

health division of the state department of health. Of these funds, forty-eight thousand seven hundred twenty (48,720) dollars shall be set aside for sudden infant death syndrome, ~~twenty-five thousand (25,000) dollars shall be set aside for a lead poisoning prevention program,~~ and two hundred eight thousand nine hundred fifty (208,950) dollars shall be set aside for the statewide perinatal care program.

Approved June 6, 1987

CHAPTER 230

PETROLEUM OVERCHARGE FUNDS

S.F. 517

AN ACT relating to state agencies receiving petroleum overcharge funds and appropriating petroleum overcharge funds.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. There is appropriated for the fiscal year* beginning July 1, 1987 and ending June 30, 1989, the following amounts, or so much thereof as is necessary, from the funds in the Exxon and Stripper Well accounts in the energy conservation trust fund created in section 93.11, as indicated, to the energy and geological resources division of the department of natural resources for disbursement under section 93.11 to the following agencies for the purposes designated:

	Exxon	Stripper Wells
1. To the division of community action agencies of the department of human rights for qualifying energy conservation programs for low-income persons, including but not limited to energy weatherization projects, and including administrative costs	\$ 175,000	\$
2. To the department of natural resources for the following purposes:		
a. For deposit in the energy bank for schools and merged area schools created in 565 Iowa administrative code, rule 6.5	\$	\$ 500,000
b. An independent study evaluating federal weatherization due July 1, 1988	\$ 75,000	\$
c. For energy conservation efforts by low-income nonprofit housing organizations	\$	\$ 500,000
d. For a competitive grant program administered by the energy fund disbursement council with the following funds to be transferred to the designated agencies for the indicated purposes:		
(1) To the department of natural resources in cooperation with the department of economic development to provide venture capital to new businesses in Iowa whose products or services are directly related to energy conservation	\$	\$ 500,000
(2) To the department of natural resources for energy conservation grants and contracts to be used to fund cost-effective and environmentally sound energy conservation and renewable resource projects which meet the guidelines of one or more of the five energy programs specified in Pub. L. No. 97-377, § 155, 96 Stat. 1830, 1919 (1982)	\$ 1,000,000	\$

*According to enrolled Act

e. For the administration of the programs funded by this subsection, except paragraph "f"	\$	\$	200,000
f. For deposit in the oil overcharge account of the groundwater protection fund created by House File 631, 1987 Iowa Acts, and allocated as provided in that Act	\$ 2,000,000	\$	3,530,000
3. To the state department of transportation for the following purposes:			
a. For energy conservation loans, grants, or expenditures to aid mass transit, to be distributed according to the existing department of transportation formula and targeted for low-income Iowans	\$	\$	1,700,000
b. For grants and loans for one or more pilot projects of intermodal transportation facilities, including ports, terminals, transfer facilities and freight distribution centers	\$ 750,000	\$	1,500,000
c. For energy conservation projects	\$	\$	1,500,000
4. To the state board of regents for research by the Iowa State University of science and technology center for industrial research and service on establishing a waste stream for used motor oil, investigating alternative disposal methods, and coordinating with other states' research projects on used motor oil collection and disposal			
5. To the department of economic development for the Iowa main street	\$ 125,000	\$	30,000
6. To the department of general services for energy conservation improvements at Terrace Hill	\$	\$	50,000

Sec. 2.

1. It is a condition of the funds appropriated by section 1, subsection 1, of this Act that the department of human rights adopt rules to provide that rents shall not be raised because of the increased value of dwelling units due solely to weatherization assistance provided under that paragraph.

2. Notwithstanding section 8.33, the funds appropriated by section 1, subsection 3, paragraph "c" shall not revert and shall continue until the completion of the projects.

3. If an appropriation made by section 1 from the Stripper Wells account of the energy conservation trust fund is eligible to be made in whole or in part from the Exxon account, then, to the extent of that eligibility, that appropriation shall be made from the Exxon account instead of the Stripper Wells account.

Sec. 3. There is appropriated to the designated agencies from the Amoco/Beldridge/Nordstrom account, Amoco Refined account, OKC & Coline account, and the Exxon account in the energy conservation trust fund created in section 93.11 for the fiscal year beginning July 1, 1987 and ending July 1, 1988 the following amounts, or so much thereof as is necessary to maintain the funding level for each of the following programs at the level of the preceding fiscal year, to supplement federal funds for the following programs:

1. To the department of human rights for low-income weatherization program	\$	\$	936,934
2. To the department of natural resources for:			
a. Institutional conservation program		\$	270,702
b. State energy conservation program		\$	118,500

c. Energy extension service program

§ 49,700

All the funds in the Amoco/Beldridge/Nordstrom account, Amoco Refined account, and OKC & Coline account shall be appropriated by this section before the funds in the Exxon account are appropriated by this section.

Sec. 4. The state agencies appropriated and disbursed funds under section 1 of this Act shall adopt rules under chapter 17A to establish and implement the programs funded by this Act.

Sec. 5. Section 93.11, subsections 1 and 4, Code 1987, are amended by striking the subsections and inserting in lieu thereof the following:

1. a. The energy conservation trust fund is created within the state treasury. This state on behalf of itself, its citizens, and its political subdivisions accepts any moneys awarded or allocated to the state, its citizens, and its political subdivisions as a result of the federal court decisions and federal department of energy settlements resulting from alleged violations of federal petroleum pricing regulations and deposits the moneys in the energy conservation trust fund.

b. The energy conservation trust fund is established to provide for an orderly, efficient, and effective mechanism to make maximum use of moneys available to the state, in order to increase energy conservation efforts and thereby to save the citizens of this state energy expenditures. The moneys in the accounts in the fund shall be expended only upon appropriation by the general assembly and only for programs which will benefit citizens who may have suffered economic penalties resulting from the alleged petroleum overcharges.

c. The moneys awarded or allocated from each court decision or settlement shall be placed in a separate account in the energy conservation trust fund. Notwithstanding section 453.7, interest and earnings on investments from moneys in the fund shall be credited proportionately to the accounts in the fund.

d. Unless prohibited by the conditions applying to an account, the moneys in the energy conservation trust fund may be used for the payment of attorney fees and expenses incurred by the state to obtain the moneys and shall be paid by the director of revenue and finance from the available moneys in the fund subject to the approval of the attorney general.

e. However, petroleum overcharge funds received pursuant to claims filed on behalf of the state, its institutions, departments, agencies, or political subdivisions shall be deposited in the general fund of the state to be disbursed directly to the appropriate claimants in accordance with federal guidelines and subject to the approval of the attorney general.

4. The administrator of the energy and geological resources division of the department of natural resources shall be the administrator of the energy conservation trust fund. The administrator shall disburse moneys appropriated by the general assembly from the accounts in the fund in accordance with the federal court orders, law and regulation, or settlement conditions applying to the moneys in that account, and subject to the approval of the energy fund disbursement council if such approval is required. The council, after consultation with the attorney general, shall immediately approve the disbursement of moneys from the account in the fund for projects which meet the federal court orders, law and regulations, or settlement conditions which apply to that account.

Sec. 6. Section 93.11, subsection 3, unnumbered paragraph 1, Code 1987, is amended to read as follows:

An energy fund disbursement council is established. The council shall be composed of the governor or the governor's designee, the director of the department of management, who shall serve as the council's chairperson, the administrator of the division of community action agencies of the department of human rights, the administrator of the energy and geological resources division of the department of natural resources, and a designee of the director of the department of transportation, who is knowledgeable in the field of energy conservation. The council shall include as nonvoting members two members of the senate appointed by the majority leader of the senate and two members of the house of representatives appointed by the speaker of

the house. The legislative members shall be appointed upon the convening and for the period of each general assembly. Not more than one member from each house shall be of the same political party. The council shall be staffed by the energy and geological resources division of the department of natural resources. The attorney general shall provide legal assistance to the council.

Sec. 7. Section 93.11, Code 1987, is amended by adding the following new subsections:
NEW SUBSECTION. 5. The following accounts are established in the energy conservation trust fund:

- a. The Warner/Imperial account.
- b. The Amoco/Beldridge/Nordstrom account.
- c. The Exxon account.
- d. The Stripper Wells account.
- e. The Diamond Shamrock account.
- f. The Amoco Refined account.
- g. The OKC & Coline account.
- h. The other funds account.

NEW SUBSECTION. 6. The moneys in the account in the energy conservation trust fund distributed to the state as a result of the 1985 federal court decision finding Exxon corporation in violation of federal petroleum pricing regulations shall be expended, to the extent possible, over a period of no more than six years and shall be disbursed for projects which meet the strict guidelines of the five existing federal energy conservation programs specified in Pub. L. No. 97-377, § 155, 96 Stat. 1830, 1919 (1982). The council shall approve the disbursement of moneys from the account in the fund for other projects only if the project meets one or more of the following conditions:

- a. The projects meet the guidelines for allowable projects under a modification order entered by the federal court in the case involving Exxon corporation.
- b. The projects meet the guidelines for allowable projects under a directive order entered by the federal court in the case involving Exxon corporation.
- c. The projects meet the guidelines for allowable projects under the regulations adopted or written clarifications issued by the United States department of energy.

Sec. 8. 1986 Iowa Acts, chapter 1249, section 4, unnumbered paragraph 1, is amended to read as follows:

There is appropriated from the funds available in the energy conservation trust fund, established in section 93.11, for the fiscal year period beginning July 1, 1986, and ending June 30, ~~1987~~ 1988, to the energy and geological resources division of the department of natural resources for disbursement under section 93.11, the following amounts, or so much thereof as is necessary, to be used for the purposes designated consistent with the expressed legislative intent of this Act:

Sec. 9. The treasurer of state shall transfer and deposit funds in the petroleum overcharge fund created by section 93.15 into the appropriate accounts in the energy conservation trust fund created by section 93.11. Any appropriation of the funds in the petroleum overcharge fund shall follow and apply to the funds in the energy conservation trust fund.

Sec. 10. Sections 93.15 and 601K.128, Code 1987, are repealed.

Approved June 6, 1987