this abrupt change; and  
13 BE IT FURTHER RESOLVED, That copies of this  
14 resolution be sent to Mr. Craig Fugate, Federal  
15 Emergency Management Agency Administrator; Ms. Beth  
16 Freeman, Director, Federal Emergency Management Agency  
17 Region VII, and to the members of Iowa's congressional  
18 delegation.