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A Survey of State Legislation Relating to Solar Energy

Robert M. Eisenhard

Office of Building Standards and Codes Services and
Office of Housing and Building Technology
Center for Building Technology
Institute for Applied Technology
National Bureau of Standards
Washington, D. C. 20234

MASTER

April 1976

Prepared for
Energy Research and Development Administration
Division of Solar Energy
Washington, D. C. 20545

and

Department of Housing and Urban Development
Division of Energy, Building Technology and Standards
Washington, D. C. 20410

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April 1976

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U.S. DEPARTMENT OF COMMERCE, Elliot L. Richardson, Secretary
Dr. Betsy Ancker-Johnson, Assistant Secretary for Science and Technology
NATIONAL BUREAU OF STANDARDS, Ernest Ambler, Acting Director

Abstract

This report reviews enacted State legislation dealing with solar energy. Acts involving tax incentives, reduced property assessments, research and development, solar easements and solar energy promotion are identified and abstracted. The responsible State agency and official are listed. Acts and supporting forms and other information are included as appendices.

Keywords: Architecture; buildings; design; energy; legislation; solar; State

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1. Introduction

The Energy Reorganization Act of 1974,^{1/} which created the Energy Research and Development Administration (ERDA), states "The responsibilities of the Administrator^{2/} shall include . . . encouraging and conducting research and development including demonstration of commercial feasibility and practical applications of . . . solar . . . energy sources," and " . . . encouraging and conducting research and development in clean and renewable energy sources."^{3/} The National Program for Solar Heating and Cooling,^{3/} developed by an Interagency Task Force chaired by the Energy Research and Development Administration and responsive to the public laws passed by the Congress,^{4/} recognizes that the "increased first costs of solar heating and cooling equipment may result in increased assessments and higher taxes." It also notes that "public policy . . . may wish to encourage the use of solar energy to reduce the need for other fuels." In 1974 and 1975, many States introduced bills dealing with various phases of solar energy activity as it relateds to buildings.^{5/} These bills included tax incentives, building codes, easements and zoning, and State funding of research, development and promotional activities. The National Program for Solar Heating and Cooling calls for the development of Intermediate Minimum Property Standards and Definitive Performance criteria.^{6/} As part of a program for the development of these standards and performance criteria, a State legislation survey of enacted State bills and subsequent State action was conducted to ensure that the results of State activities were incorporated in the Federal Standards development program.

1/ Section 103 Public Law 93-438, October 11, 1974.

2/ "Administrator" means the Administrator of the Energy Research and Development Administration (ERDA).

3/ "National Program for Solar Heating and Cooling (Residential and Commercial Applications)", ERDA-23A, Energy Research & Development Administration, October 1975.

4/ The laws are:

-Solar Heating and Cooling Demonstration Act of 1974, P.L. 93-409 September 3, 1974.

-Energy Reorganization Act of 1974, P.L. 93-438, October 11, 1974.

-Solar Energy Research, Development, and Demonstration Act of 1974, P.L. 93-473, October 26, 1974.

-Federal Nonnuclear Energy Research and Development Act of 1974, P.L. 93-577, December 31, 1974.

5/ For a summary of all building energy related bills considered in 1975, see Eisenhard, Robert. M., National Bureau of Standards, "Building Energy Authority and Regulations Survey: State Activity", NBSIR 76-986, March 1976.

6/ Tasks B.3 and B.4 of Residential and Commercial Demonstration Programs, ERDA-23A, October 1975.

2. Overview

In 1975, over 120 State legislative proposals dealing with the application of solar energy to buildings were introduced in the United States. Approximately one sixth of these proposals were enacted. It is expected that some of these remaining will be reintroduced in 1976 and those on which no final action was taken will be considered further. This legislation dealt with diverse subjects, although most provided a monetary incentive for the conversion to or initial use of, solar energy devices or systems to provide building heating, cooling or hot water. This incentive was to be provided by a reduced property assessment, an income tax reduction, or in sales, use or corporate tax exemption. Other bills authorized building code provisions or standards, research and development, State building uses of solar energy, easements or zoning requirements, and State solar energy centers.

This report provides detailed information on 34 bills enacted by several States in 1974 and 1975. A number of Acts relating to solar energy were reported in publications which are listed in the bibliography on page 41 of this report. State reference services and various responsible State agencies were contacted by letter and telephone to gain additional information. Copies of forms, informational documentation and/or standards that would enable implementation of the State Acts were requested. No standards development was reported.

The report is arranged to provide specific information on each Act in the report, with supporting forms, instructions or other data in Appendix A and the complete legislation or pertinent pages of the legislation included in Appendix B. In each case, the material is presented in alphabetical order by State.

Figures 1, 2 and 3 provide an overview of State activity regarding solar energy. Ten States (Figure 1) have Acts to provide a property tax incentive for the installation and use of solar devices:

Arizona SB 1231	Montana HB 663
Colorado SB 75	New Hampshire HB 479
Illinois HB 164	North Dakota SB 2439
Indiana SB 223	Oregon HB 2202
Maryland HB 1604	South Dakota SB 283

The property tax incentive in four Acts provides that the assessment of property equipped with the solar system or device will not be increased, i.e., the solar equipment is exempt. Acts in this category are: Arizona SB 1231, Oregon HB 2202, Montana HB 663 and North Dakota SB 2439. Two State Acts provide that a reduction of assessment relating to the solar system may be made for up to \$2,000. These are Indiana SB 223 and South Dakota SB 283. Maryland HB 1604 and Illinois HB 164 allow for assessment of the solar system as if the cost of the system were the same as a conventional system. New Hampshire HB 479 allows towns and cities to exempt solar systems with the amount and manner of exemption to be determined by the town. Colorado SB 75 sets the assessed value of

the solar device at 5% of the actual value. The Arizona and Oregon bills provide the tax incentive for ten years while in South Dakota and North Dakota the time limit is **five years**.

Two States (Figure 2) provide income tax incentives for solar device use: Arizona SB 1231 and SB 1011; and New Mexico SB 1. A sales tax incentive is provided by Texas HB 546. Solar easements or zoning considerations are addressed in Colorado SB 95 and Oregon HB 2036.

New Mexico HB 395 requires the consideration of solar systems for new State building construction or major alterations of buildings that are State financed. Florida SB 158 requires that new single family residences provide plumbing system accessibility for future addition of solar water heating devices.

Sixteen Acts of 15 States (Figure 3) provide for State support for solar energy research and development and the promotion of solar energy activities or solar investigations. These States are:

Arizona SB 1018	Montana SB 86
California AB 1575	Nevada SB 552
Colorado SB 50	New Mexico SB 120 and SB 185
Florida SB 721	New York AB 8620
Hawaii SB 1586	North Carolina HB 375
Iowa SB 289	Ohio HB 584
Maine SP 447	Virginia HB 1809
Michigan HR 129	

In 1975, the solar energy activity and interest observed at the State level was equal to approximately one half of all the bills on building energy that were considered. It can be expected that 1976 will see continued concern for the encouragement of solar energy development as an alternative to fossil fuels.

3. State Legislation Review

Data for each Act includes approval and effective date, a brief abstract and the legal citation. To allow future access to detailed information on program development relating to these State acts, the State agency and name of the State official were determined and listed. Additional information pertaining to these Acts, the agency involved or related activities is also noted.

Arizona	<u>Page</u>	Colorado	<u>Page</u>
SB 1011 . . .	9	SB 50	13
SB 1018 . . .	10	SB 75	14
SB 1231 . . .	11	SB 95	15
California		Florida	
AB 1575 . . .	12	SB 158	16
		SB 721	17

<u>Hawaii</u>	<u>Page</u>	<u>New Mexico</u>	<u>Page</u>
SB 1586.	18	SB 1	29
<u>Illinois</u>		SB 120	30
HB 164	19	HB 395	31
<u>Indiana</u>		<u>New York</u>	
SB 223	20	AB 8620	32
<u>Iowa</u>		<u>North Carolina</u>	
SF 289	21	SB 375	33
<u>Maine</u>		<u>North Dakota</u>	
SP 549	22	SB 2439	34
<u>Maryland</u>		<u>Ohio</u>	
HB 1604.	23	Amended Substitute	
<u>Michigan</u>		HB 584	35
HR 129	24	<u>Oregon</u>	
<u>Montana</u>		HB 2036	36
SB 86.	25	HB 2202	37
HB 663	26	<u>South Dakota</u>	
<u>Nevada</u>		SB 283	38
SB 552	27	<u>Texas</u>	
<u>New Hampshire</u>		HB 546	39
HB 479	28	<u>Virginia</u>	
		HB 1809	40

Key to Legislative Abbreviations

SB - Senate Bill
 HB - House Bill
 AB - Assembly Bill
 SF - Senate File
 SP - Senate Paper
 HR - House Resolution

Definitions:

A bill is a form or draft of a proposed statute presented to a legislature. Bills may be proposed in any body of the legislature, such as the Senate, House or Assembly. A bill is termed a "House Bill" or "Senate Bill" depending on the legislative body which originally proposed the statute. The term, Assembly, is equivalent to the term, House. Some states use the terms, files and papers, which are equivalent to bills. A resolution effects the operation of the legislative body and if passed, does not become law, but is published in an appropriate document.

 Property Tax Incentives

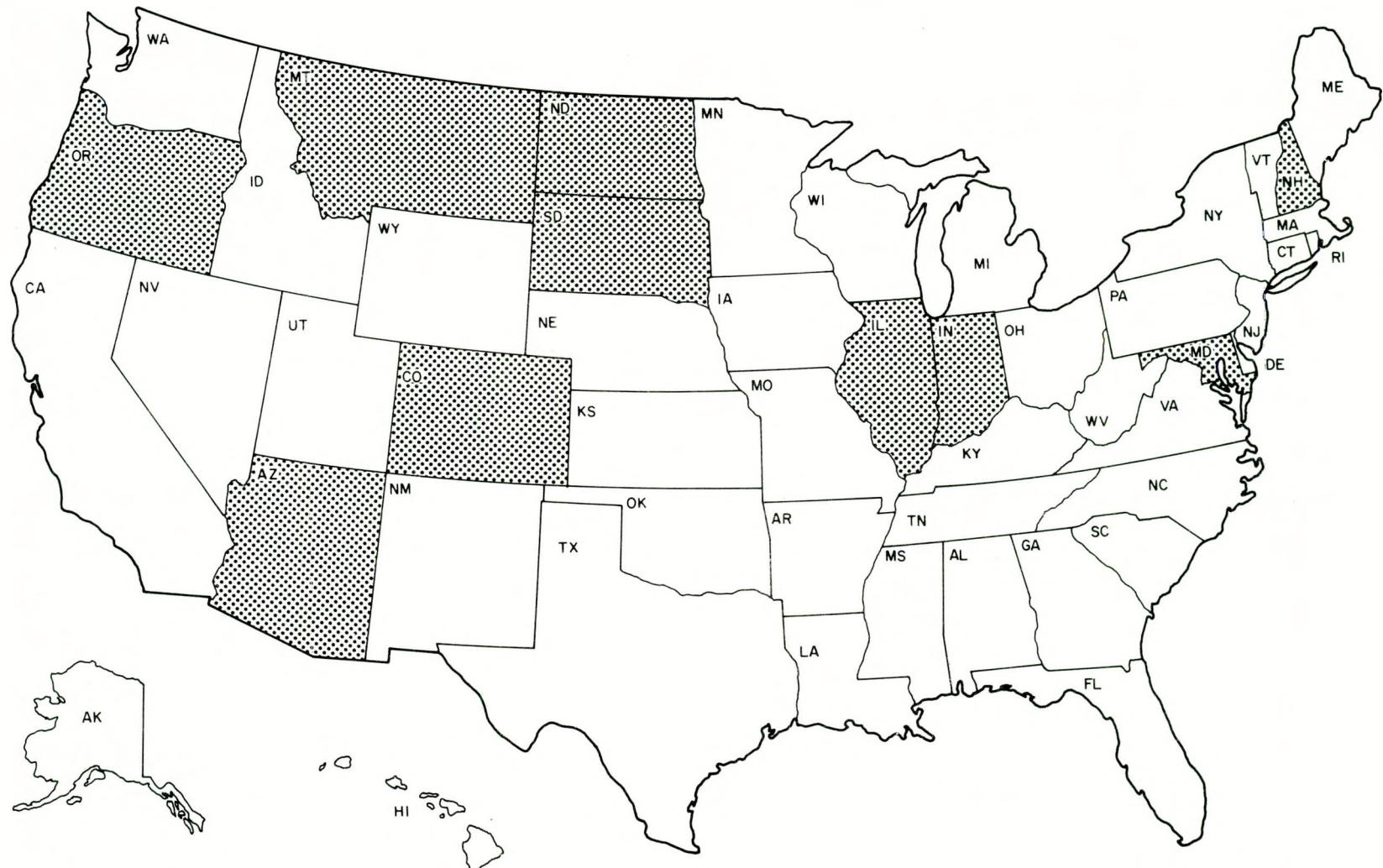


FIGURE 1
States with acts providing property tax incentives for use of solar energy in buildings.



Easements and Zoning



Income Tax Incentives



Sales Tax Incentives



State Financed Buildings with
Solar Consideration



Solar Provisions in Building Code

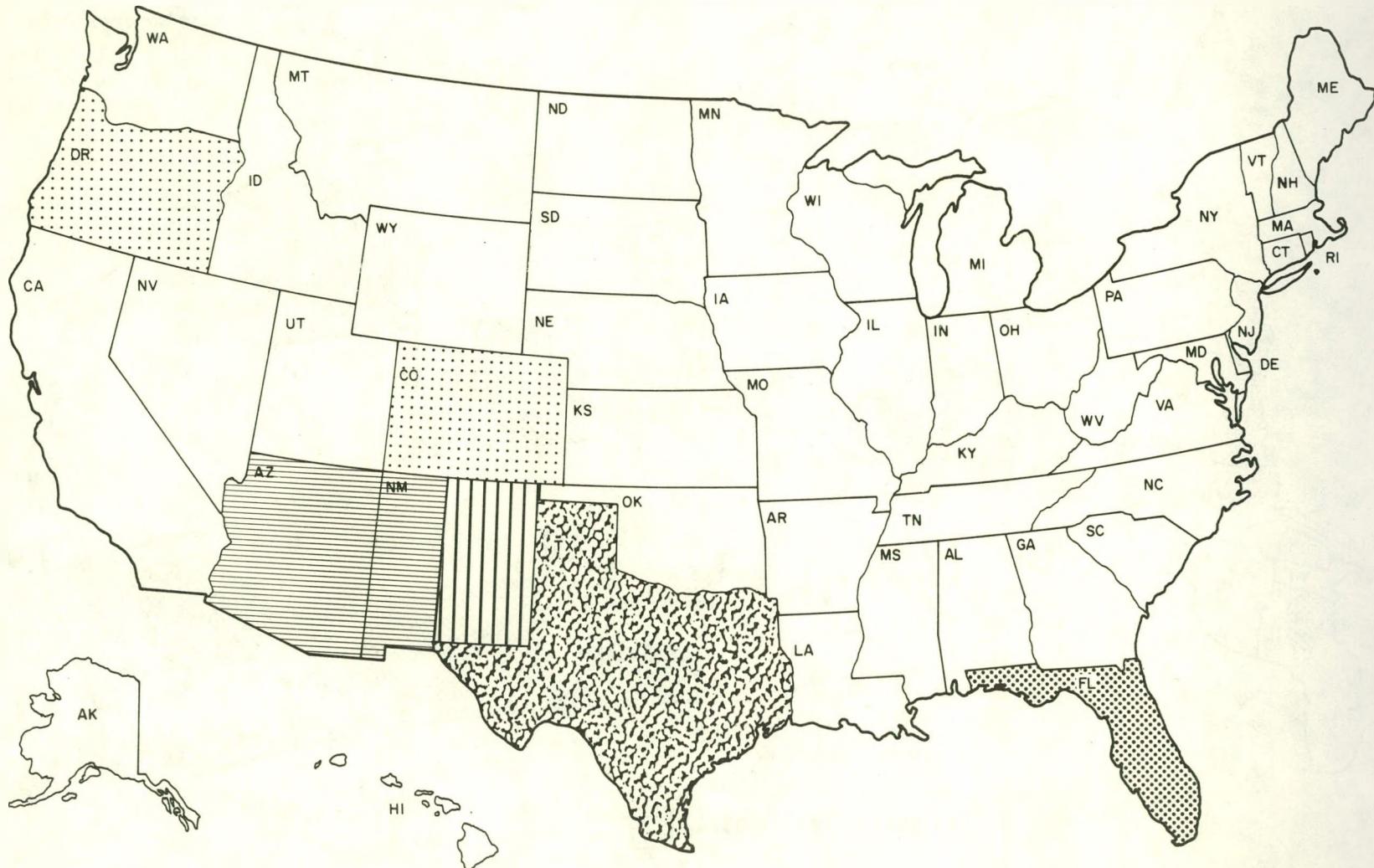


FIGURE 2

States with acts providing for income or sales tax incentives for use of solar energy and other solar considerations.

■ State R & D and Solar
Promotion or Investigation

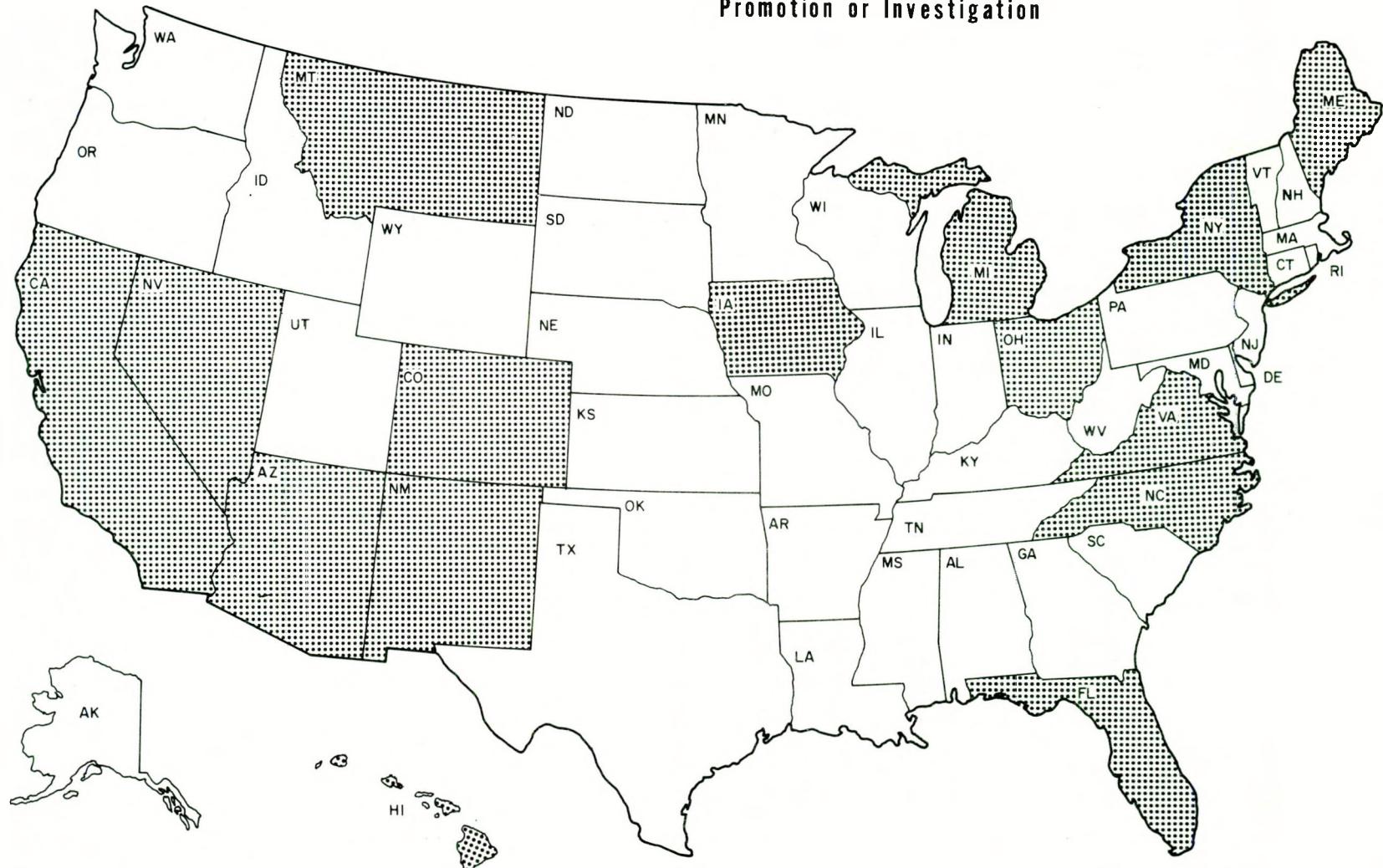


FIGURE 3

States with acts providing support of research, development, promotion, or investigation of solar energy.

ARIZONA

SB 1011

Chapter 93

Approval Date: May 22, 1975

Effective Date: September 12, 1975

ABSTRACT

This Act provides for amortizing the cost of solar energy devices over sixty months as a deduction in computing net income. It applies to the installation and use of solar energy devices in residential, commercial, industrial or governmental installations, or in experimental or demonstration projects.

LEGAL CITATION

Section 43-123.37 of the Arizona Revised Statutes is amended.

RESPONSIBLE STATE AGENCY AND OFFICIAL

Neal Trasente, Director
Department of Revenue
Capitol Building - West Wing
Phoenix, Arizona 85007
(602) 271-3393

FORMS OR OTHER DOCUMENTS

None.

ADDITIONAL INFORMATION

This Act extends authority for a tax deduction to all types of buildings. Residential buildings were previously covered under SB 1231, Chapter 165 of the 1974 Laws.

Although no standards or technical requirements have been determined for solar hardware, Arizona does have license requirements for individuals installing the equipment through the State Registrar of Contractors.

ARIZONA

SB 1018

Chapter 20

Approval Date: May 8, 1975

Effective Date: May 8, 1975

ABSTRACT

This Act establishes a Solar Energy Research Commission and provides for the appointment of the Commission's Executive Director by the Governor. The Director is responsible for: (1) initiating and developing a systematic plan designed to meet all of the requirements of the National Solar Energy Research Institute; (2) cooperating with all Federal agencies with respect to solar energy research; (3) collecting, assembling and analyzing information and data relating to solar energy technology and legislation; and, (4) recommending an organizational structure for the Institute that will provide the functional properties necessary to execute the development of research requirements and programs.

LEGAL CITATION

Title 41, Chapter 3, Article 6, Arizona Revised Statutes is repealed. Title 41, Chapter 3, Arizona Revised Statutes, is amended by adding a new Article 6.

RESPONSIBLE STATE AGENCY AND OFFICIAL

Dr. Robert M. Handy
Executive Director
Solar Energy Research Commission
1645 West Jefferson Room 435
Phoenix, Arizona 85007
(602) 271-3682

FORMS OR OTHER DOCUMENTS

Copies of Memorandum submitted to the Governor are available.

ADDITIONAL INFORMATION

Commission projects include efforts to locate the National Solar Energy Research Institute in Arizona, initiating of a technical marketing activity for solar development and commercialization, developing a load management and solar integration study, establishing a feasibility study on solar heating and cooling of four State buildings, conducting a climatological survey, and providing for a solar irrigation pump contest.

The Commission consists of 15 appointed and two Ex Officio members.

ARIZONA

SB 1231

Chapter 165 of 1974 Laws

Approval Date: May 15, 1974

Effective Date: January 1, 1974

ABSTRACT

This Act provides tax incentives for the installation of solar energy equipment in new and existing housing. Provides that residents who purchase solar energy equipment for their homes will not be assessed for the increased value of the dwelling as a result of that improvement and will be allowed to amortize the cost of the solar energy equipment over 60 months for purposes of reporting income for Arizona State taxes. The deduction is taken in lieu of depreciation.

LEGAL CITATION

Amending Title 42, Chapter 1, Article 2, Arizona Revised Statutes by adding Section 42-123.01, and amending Title 43, Chapter 1, Article, Arizona Revised Statutes by adding Section 43-123.37.

RESPONSIBLE STATE AGENCY AND OFFICIAL

Neal Trasente, Director
Department of Revenue
Capitol Building - West Wing
Phoenix, Arizona 85007
(602) 271-3393

FORMS OR OTHER DOCUMENTS

None.

ADDITIONAL INFORMATION

For additional information call:

Income and Withholding Taxes
(602) 271-4561

Property and Special Taxes
(602) 271-5238

CALIFORNIA

AB 1575

Chapter 276 Laws of 1974

Approval Date: May 21, 1974

Effective Date: January 7, 1975

ABSTRACT

This Act establishes the authority for a comprehensive energy program including research into and development of alternative sources of energy. Accelerated development of solar energy resources is specifically included (Chapter 7 25600 (c)).

LEGAL CITATION

This Act amends Section 21100 and adds Division 15 to the Public Resources Code and repeals Chapter 11 (commencing with Section 19870) of Part 3 of Division 13 of the Health and Safety Code.

RESPONSIBLE STATE AGENCY AND OFFICIAL

Richard L. Maullin, Chairman
Energy Resources Conservation and Development Commission
1111 Howe Avenue
Sacramento, California 95825
(916) 322-3690

FORMS OR OTHER DOCUMENTS

(see below)

ADDITIONAL INFORMATION

Informational mailings on Commission activities may be obtained from Mary Ann Miller, Secretary of the Commission at the above address.
Phone (916) 322-4527

Robert Foster is Chief, Conservation Division (916) 322-4520
Alec Jenkins, Acting Chief, Alternate Energy Resources and Technology Office (916) 322-6316

COLORADO

SB 50

Chapter 95 Laws of 1974

Approval Date: May 8, 1974

Effective Date: May 8, 1974

ABSTRACT

This Act creates the Energy Research Institute at the Colorado School of Mines. The appropriation for 1974-1975 was \$910,000. The Institute is intended to serve as a mechanism for the development and coordination of energy and energy-related minerals research programs. It is also intended to enhance the development of related educational programs in the State. An advisory council to establish guidelines and regularly evaluate the development of the Institute is established.

LEGAL CITATION

Article 9 of Chapter 124, Colorado Revised Statutes 1963, as amended, is amended by the addition of the following new sections: 124-9-19, 124-9-20.

RESPONSIBLE STATE AGENCY AND OFFICIAL

Thomas J. Vogenthaler, Director
Energy Research Institute
P. O. 366
Golden, Colorado 80401
(303) 279-2881

FORMS OR OTHER DOCUMENTS

None.

ADDITIONAL INFORMATION

The Energy Research Institute awarded \$126,000 to ten solar energy projects. The Institute also received \$27,800 from the Governor's Office to develop Colorado's proposal for location of the Federal Solar Energy Research Institute in Colorado.

COLORADO

SB 75

Chapter 344 Laws of 1975

Approval Date: July 14, 1975

Effective Date: July 1, 1975

ABSTRACT

This Act provides that all solar heating, hot water and cooling devices attached to or part of any building improvement shall be assessed at five percent of the actual value, as determined by the assessor.

LEGAL CITATION

This Act adds a new Subsection (6) to 39-1-104; Colorado Revised Statutes 1973, and amends 39-5-105.

RESPONSIBLE STATE AGENCY AND OFFICIAL

Raymond E. Carper
Property Tax Administrator
Colorado Division of Property Taxation
614 Capitol Annex
Denver, Colorado 80203
(303) 892-2371

in cooperation with 63 County Assessors.

FORMS OR OTHER DOCUMENTS

Solar Heating or Cooling Devices, Form CST 510 11-75.
There is also an instruction sheet for completion of the form.

ADDITIONAL INFORMATION

SB 75 applies to tax years beginning January 1, 1976.

Correspondence with the Colorado Division of Housing indicates "that local building departments throughout the State are attempting to accommodate proposed solar systems and devices within the context of existing building codes."

COLORADO

SB 95

Chapter 326 Laws of 1975

Approval Date: July 18, 1975

Effective Date: July 18, 1975

ABSTRACT

This Act provides for the creation, conveyance and recordation of solar easements. It describes such instrument to include, but not be limited to: (1) verticle and horizontal angles, expressed in degrees at which the solar easement extends over the real property; (2) terms or conditions under which the easement is granted or will be terminated; and, (3) provisions for compensation in event of interference with the easement or compensation for the easement.

LEGAL CITATION

Title 38, Colorado Revised Statutes 1973, as amended, is amended by the addition of Article 32.5, Solar Easements.

RESPONSIBLE STATE AGENCY AND OFFICIAL

The responsibility for this Act rests with the State's 63 county clerks and recorders.

FORMS OR OTHER DOCUMENTS

None.

FLORIDA

SB 158

Chapter 74-361 Section 553.87 of the Florida Statutes

Approval Date: July 1, 1974

Effective Date: October 1, 1974

ABSTRACT

This Act provides that no single family residence shall be constructed in the State unless the plumbing is designed to facilitate the future installation of solar water heating equipment.

LEGAL CITATION

Section 553.70 - 553.87 of the Florida Statutes (cited as the "Florida Building Codes Act of 1974") includes the following as 553.87: "Single-family residences; solar water heating requirements. Notwithstanding the provisions of ss 553.12 and 553.13, no single-family residence shall be constructed within the State unless the plumbing therein is designed to facilitate the future installation of solar water-heating equipment. The words 'facilitate the future installation' as used in this section shall mean the provision of readily accessible piping to allow for pipe fittings that will allow easy future connection into the system of solar water-heating equipment. It is the intent of the legislature to minimize cost of rearranging plumbing should solar water heaters be added to buildings."

RESPONSIBLE STATE AGENCY AND OFFICIAL

John H. Haslam, Chief
Bureau of Codes and Standards
Department of Community Affairs
2571 Executive Center Circle, East
Tallahassee, Florida 32301
(904) 488-3581

FORMS OR OTHER DOCUMENTS

None.

ADDITIONAL INFORMATION

The Chief of the Bureau of Codes and Standards states in a letter dated January 5, 1976, " . . . we feel the following to be one method that satisfies the intent. Tee fittings can be installed in both the inlet and outlet piping of the hot water heater as close to the heater as practical. Then short nipples can be added to the branch of each of the tees and these nipples capped. The caps are easily removed when it is desired to connect solar water-heating equipment in the future."

FLORIDA

SB 721
Chapter 74-185
Approval Date: June 17, 1974
Effective Date: July 1, 1974

ABSTRACT

This Act requires the Board of Regents of the State University System to develop a plan for a Solar Energy Center. The purpose of the Center is to promote solar energy research and development, disseminate information and demonstrate solar systems' capabilities. The Center's program includes the development of test methods for testing solar equipment and the development of standards, as required.

LEGAL CITATION

None.

RESPONSIBLE STATE AGENCY AND OFFICIAL

Dr. Howard P. Harrenstein
Director
Florida Solar Energy Center
300 State Road 401
Cape Canaveral, Florida 32920
(305) 783-0300

FORMS OR OTHER DOCUMENTS

An organizational chart and a review of the Center's activities can be obtained from the Center.

ADDITIONAL INFORMATION

The Solar Energy Center plans were approved in 1975, and the Center became operative in June 1975. The legislature appropriated \$1 million for its operation. As of January 1, 1976, the Center's personnel numbered 28.

A test facility for flat plate solar energy collectors with supporting instrumentation and data processing is being constructed by the Center.

HB 776, prefiled for the 1976 session, directs the Florida Solar Energy Center to set standards for solar energy systems manufactured or sold in the State.

HAWAII

SB 1586

Act 195-75

Approval Date: June 2, 1975

Effective Date: July 1, 1975

ABSTRACT

This Act provides \$1,787,000 over two fiscal years for the development and utilization of alternate energy sources.

LEGAL CITATION

Part V, Section 89, Economic Development, of the State Budget.

RESPONSIBLE STATE AGENCY AND OFFICIAL

Dr. Eugene M. Grabbe
Alternate Energy Director
Department of Planning and Economic Development
250 S. King Street
Honolulu, Hawaii 96813
(808) 548-6914

FORMS OR OTHER DOCUMENTS

"Alternate Energy Sources for Hawaii - 1975," and "Hawaii and Energy" (a brochure) are published by the Department of Planning and Economic Development.

ADDITIONAL INFORMATION

Funding will go to the Hawaii Natural Energy Institute, the Hawaii Natural Energy Laboratory, the University of Hawaii, and other State and private agencies. Solar water heating and air conditioning research funding is \$200,000 for the two fiscal years.

Approximately 50% of the total funding is from the State general funds and the remainder is from general obligation bond funds.

ILLINOIS

HB 164

Public Act 79-943

Approval Date: September 11, 1975

Effective Date: October 1, 1975

ABSTRACT

This Act provides that when a solar energy heating or cooling system has been installed in an improvement on any real property, the owner of the property may claim an alternate valuation of that improvement. The alternate valuation is to be the lesser of the value of the improvement with a conventional heating or cooling system and the value of the improvement with the solar energy system.

LEGAL CITATION

This Act adds sections 20d-1, 20d-2, and 20d-3 to the "Revenue Act of 1939" filed May 17, 1939 as amended.

RESPONSIBLE STATE AGENCY AND OFFICIAL

Frank A. Kirk, Director
Department of Local Government Affairs
303 East Monroe Street
Springfield, Illinois 62706
(217) 782-6436

FORMS OR OTHER DOCUMENTS

Application for Valuation Under Section 20d-3 of the Revenue Act of 1939
Relative to Solar Energy Heating or Cooling Systems.

ADDITIONAL INFORMATION

Standards, as required by the Act, have not been finalized but probably will be general such as "capable of heating or cooling when solar energy is available." No technical detail will be included.

For additional information contact: William Townsley, Chief
Office of Financial Affairs
Department of Local Government Affairs
303 East Monroe Street
Springfield, Illinois 62701
(217) 782-6956

INDIANA

SB 223

Public Law 15, 1974

Approval Date: February 18, 1974

Effective Date: June 11, 1974

ABSTRACT

This Act allows the owner of real property with a solar energy heating or cooling system an annual deduction from the assessed value of the property equal to the lesser of: (1) the assessed value of the property with the solar system minus the assessed value without the system; or (2) two thousand dollars.

LEGAL CITATION

Indiana Code 1971, 6-1 is amended by adding a new chapter 9.5.

RESPONSIBLE STATE AGENCY AND OFFICIAL

This Act is administered by the County Auditor with verification by the Township Assessor. Any interpretation or clarification will be provided by the State Board of Tax Commissioners.

Gordon E. McIntyre, Secretary
State Board of Tax Commissioners
Room 201 State Office Building
Indianapolis, Indiana 46204
(317) 633-5659

or

Wayne Pruett, Director
Division of Property Valuation
State Board of Tax Commissioners
Room 201 State Office Building
Indianapolis, Indiana 46204
(317) 633-4675

FORMS OR OTHER DOCUMENTS

SES-1 Statement for Deduction of Assessed Valuation Attributed to Solar Energy System.

IOWA

SF 289

Chapter 56 Laws of 1975

Approval Date: July 15, 1975

Effective Date: July 1, 1975

ABSTRACT

This Act establishes an energy research and development fund within the Energy Policy Council. The fund is to be used for research and development of projects designated to improve Iowa's energy situation. Private, State and Federal funds may be added to a State fiscal year appropriation of \$250,000.

LEGAL CITATION

This Act amends Chapter 93, Code 1975, by adding two new sections and provides an appropriation.

RESPONSIBLE STATE AGENCY AND OFFICIAL

Maurice Van Nostrand, Chairman
Energy Policy Council
Valley Bank Building
300 Fourth Street
Des Moines, Iowa 50319
(515) 281-3428

FORMS OR OTHER DOCUMENTS

"Guidelines for Preparation of Proposals to the Iowa Policy Council". The Council also publishes a "Quarterly Energy Report" and an annual report titled "Energy: 1976".

ADDITIONAL INFORMATION

Dr. Laurent Hodges, Research Director, is responsible for the energy research and development fund administration. (address and phone same as above).

MAINE

SP 549 (Legislative Document 1913)

(Introduced as SP 447, LD 1558)

Chapter 587

Approval Date: June 26, 1975

Effective Date: June 26, 1975

ABSTRACT

This Act mandates the appointment of a full time Director for the Office of Energy Resources and defines the powers and duties of the Director and the Office. The Act also establishes a State Energy Resources Advisory Board and the Maine Energy Development Fund. The Fund is to be used to encourage and promote practical development of alternate sources of energy. The Fund is to be administered by a three director board and 2 staff members. Funding for two fiscal years is \$2,050,000.

LEGAL CITATION

This Act relates to Title 5 of the Maine Revised Statutes Annotated and repeals and replaces Sections 5004 through 5007, and adds new Sections 5008 and 5009.

RESPONSIBLE STATE AGENCY AND OFFICIAL

Abbie C. Page, Director
Maine Office of Energy Resources
55 Capitol Street
Augusta, Maine 04330
(207) 289-2196

FORMS AND DOCUMENTS

None.

ADDITIONAL INFORMATION

Solar energy is not specifically mentioned in this act, but could be included within the general language.

MARYLAND

HB 1604

Chapter 509 of the Session Laws of 1975

Approval Date: April 22, 1975

Effective Date: July 1, 1975

ABSTRACT

This Act provides that solar energy heating and cooling units installed in existing or newly constructed residential or non-residential buildings, shall not cause the assessment of the building to be greater than with a conventional heating or cooling unit.

LEGAL CITATION

This Act adds a new subsection (b) (4) to Article 81, Section 14 of the Annotated Code of Maryland (1969 Replacement Volume and 1974 Supplement).

RESPONSIBLE STATE AGENCY AND OFFICIAL

Albert W. Ward, Administrator
Department of Assessment and Taxation
301 West Preston Street
Baltimore, Maryland 21201
(301) 383-2526

FORMS OR OTHER DOCUMENTS

None.

ADDITIONAL INFORMATION

Administrators do not expect early solar installations to increase values of real property.

MICHIGAN

HR 129

Approval Date: July 2, 1975

Effective Date: July 2, 1975

ABSTRACT

This resolution creates a special House committee to study the feasibility of statewide use of solar heating and cooling systems. This five member committee is to report its findings and recommendations to the Legislature not later than January 1977.

LEGAL CITATION

None.

RESPONSIBLE STATE AGENCY AND OFFICIAL

Rep. Lucille H. McCollough
Chairperson
Committee to Study the Feasibility of Statewide
Use of Solar Heating and Cooling Systems
Room O 3rd Floor
State Capitol
Lansing, Michigan 48901
(517) 373-0847

FORMS OR OTHER DOCUMENTS

None.

ADDITIONAL INFORMATION

Michigan has a Research Association known as:

Michigan Energy & Resource Research Association (MERRA)
728 Executive Plaza
Detroit, Michigan 48226
(313) 964-5030

Mr. John Mogk, President
Mr. Dick Popeck, Energy Conservation
Mr. Dwight Bornemeier, Solar Energy

MONTANA

SB 86

Chapter 501 Laws of 1975

Approval Date: April 29, 1975

Effective Date: July 1, 1975

ABSTRACT

This Act creates a fund for research, development and demonstration of alternate renewable energy sources. The funds are to be derived from a 2-1/2% of all license taxes or from a severance tax on coal until December 31, 1979 when the percentage will increase to 4%. The funds will be used for grants to any individual, business entity, educational or scientific institution or governmental unit. The program is under the Department of Natural Resources and Conservation.

LEGAL CITATION

This Act amends Section 84-1309.1 of the Revised Codes of Montana and adds seven new sections.

RESPONSIBLE STATE AGENCY AND OFFICIAL

Charles W. Greene, Program Manager
Department of Natural Resources and Conservation
30 South Ewing
Helena, Montana 59601
(406) 449-3780

FORMS OR OTHER DOCUMENTS

Sub-Chapter 18, "Alternative Renewable Energy Source Grants", Montana Administrative Code.

MONTANA

HB 663

Chapter 548

Approval Date: May 13, 1975

Effective Date: July 1, 1975

ABSTRACT

This Act encourages investment in nonfossil forms of energy generation and in energy conservation in buildings through tax incentives and capital availability.

LEGAL CITATION

This Act amends Sections 84-202 and 84-301 of the Revised Codes of Montana, 1947 and adds new Sections 84-7401 through 84-7406.

RESPONSIBLE STATE AGENCY AND OFFICIAL

William Groff, Director
Department of Revenue
Michell Building
Helena, Montana 59601
(406) 449-2460

FORMS OR OTHER DOCUMENTS

AB-12, Application for Class 8 Assessment

AB-14, Application for Tax Incentive Assessment of Energy Generating Property

ADDITIONAL INFORMATION

A newspaper announcement relating to this Act is included with the forms.

NEVADA

SB 552

Chapter 636

Approval Date: May 20, 1975

Effective Date: May 20, 1975

ABSTRACT

This Act provides \$370,000 for designing, constructing, equipping and furnishing a solar energy laboratory in Clark County, Nevada, as an additional facility of the Desert Research Institute of the University of Nevada. Responsibility for this activity rests with the State Public Works Board and the Board of Regents of the University of Nevada.

LEGAL CITATION

None.

RESPONSIBLE STATE AGENCY AND OFFICIAL

William E. Hancock, AIA Secretary and Manager State Public Works Board Nye Building, Room 225 Carson City, Nevada 89701 (702) 885-4870	Chairman James L. Buchanan II Board of Regents University of Nevada 405 Marsh Avenue Reno, Nevada 89509 (702) 784-4901	Dr. Lloyd P. Smith Desert Research Inst. University of Nevada Reno, Nevada 89507 (702) 784-6131
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FORMS OR OTHER DOCUMENTS

None.

ADDITIONAL INFORMATION

Bids on the Solar Energy Laboratory are expected to be elicited in the Spring of 1976. Construction is to follow in the summer.

The architect for this project is Harry Wood of the University of Nevada.

NEW HAMPSHIRE

HB 479

Chapter 391 Laws of 1975

Approval Date: June 16, 1975

Effective Date: August 15, 1975

ABSTRACT

This Act allows each city and town to adopt, by local referendum, property tax exemptions for persons owning real property which is equipped with a solar energy heating or cooling system.

LEGAL CITATION

Amends Revised Statutes Annotated 72 by inserting after section 60 a new subdivision including sections 61-64.

RESPONSIBLE STATE AGENCY AND OFFICIAL

City or town assessors and selectmen
under general supervision of:

Lloyd M. Price, Commissioner
Department of Revenue Administration
19 Pillsbury Street
Concord, New Hampshire 03301
(603) 271-2191

FORMS OR OTHER DOCUMENTS

Solar Energy Systems Exemption Claim (implements the referendum action taken by Concord under this Act).

ADDITIONAL INFORMATION

Concord, New Hampshire took action under this Act by referendum on November 4, 1975. By mid-January 1976, one homeowner had applied for the solar exemption. Complete procedures have not been developed but they are planning to assess the property as if conventional heating systems were used.

NEW MEXICO

SB 1 (Special Session, 1975)

Chapter 12, Laws of 1975

Approval Date: April 10, 1975

Effective Date: April 10, 1975

ABSTRACT

This Act provides for a credit against personal income tax due, for conversion to or construction of a solar energy system, used in the taxpayer's principal residence. The credit is allowable equal to 25% of the cost of the equipment not to exceed \$1,000. It further provides for a refund to taxpayers if the credit allowed exceeds tax liability.

LEGAL CITATION

The Act is a new Section 72-15A-11.2 to the New Mexico Statutes Annotated 1953.

RESPONSIBLE STATE AGENCY AND OFFICIAL

Marshal Morton

Bureau of Revenue

Manuel Lujan, Sr. Building

St. Francis Drive at Alta Vista

Santa Fe, New Mexico 87503

(505) 827-3221 X316

FORMS OR OTHER DOCUMENTS

None.

ADDITIONAL INFORMATION

A solar home is under construction in Las Cruces. For information contact Roy Moore, 206 E. Fleming Avenue, Las Cruces, New Mexico, 88001. Other solar construction and activities are described in "Solar Flair" (see SB 120).

NEW MEXICO

SB 120

Chapter 83, Laws of 1975

Approval Date: April 2, 1975

Effective Date: April 2, 1975

ABSTRACT

This Act appropriates \$30,000 to the Department of Development to promote research, development and use of solar energy in New Mexico and to encourage the location of the proposed National Solar Institute in the State.

LEGAL CITATION

This Act may be cited as the "Solar Energy Development Act".

RESPONSIBLE STATE AGENCY AND OFFICIAL

Fabian Chavez, Jr., Director
Department of Development
113 Washington Avenue
State Security Building 2nd Floor
Santa Fe, New Mexico 87503
(505) 827-3101

FORMS OR OTHER DOCUMENTS

Solar Activity of Department of Development information sheet.

ADDITIONAL INFORMATION

A three man Task Force has been appointed by the Governor: Director Fabian Chavez, Jr., Dean William Gross, Dean John Hernandez. For additional information contact Al Dietz, Deputy Director, Department of Development at the address above.

"Solar Flair", a booklet published by the Department of Development, details New Mexico's private, university and public involve in solar energy.

NEW MEXICO

HB 395

Chapter 200, Laws of 1975

Approval Date: April 7, 1975

Effective Date: April 7, 1975

ABSTRACT

This Act provides that a feasibility study on the use of energy sources other than fossil fuels for heating and cooling must be made prior to execution of a contract for construction or major alteration of any State owned building.

LEGAL CITATION

None.

RESPONSIBLE STATE AGENCY AND OFFICIAL

Tony R. Elias
Chief
Property Control Division
Department of Finance and Administration
Bataan Memorial Building Room 310
Santa Fe, New Mexico 87503
(505) 827-2404

FORMS OR OTHER DOCUMENTS

None.

NEW YORK

AB 8620

Chapter 864 Laws of 1975

Approval Date: August 9, 1975

Effective Date: September 8, 1975

ABSTRACT

This Act redesignates the New York State Atomic and Space Development Authority as the New York State Energy Research and Development Authority (ERDA). The ERDA responsibilities include development and implementation of new energy sources, including solar. Included is authority to conduct, sponsor or assist research, development and demonstration programs in new energy technologies, to disseminate information, and to advise the legislature.

LEGAL CITATION

This Act is in Sections 1850-1872 of Title 9, Article 8 of the New York Public Authorities Law.

RESPONSIBLE STATE AGENCY AND OFFICIAL

Charles Baxter
Research Program Manager
New York State Energy Research and Development Authority
230 Park Avenue
Room 1235
New York, New York 10017
(212) 689-5070

FORMS OR OTHER DOCUMENTS

Recommended Budget for 1976-77. (Fiscal Year begins April 1, 1976)

ADDITIONAL INFORMATION

An annual report is available for the year April 1, 1974 - March 31, 1975, the last full year that the Authority operated under its previous legislative mandate.

Al Messina is Research Project Director for solar energy.

NORTH CAROLINA

HB 375

Chapter 911

Approval Date: June 26, 1975

Effective Date: July 1, 1975

ABSTRACT

This Act provides an appropriation of \$30,000 to North Carolina State University for research on and development of a working solar heating and cooling system for both residential and commerical buildings. Appropriations are divided into \$20,000 for fiscal '75-76 and \$10,000 for fiscal '76-77.

LEGAL CITATION

None.

RESPONSIBLE STATE AGENCY AND OFFICIAL

Dr. Frederick O. Smetana
Department of Mechanical and Aerospace Engineering
North Carolina State University
Raleigh, North Carolina 27607
(919) 737-2374

FORMS OR OTHER DOCUMENTS

None.

NORTH DAKOTA

SB 2439

Chapter 508

Approval Date: April 8, 1975

Effective Date: July 1, 1975

ABSTRACT

This Act provides that systems utilizing solar energy for heating or cooling of new or existing buildings will be exempt from property tax for five years following installation. If a building has a conventional heating or cooling system which is supplemented by a solar energy system, only the solar energy portion of the system shall be exempt.

LEGAL CITATION

This Act forms a new subdivision 27, to section 57-02-08 of the North Dakota Century Code.

RESPONSIBLE STATE AGENCY AND OFFICIAL

John Hulteen, Supervisor of Assessments
State Tax Department
State Capitol
Bismarck, North Dakota 58505
(701) 224-3461

FORMS OR OTHER DOCUMENTS

None.

OHIO

Amended Substitute HB 584
File No. 116
Approval Date: August 26, 1975
Effective Date: August 26, 1975

ABSTRACT

This Act establishes the Ohio Energy and Resource Development Agency (ERDA) replacing the Ohio Energy Commission and the Ohio Development Center. The Agency is to sponsor research and award grants and contracts for experimental demonstration facilities and projects which provide new or alternate energy sources. The legislation includes solar heating and cooling demonstrations.

LEGAL CITATION

This Act amends Section 122.09, 122.63 to 122.73 and 123.01, and adds new Sections 122.671, 122.74 to 122.87 and 5709.30 to 5709.37 and repeals Section 122.08 of the Ohio Revised Code.

RESPONSIBLE STATE AGENCY AND OFFICIAL

Robert S. Ryan, Director
Ohio Energy and Resource Development Agency
30 E. Broad Street
25th Floor
Columbus, Ohio 43215
(614) 466-3465

FORMS OR OTHER DOCUMENTS

None.

ADDITIONAL INFORMATION

The Legislature appropriated \$5 million for 1975-76 and 1976-77. Each year the division of funds is to be \$500,000 for operating expenses and \$2 million for program development.

HB 1309, clarifying the authority of OERDA, has been introduced in the Ohio Legislature.

OREGON

HB 2036

Chapter 153 Laws of 1975

Approval Date: May 19, 1975

Effective Date: September 13, 1975

ABSTRACT

This Act adds solar energy considerations to comprehensive planning and allows county planning commissions to recommend ordinances governing height and set back of buildings and assuring access to incident solar energy. It allows city planning commissions to recommend zoning ordinances limiting the use, height, area and bulk of buildings and structures, and recommends appropriate public incentives for overall energy conservation.

LEGAL CITATION

This Act amends ORS 215.055, 215.110, 227.090 and 227.230.

RESPONSIBLE STATE AGENCY AND OFFICIAL

Lon Topaz, Director
Department of Energy
528 Cottage Street, N. E.
Salem, Oregon 97310
(503) 378-4128

FORMS OR OTHER DOCUMENTS

None.

OREGON

HB 2202

Chapter 460 Laws of 1975

Approval Date: June 30, 1975

Effective Date: September 13, 1975

ABSTRACT

This Act provides an exemption from ad valorem taxation for any increased value of property resulting from installation and use of a solar energy heating or cooling system. Applies to assessment years beginning on and after January 1, 1976, but not on or after January 1, 1986.

LEGAL CITATION

None.

RESPONSIBLE STATE AGENCY AND OFFICIAL

Donald M. Fisher, Administrator
Assessment and Appraisal Division
506 State Office Building
Salem, Oregon 97310
(503) 378-3378

FORMS OR OTHER DOCUMENTS

None.

SOUTH DAKOTA

SB 283

Chapter 111

Approval Date: March 25, 1975

Effective Date: July 1, 1975

ABSTRACT

This Act allows the owner of residential real property an annual deduction from its assessed valuation for the installation of a solar heating, solar hot water or solar cooling device. The deduction from the assessed valuation may be equal to the lesser of: (1) the remainder of the assessed valuation of the real property with the solar heating or cooling system included, minus the valuation of the real property without the system; or (2) two thousand dollars. The Act expires July 1, 1980.

LEGAL CITATION

South Dakota Compiled Law 10-6-35.5, 10-6-35.6, 10-6-35.7.

RESPONSIBLE STATE AGENCY AND OFFICIAL

County Auditors/Assessors and
Lyle Wendell, Secretary
Department of Revenue
State Capitol
Pierre, South Dakota 57501

FORMS OR OTHER DOCUMENTS

SD Rev PT8 9-75, "Claim for Solar Heating and Cooling Allowance".

ADDITIONAL INFORMATION

1. The owner of real property who desires to claim a deduction must file a statement with the county auditor in his county. The owner is required to file a claim on forms prescribed by the Department of Revenue. The county assessor is responsible for verifying such declared deductions.

2. The Administrative Rules of South Dakota 64:02:01:27 provide the following definition: "Solar heating and cooling - Defined - Exclusions. A solar heating or cooling system is one which has as its direct source of energy, the sun, transmitted by sun collectors or converters through the absorption of rays. To qualify as a solar heating or cooling system the conversions system must be so designed to focus the suns rays onto a collector; to convert those rays into a usable form of energy; storing such energy until needed, and able to deliver the energy to its intended use. No device which does not make use of the rays of the sun in the process of heating or cooling shall qualify. This is intended to exclude devices for heat transference from elements or materials which are incidentally warmed such as the air or ground water unless directly connected with a sun collector".

TEXAS

HB 546

Filed without signature: June 21, 1975
Effective Date: September 1, 1975

ABSTRACT

The solar energy portion of this Act provides that corporations which exclusively manufacture, sell and install solar energy devices are excluded from the franchise tax. It also provides exemption from taxes of receipts from the sale, lease or rental of solar energy devices. A corporation may deduct from its taxable capital the amortized cost of a solar energy device for production of energy or heating and cooling. The cost may be amortized for any period not less than 60 months.

LEGAL CITATION

This Act, as it relates to solar energy devices, amends the General Revised Civil Statutes of Texas, 1925 as amended; by amending Article 12.03; Title 122A, Taxation. It also amends by adding Section (CC) to Article 20.04, and Section (6) to Article 12.01 of the same Title and Statutes.

RESPONSIBLE STATE AGENCY AND OFFICIAL

Bob Bullock, Comptroller
Comptroller of Public Accounts
Lyndon Baines Johnson Building
17th and Congress
Austin, Texas 78711

FORMS OR OTHER DOCUMENTS

None.

ADDITIONAL INFORMATION

The Act defines a solar energy device as "a system or series of mechanisms designed primarily to provide heating or cooling or to produce electrical or mechanical power or both by means of collecting and transferring solar-generated energy and includes mechanical or chemical devices having the capacity for storing solar-generated energy for use in heating or cooling or in the production of power".

VIRGINIA

HB 1809
Chapter 331 Laws of 1975
Approval Date: March 18, 1975
Effective Date: June 1, 1975

ABSTRACT

This Act creates a Virginia Solar Energy Center within the Science Museum of Virginia. The Center's responsibilities include promoting solar utilization, coordinating State and Federal solar programs, serving as a technical information clearinghouse, and providing educational and policy development.

LEGAL CITATION

This Act adds section 9-65.2:1 to the Code of Virginia.

RESPONSIBLE STATE AGENCY AND OFFICIAL

Wynn Solomon, Director
Virginia Solar Energy Center
Virginia Science Museum
217 Governor Street
Richmond, Virginia 23219
(804) 786-4133

FORMS OR OTHER DOCUMENTS

None.

Bibliography

1. Principal Legislative Staff Offices, The Council of State Governments, Iron Works Pike, Lexington, Kentucky 40511, September 1975.
2. "Energy Legislation Update", the Council of State Governments, Energy Project, Iron Works Pike, Lexington, Kentucky 40511, Bi-weekly publication.
3. "Turning Toward the Sun", Vol. One. Abstracts of State Legislative Enactments of 1974 and 1975 Regarding Solar Energy, National Conference of State Legislatures.
4. Ecp Report, Newsletter of the Energy Conservation Project, Environmental Law Institute, October 1975, January 1976.
5. "Recent Accomplishments in Tasks related to Solar Water Heating Application", Florida Solar Energy Center, Cape Canaveral, Florida 32920, September 26, 1975.
6. Cohen, Jeffrey C., White, Ronald H., "Energy Conservation in Buildings: The New York Metropolitan Region", Environmental Law Institute, Washington, D. C., July 1975.
7. Eisenhard, Robert M., "Building Energy Authority and Regulations Survey: State Activity", National Bureau of Standards (U.S.), NBSIR 76-986, 48 pages, March 1976.
8. Ruegg, Rosalie T., "Assessing the Impact of Incentives on the Cost of Owning a Solar Energy System", National Bureau of Standards Report, (In Press).

APPENDIX

A STATE FORMS, INSTRUCTIONS, DATA

B STATE LEGISLATION

APPENDIX A

STATE FORMS, INSTRUCTIONS, DATA

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County _____

SOLAR HEATING OR COOLING DEVICES

Name (owner) _____	2. Description of system (see instructions)		
Mailing Address _____	_____ _____ _____ _____ _____		
City _____	State _____	Zip _____	
Phone _____	Phone _____		
Res. _____	Bus. _____		
Property address or location: _____ _____			

INFORMATION

Answer all questions - attach necessary supporting documents - indicate reasons where information is not furnished.

1. Acquisition of Solar Heating or Cooling Devices
Date purchased _____
Total cost or purchase price including installation - \$ _____
Seller's name and address _____ _____ _____
Date of construction _____
Name of builder or contractor _____

3. Type of property
New _____ Remodel _____
Cost included in purchase price ?
Yes _____ No _____
If yes, how much ?
\$ _____

I, owner or agent of this property, state that the information and facts constitute true and complete statements concerning the described property. I agree to furnish additional information requested by the Assessor.

Signature _____

Date _____

DO NOT USE -- FOR ASSESSOR ONLY

Was physical review made by appraisal staff ? Yes _____ No _____

What other heating or cooling devices in this improvement ? _____

Statement of appraiser's findings and recommendations:

Appraiser's estimate of actual value: \$ _____ Assessed Valuation 5% \$ _____

BY _____ Date _____

BY _____ Date _____

Appraisal records changed _____

INSTRUCTIONS

For completion of form "Solar Heating and Cooling Devices"

1973 Colorado Revised Statute 39-1-104 (1) requires the assessed value of all improvements to be 30% of actual value.

1973 Colorado Revised Statute 39-1-104 (6) provides an exception as follows.

The valuation for assessment of all solar heating or cooling devices attached to or a part of any building improvement shall be at an amount equal to five percent of the actual value thereof as determined by the assessor in accordance with the regulations of the property tax administrator. For the purposes of this subsection (6), solar heating, solar hot water, or solar cooling devices shall include all controls, tanks, pumps, heat exchangers, and other hardware necessary to effect the installation of a solar heating or cooling system. Solar heating or cooling devices shall not include walls or roofs unless those portions of the structure shall be a part of those devices specifically designed into the system to provide additional heating or cooling that would not ordinarily be contained in a structure not designed or modified to provide solar heating or cooling.

1973 Colorado Revised Statute 39-5-105 requires owner of solar devices make application for separate appraisal and valuation.

In appraising and valuing improvements any device which is attached to a building or structure or which is an integral part of such structure and is designed to provide solar heating or cooling shall be appraised and valued separately from such building or structure. Such separate appraisal and valuation shall be made upon application of the owner of the improvement to the assessor.

The attached form may be used as an application and provides spaces for listing pertinent information. The second copy is for your records.

Enter the name, mailing address, and phone number of the owner. Identify the property by address or location. ALL QUESTIONS MUST BE ANSWERED. Failure to do so may result in a denial. Indicate reasons such as "not applicable", "unknown", etc. where information is not furnished.

1. Enter the date purchased, the total cost or purchase price, and the seller's name and address. Also list the date of construction and the name of the builder, or contractor.
2. Describe all parts of system such as controls, tanks, pumps, collectors, duct work and other hardware necessary to make the system operable.
3. Indicate if the property is new or remodeled and what amount of the purchase price, if any is attributable to solar devices.

Application form must be signed and dated by the owner or agent of the property.

APPLICATION FOR VALUATION UNDER SECTION 20d-3
OF THE REVENUE ACT OF 1939 RELATIVE TO SOLAR
ENERGY HEATING OR COOLING SYSTEMS

TO: Supervisor of Assessments, County Assessor or Board of Assessors.

County.

Township

1. The undersigned _____, being the person liable for taxes on certain real property hereinafter described, hereby requests that the said real property be valued for the assessment year January 1, 19____, as provided in Section 20d-3 of the Revenue Act of 1939, as amended.
2. Legal Description and Index Number as shown on tax bill. (Use reverse side if necessary)
3. The undersigned states that he (she) _____ is the owner of the above described property; that improvement(s) thereon are equipped with a solar energy system used for _____; and that the total cost of installing such (Heating) (Cooling) (Heating and Cooling) system was \$ _____.
4. The undersigned understands that when the solar heating or cooling system so valued ceases to be used as a means of heating or cooling the improvement(s), the owner of the real property must, within 30 days, notify the Supervisor of Assessments, County Assessor or Board of Assessors, as the case may be of that fact; and that it is a Class B misdemeanor to fail to submit such information or to knowingly submit any false information in or relating to this application.

Applicant _____

Applicant's Address _____

Date: _____ 19____ A. D.

Subscribed and sworn to before me this

____ day of _____ 19____ A. D.

____ Notary Public

FORM SES-1 1975
PRESCRIBED BY THE STATE
BOARD OF TAX COMMISSIONERS

Original (County Auditor)
Duplicate (Mail to State Board
of Tax Commissioners)

STATEMENT FOR DEDUCTION OF ASSESSED
VALUATION ATTRIBUTED TO SOLAR ENERGY SYSTEM

(Pursuant to Acts 1974, PL 15, IC 1971 6-1-9.5)
To Be Filed in Duplicate with the County Auditor
(of the county in which subject property is located)
Between March 1 and May 10, inclusive each year
By the owner of such real property

STATE OF INDIANA _____ COUNTY, ss:

I, (We), _____ certify that I, (We) on
the 1st day of March, 19____, owned the following described real
property which is equipped with a solar energy heating or cooling
system for which a deduction from the assessed valuation is hereby
being applied.

PROPERTY DESCRIPTION:

TAXING DISTRICT (CITY, TOWN, TOWNSHIP) _____

LOCATED IN TOWNSHIP _____ LEGAL DESCRIPTION _____

OR KEY NUMBER _____

1. ASSESSED VALUATION OF IMPROVEMENT INCLUDING SOLAR HEATING OR COOLING SYSTEM	\$ _____
2. MINUS: ASSESSED VALUATION OF IMPROVEMENT WITHOUT THE SOLAR SYSTEM	\$ _____
3. DIFFERENCE	\$ _____
DEDUCTION ALLOWABLE:	
4. LESSER OF LINE 3 ABOVE OR \$2,000	\$ _____

I hereby certify the above statement to the best of my knowledge
is true, correct and complete.

Date _____ Signature of owner _____

Address of owner _____

City and State _____

Date Filed _____ Signature of Auditor _____

I, _____, Assessor of _____
Township, _____ County have verified the above
statement and found it to be true and correct.

Date _____ Signature of Township Assessor _____

RECEIPT FOR STATEMENT OF DEDUCTION OF ASSESSED
VALUATION ATTRIBUTED TO SOLAR ENERGY SYSTEM

Name of owner _____

Description of Property: County _____ Township _____

Legal Description or Key Number _____

Date Filed _____ Signature of Auditor _____

GUIDELINES FOR PREPARATION OF PROPOSALS
TO THE IOWA ENERGY POLICY COUNCIL

Proposals for energy research and development to be funded in Fiscal Year 1976 are due at the Iowa Energy Policy Council, 300 Fourth Street, Des Moines, Iowa 50319, by April 1, 1976. The EPC is interested in proposals that involve Iowa uses and resources, that do not duplicate work being tried elsewhere, that might attract matching federal and private funds, and whose results could be developed and used fairly rapidly and might foster the development of new industry in Iowa.

The Council has expressed particular interest in certain specific areas: resource recovery; utility rate experiments; utility wind energy demonstrations; energy conservation projects, including those directed at community betterment; and providing funds to buy materials for solar systems to be built and installed by students in training programs. However, the Council will not restrict proposals to these areas, nor will it make awards in these areas if worthy proposals are not forthcoming.

All proposals should be specific and, as a minimum, include the information set forth below:

1. Name and address of the person(s) and/or organization(s) submitting the proposal.
2. Date of submission.
3. The specific objectives of the project, including the applicability of the project to Iowa and the beneficial results to be expected if the project is successful.
4. An outline and discussion of the project, including the period of time involved and the dates of completion of the various stages of the project.
5. The amount of funds required, together with an itemized breakdown of the costs of the project: equipment and instruments (including transportation and installation costs), expendable supplies, services (such as computer rental or chemical analyses), salaries and wages, indirect costs, secretarial expenses, travel, and miscellaneous. Indicate what other sources of funds are or might be available to assist in the project. Cost-sharing would be welcomed so that EPC funds could cover more projects.
6. Names and addresses of key personnel to be involved, together with brief biographical information and relevant experience.

The EPC would appreciate receiving 20 copies of each proposal; however, this is not a mandatory requirement.

Proposals received by the EPC will be evaluated by a panel of reviewers, who will be asked to comment on the technical merit of the proposal, the competence of the investigators, the reasonableness of the budget, and the importance of the project to Iowa. Ratings will be requested on a five-point scale: 4 = excellent, 3 = good, 2 = supportable, 1 = poor, 0 = unsound. The anonymity of the reviewers will be strictly maintained, but extracts of their comments will be passed on to members of the EPC and will be discussed at a public meeting of the EPC. These comments will also be passed on to applicants without identifying the reviewers.

At a public meeting the EPC staff will provide the EPC members with the reviewers' comments. The choice of the proposals to be funded will be made at a public meeting, probably in June, by the members of the EPC, who may discuss some or all of the proposals in public. Proposals chosen for funding will be made public, but submitters of all proposals should note that portions of their proposals may become public in the course of the EPC meeting at which they are discussed. For this reason submitters may wish to avoid including proprietary information or other information which they do not want to be made public.

In accepting an EPC grant, the applicant must agree to provide a final report within one month of the termination date of the grant. The final report must account for the expenditure of the funds and describe the accomplishments of the research project.

NATURAL
RESOURCES AND CONSERVATION

Sub-Chapter 18

Alternative Renewable Energy Source Grants

Section	36-2.3(18)-S8060	PURPOSE OF RULES
	36-2.8(18)-S8070	DEFINITIONS
	36-2.8(18)-S8080	STATEMENT OF ADMINISTRATIVE POLICIES
	36-2.8(18)-S8090	APPLICATIONS -- GENERAL REQUIREMENTS
	36-2.8(18)-S8100	APPLICATION CONTENT
	36-2.8(18)-S8110	APPLICATION SUBMITTAL DEADLINES
	36-2.8(18)-S8120	APPLICATION EVALUATION
	36-2.8(18)-S8130	AWARDING GRANTS--CRITERIA
	36-2.8(18)-S8140	CONDITIONS UNDER WHICH GRANTS MAY BE USED AND OTHER CONDITIONS
	36-2.8(18)-S8150	PAYMENT OF GRANTS
	36-2.8(18)-S8160	PROJECT ADMINISTRATION
	36-14.1A	MONTANA ADMINISTRATIVE CODE

Sub-Chapter 18

Alternative Renewable Energy Source Grants

36-2.8(18)-S8060 PURPOSE OF RULES Senate Bill 86 enacted by the 1975 Legislature provides for the funding through the Department for research, development and demonstration of alternative renewable energy sources. The purpose of the rules in this sub-chapter is to provide criteria and guidelines to aid in the implementation of that law. (History: Sec. 84-7410, R.C.M. 1947; NEW, MAC Not. No. 36-2-5; Order MAC No. 36-2-9; Adp. 2/6/76; Eff. 3/7/76.)

36-2.8(18)-S8070 DEFINITIONS Unless the context requires otherwise, as used in the Act and in the rules in this sub-chapter:

(1) "Act" means Chapter No. 501, Montana Session Laws of 1975 (also referred to as the "Alternative Renewable Energy Sources Act"; Section 84-7407 et seq., R.C.M. 1947).

(2) "Alternative renewable energy source", as defined in Section 84-7408(1) of the Act, means a form of energy or matter, such as solar energy, wind energy, or methane from solid waste, capable of being converted into forms of energy useful to mankind, and the technology necessary to make this conversion, when the source is not exhaustible in terms of this planet and when the source or the technology are not in general commercial use.

(3) "Person" means a natural person, corporation, partnership, or other business entity, association, trust, foundation, any educational or scientific institution, or any governmental unit.

(4) "Department" means the Department of Natural Resources and Conservation.

(5) "Application" means a written application to the Department for funding under the terms of the Act and these rules.

(6) "Research" means an extensive, systematic study to discover or revise facts or theories and which would bring to a more advanced state the capabilities, availability and suitability of a renewable alternative energy source.

(7) "Develop" or "development" means a project which utilizes the basic results of research or available knowledge and applies those results or knowledge to the actual development of hardware. The term also includes the establishment of manufacturing facilities to produce renewable alternative energy systems in Montana, but it does not include the development of a project or facility to commercially market electricity, heat energy, or energy by-products.

(8) "Demonstrate" or "demonstration" means an extensive, systematic plan and follow through to establish that specific renewable alternative energy sources are practical and can be made to work reliably over long periods of time. These projects are primarily physical models which will be proven. (History: Sec. 84-7410, R.C.M. 1947; NEW, MAC Not. No. 36-2-5; Order MAC No. 36-2-9; Adp. 2/6/76; Eff. 3/7/76.)

36-2.8(18)-S8080 STATEMENT OF ADMINISTRATIVE POLICIES

(1) It is the objective of the Department to orient the funding program toward the small scale, individual, single unit dwelling type of application. Large scale, capital intensive project applications will be accepted, but the program emphasis will be directed toward the aforementioned type of applications.

(2) It is the objective of the Department to give funding preference to development and demonstration projects.

(3) It is the intent of the Department to only grant funding for applications which are submitted by persons who are residents of the state of Montana, and only for projects conducted in Montana. "Conducted" means that the research and development project will be headquartered in Montana and that all development will be built in Montana. This condition does not prohibit the use of expertise outside the State of Montana.

(4) Persons who are employees or contractors of the Department, or who are members of the Board of Natural Resources and Conservation, are not eligible for funding under the Act. Relatives related to such person by consanguinity within the fourth degree or by affinity within the second degree are like-

wise not eligible for funding.

(5) Applications to research, develop, or demonstrate geothermal energy sources on a small scale will be considered for funding. Large scale, capital intensive projects are not eligible for funding.

(6) Some types of renewable alternative energy sources (e.g., solar and wind) are unable to produce energy on a continuous basis, therefore applications for studying energy storage devices associated with such renewable energy sources will be accepted.

(7) As a general rule applications for more than \$100,000 will not be granted. However, the Department will accept and review applications for more than \$100,000. If the Department determines that such a proposal is particularly applicable to Montana's energy needs and technically outstanding, it may be funded. There is no lower limit for funding.

(8) The Department will appoint an Alternative Energy Advisory Council (AEAC) consisting of five members who will make recommendations on which applications should be funded. The Department makes the final decision as to which applications are funded.

(9) Applications shall be applicable to Montana's energy needs. If the technology is not feasible as suited to the needs of Montana, the application will not be granted.

(10) The Department may fund all or only part of a proposal. Generally, only an application which is directly related to the research, development, or demonstration of alternative renewable energy sources will be funded. For example, an application to build a \$50,000 solar home may not be funded in full, but an application to demonstrate new solar technology as part of a home may be funded. (History: Sec. 84-7410, R.C.M. 1947; NEW, MAC Not. No. 36-2-5; Order MAC No. 36-2-9; Adp. 2/6/76; Eff. 3/7/76.)

36-2.8(18)-S8090 APPLICATIONS - GENERAL REQUIREMENTS

(1) Any person may make application for a grant to fund a proposal under the Act and these rules. The applicant should normally submit ten copies of the application at the time of filing to the Energy Planning Division of the Department, 32 South Ewing, Helena, Montana, 59601, consistent with these rules. A lesser number of copies may be submitted upon prior approval of the Department.

(2) Although not required, to facilitate uniformity the application should meet the following requirements:

(a) The application should be typed, printed, or otherwise legibly reproduced on 8 1/2 x 11" paper. Maps, drawings, charts, or other documents bound in an application should be cut or folded to 8 1/2 x 11" size. Maps, drawings, or charts may accompany an application as separate exhibits.

(b) Typed or offset material should have a 1" margin on all sides.

(c) All pages in an application should be consecutively numbered. Maps, drawings, or charts accompanying the application as exhibits should be identified as "Exhibit ," and if comprising more than one sheet should be numbered "sheet of ."

(3) The application shall state the name, title, telephone number, and post office address of the person to whom communication in regard to the application should be made.

(4) The Department will review the application to determine whether it is in substantial compliance with the Act and these rules. If the Department determines that the application is not in substantial compliance with the Act and these rules, the application will be considered deficient and the Department will reject the application, notifying the applicant in writing and listing the application deficiencies. The application may be re-submitted after corrections are made.

(5) The applicant should submit supplemental material upon request or when it becomes available without undue delay after an application is filed to update drawings and information submitted with the original application.

(6) If an applicant desires to change or add to an application, after it is formally filed, the applicant shall inform the Department in writing as soon as possible of the change or addition. If the change or addition will result in a substantial change in the amount of funding requested or the goals and objectives stated in the original application, the Department will consider the change or addition to constitute a new application.

(7) There is no form adopted by the Department to fill out in making an application. (History: Sec. 84-7410, R.C.M. 1947; NEW, MAC Mot. No. 36-2-5; Order MAC No. 36-2-9; Adp. 2/6/76; Eff. 3/7/76.)

36-2.8(18)-S8100 APPLICATION CONTENT (1) An application shall include a general declaratory statement indicating

whether the applicant is seeking funds for a research, development, or demonstration project.

(2) The application shall include a declaration of the type of renewable alternative energy source to be studied (i.e., wind, solar, water, etc.).

(3) The application should contain a review of the existing "state of the art" conducted by the applicant in the area of interest.

(4) The application should include, whenever applicable, a description of the proposal, including, but not limited to:

(a) A theoretical basis for the proposal including all pertinent maps, diagrams, and photographs;

(b) The proposed technology including all pertinent diagrams and photographs;

(c) The proposed research methods and construction methods if construction is a factor, plus all pertinent maps, diagrams, and photographs;

(d) The proposed facilities and equipment needed, including physical dimensions, diagrams, and photographs;

(e) The proposed time schedule for project development;

(f) A description of the proposed anticipated results, both practical and theoretical;

(g) A statement as to how the project can advance the state of the art;

(h) A statement indicating where the project will be constructed, and why that particular site is suited to the proposed project;

(i) A statement indicating who will work on the project, and what their various qualifications are;

(j) A statement of the role of the project in meeting future energy needs;

(k) A statement of how the project will be feasible and applicable;

(l) A statement of the project's environmental compatibility, especially:

(i) Pollutants or contaminants produced;

(ii) An estimate of the net energy yield of the project.

(5) The application shall include an estimated maximum budget which may not be exceeded, which should contain:

(a) The wages and salaries of all research personnel, clerical help, craftsmen, etc. (itemized);

(b) A list of employee benefits;

(c) A list of building costs;

- (d) A list of equipment costs (equipment generally are permanent items);
- (e) A list of administrative and overhead costs;
- (f) A list of the cost of supplies (supplies generally are exhaustible items);
- (g) A list of communication and travel costs;
- (h) A list of any other expenses.
- (6) The application should contain a copy of all contracted or sub-contracted work, including budgets, who is to do the work, and what work is to be done. If these are not available at the time of application, they shall be submitted at the time they become available. (History: Sec. 84-7410, R.C.M. 1947; NEW, MAC Not. No. 36-2-5; Order MAC No. 36-2-9; Adp. 2/6/76; Eff. 3/7/76.)

36-2.8(18)-S8110 APPLICATION SUBMITTAL DEADLINES For the remainder of fiscal year 1976 (ending June 30, 1976), applications may be submitted to the Department until May 1, 1976. Thereafter, for each subsequent fiscal year, applications may be submitted from January 1 through March 31. (History: Sec. 84-7410, R.C.M. 1947; NEW, MAC Not. No. 36-2-5; Order MAC No. 36-2-9; Adp. 2/6/76; Eff. 3/7/76.)

36-2.8(18)-S8120 APPLICATION EVALUATION (1) In general, applications will be reviewed and evaluated by members of an ad-hoc committee which will be established by the Department. These members will be qualified technical people in their respective renewable alternative energy fields. They may or may not be residents of the state of Montana. The evaluations will be done on an anonymous and confidential basis and the results will be disclosed to the applicant upon request.

(2) The Alternative Energy Advisory Council (AEAC) will meet after the reviews and evaluations are completed to discuss each application and make recommendations to the Department.

(3) Due to the finite amount of funds available during each evaluation and grant period, applications received for consideration at that time will be compared for relative merit as well as individual merit. The Department will then decide which applications to fund. (History: Sec. 84-7410, R.C.M. 1947; NEW, MAC Not. No. 36-2-5; Order MAC No. 36-2-9; Adp. 2/6/76; Eff. 3/7/76.)

36-2.8(18)-S8130 AWARDING GRANTS - CRITERIA (1) A grant awarded by the Department may cover a period not exceeding one (1) year, and the Department may not by law commit itself to spending funds anticipated to be available more than

one (1) year after the grant period begins. The Department may, however, issue letters of intent to renew projects which require more than one year for completion if in the opinion of the Department, the first year of work is successful and achieves the goals established by the original application. Applications for renewal will be evaluated in the normal evaluation manner and must compete with new applications for funding.

(2) The Department may give preference to research centers unattached to existing educational institutions where several investigators can share supporting services. However, this shall not be interpreted to prohibit the Department from awarding grants to existing educational institutions or individuals.

(3) If a manufacturing project defined under the development type of application is successful, the applicant may be required to repay the Department all or part of the funds granted.

(4) By law, all information resulting from research, development, or demonstration projects funded by the Department under the Act and these rules shall be made available to the public and may not become the private property of or under the exclusive control of any one company or person.

(5) The Department is under no requirement to expend or commit available alternative renewable energy research, development and demonstration funds when in its judgment such expenditures or commitments would be unproductive. (History: Sec. 84-7410, R.C.M. 1947; NEW, MAC Not. No. 36-2-5; Order MAC No. 36-2-9; Adp. 2/6/76; Eff. 3/7/76.)

36-2.8(18)-S8140 CONDITIONS UNDER WHICH GRANTS MAY BE USED AND OTHER CONDITIONS (1) Applicants shall enter into a contract grant agreement with the Department if funded, under such terms and conditions the Department considers appropriate. If the recipient feels that changes in the contract are necessary at some later date, then those changes shall be negotiated with the Department. If a satisfactory agreement cannot be reached the contract and the funding may be terminated by the Department.

(2) Grant recipients shall submit periodic progress reports as specified by the Department, and shall submit final reports to the Department within three (3) months following the yearly grant period.

(3) Grant recipients shall submit an itemized list of expenses with each monthly or quarterly billing for payment.

(4) Grant recipients shall make oral or written presentations of progress if requested to do so by the Department.

(5) Funds granted under the terms of the Act and these rules may be used only for the purposes outlined and described in the application and approved by the Department, and detailed records shall be kept by the recipient for all expenditures. Since the proposal budgets are initially estimated, some transfers up to 25% among the budget categories expenditures will be allowed.

(6) The grant recipient shall maintain an accounting system which adequately accounts for expenditures in a manner acceptable to the Department. Records, expenditures, bookkeeping, etc. for funded projects are subject to audit by the Office of the Legislative Auditor and the Department.

(7) Arrangements shall be made to assist, guide and inform the Department during on site investigations. The Department will make such investigations at its discretion. (History: Sec. 84-7410, R.C.M. 1947; NEW, MAC Not. No. 36-2-5; Order MAC No. 36-2-9; Adp. 2/6/76; Eff. 3/7/76.)

36-2.8(18)-S8150 PAYMENT OF GRANTS (1) Upon approval of an application by the Department, funds will be set aside for that particular project.

(2) Payments shall be made on a monthly or quarterly basis against the balance of a given application's funds, upon a request for payment by the recipient.

(3) Payments will be made only on valid project related expenditures, and any balance of payment made at the end of the one year's funding period shall be returned to the Department. (History: Sec. 84-7410, R.C.M. 1947; NEW, MAC Not. No. 36-2-5; Order MAC No. 36-2-9; Adp. 2/6/76; Eff. 3/7/76.)

36-2.8(18)-S8160 PROJECT ADMINISTRATION (1) The results of all research, development or demonstration projects shall be made public record.

(2) Persons receiving demonstration funds may be required to make their projects open to the public during reasonable hours for a period of time specified by the Department.

(3) The Department may inspect and monitor all projects on a regular basis after completion of the project.

(4) The applicant may be required to maintain his funded project during the monitoring period. (History: Sec. 84-7410, R.C.M. 1947; NEW, MAC Not. No. 36-2-5; Order MAC No. 36-2-9; Adp. 2/6/76; Eff. 3/7/76.)

STATE OF MONTANA
DEPARTMENT OF REVENUE

APPLICATION FOR CLASS 8 ASSESSMENT OF THE INCREMENTAL INCREASE IN VALUE ATTRIBUTABLE TO A CAPITAL INVESTMENT FOR AN ENERGY CONSERVATION PURPOSE IN THE BELOW DESCRIBED PROPERTY IN COMPLIANCE WITH CH. NO. 548, LAWS OF 1975. IF APPROVED, THE INCREMENTAL INCREASE IN VALUE WILL BE ASSESSED IN THE 15% CLASSIFICATION.

COUNTY _____
SCHOOL DISTRICT _____

A RESIDENTIAL _____, COMMERCIAL _____, INDUSTRIAL _____, FARM _____
BUILDING OR MOBILE HOME _____ LOCATED ON LAND LEGALLY DESCRIBED AS _____

NOTICE

THIS APPLICATION MUST BE COMPLETED AND SUBMITTED TO THE COUNTY APPRAISER BEFORE THE FIRST DAY OF JANUARY.

HAS HAD THE FOLLOWING WORK DONE TO IT FOR ENERGY CONSERVATION PURPOSES:

THE ABOVE CAPITAL INVESTMENT HAS INCREASED THE MARKET VALUE OF THE BUILDING IN THE AMOUNT OF \$ _____

SIGNATURE OF APPLICANT _____ DATE _____
ADDRESS _____

FOR THE COUNTY APPRAISER

APPLICATION RECEIVED ON THIS DATE _____.
REAPPRAISED CLASS 4 FULL VALUE \$ _____
DATE _____ CLASS 8 FULL VALUE \$ _____
REMARKS: _____

APPRaiser SIGNATURE _____ DATE _____

FOR THE DEPARTMENT OF REVENUE

APPLICATION FOR CLASS 8 ASSESSMENT HAS BEEN

APPROVED _____ DENIED _____
REMARKS: _____

SIGNED _____ DATE _____

STATE OF MONTANA
DEPARTMENT OF REVENUEAPPLICATION FOR TAX INCENTIVE ASSESSMENT OF
ENERGY GENERATING PROPERTY

TO BE APPLIED TO THE APPRAISED VALUE OF CAPITAL INVESTMENTS IN RECOGNIZED NON-FOSSIL FORMS OF ENERGY GENERATION AS PROVIDED IN SECTION 84-7401-7406. NOTE - THIS APPLICATION MUST BE COMPLETED AND SUBMITTED TO THE PROPERTY VALUATION DIVISION, DEPARTMENT OF REVENUE, HELENA, MONTANA BEFORE THE FIRST DAY OF APRIL.

COUNTY _____ DATE _____

NAME OF APPLICANT _____

ADDRESS _____

I/WE ASK TAX TREATMENT ALLOWED UNDER THE ABOVE ACT FOR THE FOLLOWING INSTALLATIONS (GIVE BRIEF DESCRIPTION):

LOCATED ON LAND LEGALLY DESCRIBED AS _____

THE ENERGY GENERATING FACILITIES WERE INSTALLED AT AN ESTIMATED COST
OF _____ BETWEEN THE FOLLOWING DATES _____
AND _____.

SIGNED BY _____ OWNER OR AGENT.

(ATTACH ADDITIONAL SHEETS IF MORE SPACE IS REQUIRED)

-- PROPERTY TAX SAVINGS -- for CONSERVING ENERGY

Under House Bill 663, passed by the 44th Legislature and signed into law, certain tax advantages are given to improvements in property which help conserve energy, as well as for recognized nonfossil forms of energy generation. The new law took effect January 1, 1975, and covers any improvements or installations undertaken after that date.

The purpose of the act was to encourage the use of alternative energy sources and the conservation of energy through incentive programs. These incentives will be made available to the energy user on a basis requiring him to take the initiative in obtaining a particular incentive.

PROPERTY IMPROVEMENTS THAT CONSERVE ENERGY

Any capital investment made in improvements to buildings or land for energy conservation purposes falls under the act. A designation of Class 8 (rather than Class 4) will be given to whatever amount the improvements increased the appraised value, up to 20 per cent of the property's valuation.

This applies to any building (including a mobile home), whether the building is used for domestic, commercial, industrial or agricultural purposes. The capital investment can be any material or equipment purchased and installed in the building or on the land, with or without improvements.

Investment for an energy conservation purpose is defined as any investment resulting in the reduction of waste or dissipation of energy, or the reduction of the amount of energy required to accomplish a given quantity of work.

HOW TO APPLY FOR THE PROPERTY TAX REDUCTION

The property owner of record (or his agent) must make application for assessment, in the Class 8 classification, of the increase in property valuation attributable to a capital investment for an energy conservation purpose. Application forms will be available in the office of the County Appraiser.

The taxpayer must complete his portion of the form and return it to the Appraiser who will, upon investigation, decide if a reappraisal of the property is necessary. If found necessary, the appraisal will be made from the cost manual used for similar property in the area. He will estimate the amount of the increase in value attributable to the capital investment for energy conservation purposes, and show the amount as a separate figure on his property record card.

Further information and appropriate forms are available from the:

Property Assessment Division
Montana Department of Revenue
Sam W. Mitchell Building
Helena, Mt. 59601

PAID FOR BY THE MONTANA DEPT. OF NATURAL RESOURCES AND CONSERVATION UNDER SB 86

The Department of Revenue will subsequently approve or deny the application for Class 8 assessment and return the application form to the County Appraiser. If the application is approved, the Appraiser will notify the taxpayer of the new values, showing separately the portion of the full value to be assessed in Class 4 and the portion of the full value to be assessed in Class 8.

RECOGNIZED FORMS OF NONFOSSIL ENERGY GENERATION

Any capital investment by the taxpayer in a recognized nonfossil form of energy generation will be treated by the Department of Revenue as property exempt from taxation, to the extent the appraised value of the investment does not exceed \$100,000, and Class 7 property for any portion of the appraised value of the investment that exceeds \$100,000.

This covers qualified systems for the utilization of solar heat, wind, solid wastes, or the decomposition of organic wastes, for capturing energy or converting energy sources into usable sources, and for the production of electric power from solid wood wastes. It also covers any small system for the utilization of water power by means of an impoundment not over twenty (20) acres in surface area.

Energy generation tax advantages are limited to persons and firms not primarily engaged in the provision of gas or electricity derived from fossil fuel extraction or conventional hydroelectric development; and a ceiling has been set of \$100,000 in tax savings per year to any one person or firm.

Application forms for the tax advantages to nonfossil energy generation are available from the Department of Revenue. It should be noted that these applications may be reviewed by the Montana Department of Natural Resources and Conservation.



JOHN H. AMBROSE
CHIEF ASSESSOR

City of Concord, New Hampshire

ASSESSING DEPARTMENT
CITY HALL • 41 GREEN STREET • 03301

SOLAR ENERGY SYSTEMS EXEMPTION CLAIM

1976

THIS APPLICATION MUST BE SIGNED AND FILED WITH THE ASSESSORS
ON OR BEFORE APRIL 15, 1976

I, the undersigned, herewith make application for real estate exemption on solar energy heating or cooling system in accordance with the provisions of Laws of the State of New Hampshire, RSA 72:62, as inserted by Chapter 391, Laws of 1975, and adopted by the City of Concord on November 4, 1975.

I certify that I am the owner of real estate located at _____, in the City of Concord, in which solar system has been installed.

Year of installation: _____.

Name of manufacturer of solar system: _____

Name and address of contractor (builder) who installed system: _____

Owner's statement of cost of installation of solar energy heating or cooling system: _____

Type of property in which system has been installed:

(Residential, Commercial, Industrial or Public Utility)

I _____, under the penalties of perjury do hereby declare that, to the best of my knowledge and belief, the above statements are correct.

SIGNATURE _____

MAILING _____

ADDRESS _____

NEW MEXICO
Solar Activity of Department of Development
(Under S.B. 120, 1975)

A. Past Activities

- (1.) Coordinated state exhibits (including operational equipment)
 - a. Solar Energy Industries Association Exposition, April 1975, Washington, D. C.
 - b. International Solar Energy Society Congress & Exhibition, July-August, 1975, Los Angeles, California
 - c. Southwestern Legislative Energy Conference, September 1975, Albuquerque, New Mexico
 - d. National Building Show, October 1975, Chicago, Illinois
- (2.) Developed audio-visual presentation ("Alternate Energy in New Mexico") for in-state and national use.
- (3.) Published Solar Flair.
- (4.) Sponsored "Solar Energy Financing Symposium", February 1976, Albuquerque, New Mexico.

B. Continuing Activities

- (5.) Conduct on-going inventory of solar energy projects in New Mexico.
- (6.) Solicit and promote commercial interest in broadening New Mexico's production of solar energy equipment, both in-state and nationwide.
- (7.) Consult on a regional basis regarding the development of standardization of solar system and equipment efficiency and related matters tangent to consumer protection.
- (8.) Consult with other New Mexico state agencies regarding their activities relating to solar energy (e.g., Bureau of Revenue, Environmental Improvement Agency, Energy Resources Board).
- (9.) Perform liaison function between state government and state and federal programs, and local alternate energy organizations, manufacturers and individuals.

MISCELLANEOUS

NEW YORK STATE ENERGY RESEARCH AND DEVELOPMENT AUTHORITY RESEARCH IN NEW ENERGY TECHNOLOGIES COMPATIBLE WITH ENVIRONMENTAL AND SOCIAL GOALS

Chapter 864 of the Laws of 1975 restructured the Atomic and Space Development Authority into the Energy Research and Development Authority. The Act changed a mandate which previously emphasized concentration on nuclear development and space activities into a policy that focuses on the development of alternate sources of high yield, low cost energy. The development of new energy technologies by this State agency will serve to expand existing energy sources and will enhance the State's efforts to encourage the location of industry and the creation of jobs in New York.

The research performed under auspices of the Authority is financed from a State first instance appropriation. This cost is reimbursed through a charge levied against the State's gas and electric companies in accordance with section 18-a of the Public Service Law.

Projects are selected and developed with the aid of the Authority's Research Committee. The Committee is presently composed of the Chairman of the Public Service Commission and representatives of the State's business and academic communities who are experts in the field of energy research.

From 1972 until it was restructured in 1975, the Atomic and Space Development Authority conducted research projects that emphasized aspects of electric power supply relevant to environmental protection. The program was initiated in 1972 with a first instance appropriation of \$500,000 and in subsequent years was supported with a total of \$5,890,000 in additional appropriations.

Noteworthy results have been achieved since inception of the Research program. For example:

- Through the Authority's efforts, spray pond cooling of waste heat from electric power plants was found to be feasible under conditions prevalent in New York State.
- The Authority and the Federal government have jointly sponsored operations of a statewide seismic monitoring network, utilizing the Lamont-Doherty Geological Laboratory at Columbia University. Initial findings indicate a low seismic risk in selected test areas. Such findings are necessary for the siting of nuclear power plants.
- Significant advances have occurred in laser fusion research at the University of Rochester. The examination of laser fusion as a potential source of electric power is aided by a grant from the Authority's research funds. In addition, \$7,500,000 was appropriated in 1975 from the Capital Construction Fund, in the first instance, to support the construction of a laboratory facility at the University to aid this research.

Projects recommended for 1976-77 have been regrouped into new categories entitled Research, Development and Demonstration. Research activities include laboratory or information gathering studies while Development activities involve feasibility analyses leading to future capital projects and demonstration activities may include the construction or modification of capital facilities.

	Appropriated for 1975-76	Recommended for 1976-77	Change
Maintenance undistributed for the performance of research in new energy technologies compatible with environmental and social goals	\$1,970,000	\$6,390,000	+\$4,420,000

Summary of Appropriations and Changes

		1976-77	Recommended
		Amount	Change
Research			
Basic Research-New Energy Technologies	\$600,000	+\$350,000	
Energy Information System and Technology			
Assessment	800,000	+\$620,000	
Environmental, Health and Safety Research	600,000	+\$25,000	
Projects Completed or Discontinued .....	.....	-\$175,000	
Development			
Integrated Energy Supply and Utilization			
System	450,000	+\$325,000	
Power from Solid Wastes	300,000	+\$200,000	
Coal and Solid Waste Gasification	300,000	+\$275,000	
Laser Fusion Feasibility	340,000	.....
Utilization of Biocconversion Technologies	200,000	+\$200,000	
Sulfur and Other Fuel Pollutant Extraction			
Technologies	100,000	.....
Projects Completed or Discontinued .....	.....	-\$100,000	
Demonstration			
Solar Heating and Cooling	1,500,000	+\$1,500,000	
Solar and Wind Energy Conversion	400,000	+\$400,000	
Energy Conservation and Storage	800,000	+\$800,000	
Total Fiscal Year	\$6,390,000	+\$4,420,000	

STATE PURPOSES—FIRST INSTANCE

SUMMARY OF APPROPRIATIONS AND CHANGES

1976-77 RECOMMENDED

Program	Total		Personal Service		Nonpersonal Service	
	Recom- mended	Change	Recom- mended	Change	Recom- mended	Change
Comprehensive Planning and Technical Studies...	\$11,604,000	-\$297,765	\$3,302,000	-\$47,765	\$8,302,000	-\$250,000

STATE PURPOSES—FIRST INSTANCE

SUMMARY OF PERSONAL SERVICE APPROPRIATIONS AND CHANGES

1976-77 RECOMMENDED

	No.	Amount	Change
Full-time Positions	214	\$3,158,786	.....
Annualization of 1975-76 Increments		12,214	+\$12,214
Locational Pay		35,000	-\$6,000
Overtime Compensation		5,000	.....
Temporary Service		376,000	-\$106,000
Additional Compensation for 1975-76 .....		.....	-\$40,250
Personal Service Savings		-\$285,000	+\$92,271
Total	214	\$3,302,000	-\$47,765

CLAIM FOR SOLAR HEATING AND COOLING ALLOWANCE

TO THE COUNTY AUDITOR _____ COUNTY.

The undersigned being the owner of the within described real property certifies that he has attached or caused to be attached to such property which is used primarily for residential purposes, a solar heating or cooling system as the same is defined by SDCL 10-6-35.5.

Description of property: Lot _____ Block _____

Plat or Addition _____ City of _____

Claim is herewith made for the deduction allowed from the full and true value thereof by SDCL 10-6-35.6, for the current year.

I certify that the above statement has been examined by me and to the best of my knowledge and belief is a true and correct return.

Dated this day of 19

Taxpayer must sign here

VERIFICATION BY ASSESSOR

I certify that the full and true value of the above described property is as follows:

Full and true value with solar system..... \$ _____

Full and true value without solar system..... \$ _____

Net Difference..... \$ _____

Assessor, Director of Equalization

ACTION BY THE COUNTY AUDITOR

Pursuant to SDCL 10-6-35.7, the assessed valuation of the above described property will be reduced by the net difference certified by the Assessor or \$2,000, whichever is the lesser, converted to taxable value and entered on the current tax rolls as a reduction of taxable valuation in the amount of \$ _____.

NOTE: File between November 1 and December 10

Original and one carbon to be filed with County Auditor

APPENDIX B

STATE LEGISLATION

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ARIZONA		NEVADA	
SB 1011	B-1	SB 552	B-48
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		HB 479	B-49
CALIFORNIA		NEW MEXICO	
AB 1575	B-9	SB 1 (Special Session)	B-51
(four pages out of 42)		SB 120	B-52
COLORADO		HB 395	B-55
SB 50	B-13		
SB 75	B-16	NEW YORK	
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HAWAII		NORTH DAKOTA	
SB 1586	B-22	SB 2439	B-76
ILLINOIS			
HB 164	B-24	OHIO	
INDIANA		Amended Substitute HB 584	B-77
SB 223	B-26	(eight pages out of 42)	
IOWA		OREGON	
SF 289	B-27	HB 2036	B-85
MAINE		HB 2202	B-90
SP 549	B-29	SOUTH DAKOTA	
MARYLAND		SB 283	B-93
HB 1604	B-33	TEXAS	
MICHIGAN		HB 546	B-94
HR 129	B-35	(two pages out of 49)	
MONTANA		VIRGINIA	
SB 86	B-36	HB 1809	B-96
HB 663	B-42		

Ch. 93

32nd LEGISLATURE

INCOME TAX—SOLAR ENERGY—EXPENDITURES,
AMORTIZATION

CHAPTER 93

SENATE BILL 1011

An Act relating to taxation of income; providing for tax deduction for installation of solar energy devices, and amending section 43-123.37, Arizona Revised Statutes.

Be it enacted by the Legislature of the State of Arizona:

Section 1. Section 43-123.37, Arizona Revised Statutes, is amended to read:

§ 43-123.37. Election to amortize expenditures incurred in the acquisition of any solar energy device designed to produce heat or electricity

(a) **General Rule.** Any taxpayer may elect to amortize the adjusted basis of any solar energy device, whether for residential, commercial, industrial or governmental installations or experimental or demonstration projects, designed to produce heat or electricity based upon a period of sixty months. In computing net income, such amortization shall be allowed as a deduction ratably over the period allowed under this subsection beginning with the month in which such device is completed or acquired and is placed in service by the taxpayer. This election shall be indicated by the taxpayer in an appropriate statement in the taxpayer's income tax return for the taxable year of the acquisition or completion and placement in service of such device. An election to discontinue amortization with respect to the remainder of the amortization period is permitted and shall be indicated by an appropriate statement in the taxpayer's income tax return for the taxable year of discontinuance.

(b) **Deduction in lieu of depreciation.** The deduction provided under subsection (a) shall be in lieu of any allowance for the exhaustion, wear and tear of property used in a trade or business, or of property held for the production of income, including a reasonable allowance for obsolescence as provided under § 43-123.14.

(c) **Determining the adjusted basis.** In determining the adjusted basis for the purposes of subsection (a), such device, shall include only an amount that is properly attributable to the construction, reconstruction, remodeling, installation or acquisition of such device.

(d) **Definition.** In this section and § 42-123.01, "Solar energy device" means a system or a series of mechanisms designed primarily to provide heating, to provide cooling, to produce electrical power, to produce mechanical power, or any combination thereof, by means of collecting and transferring solar-generated energy into such uses and which also may have the capability of storing such energy for future utilization.

Approved by the Governor, May 22, 1975.

Filed in the Office of the Secretary of State, May 23, 1975.

FIRST REGULAR SESSION—1975

Ch. 20

SOLAR ENERGY—RESEARCH; DEVELOPMENT

CHAPTER 20

SENATE BILL 1018

An Act relating to state government; establishing a solar energy research commission; providing for an executive director of the commission; describing powers and duties; repealing title 41, chapter 3, article 6, Arizona Revised Statutes; amending title 41, chapter 3, Arizona Revised Statutes, by adding a new article 6; making an appropriation, and providing for expiration date.

Be it enacted by the Legislature of the State of Arizona:

Section 1. Repeal

Title 41, chapter 3, article 6, Arizona Revised Statutes, is repealed.

Sec. 2. Title 41, chapter 3, Arizona Revised Statutes, is amended by adding a new article 6, to read:

ARTICLE 6. SOLAR ENERGY RESEARCH COMMISSION

§ 41-571. Definitions

In this article, unless the context otherwise requires:

1. "Advanced alternate energy system" means an energy generation system utilizing nonpolluting, renewable energy sources including, but not limited to, solar energy sources.

2. "Commission" means the solar energy research commission.

3. "Executive director" means the executive director of the solar energy research commission.

4. "Institute" means the national solar energy research institute.

5. "Intermediate solar energy sources" include, but are not limited to, fuels or energy derived from wind, sea thermal gradients, products of photosynthetic processes, organic wastes and the combination of such fuels or energy with waste or process heat.

6. "Solar energy" means energy which has recently originated in the sun, including, but not limited to, direct and indirect solar radiation and intermediate solar energy sources.

§ 41-572. Solar energy research commission; members; vacancies; appointment; compensation; meetings

A. There is established a solar energy research commission consisting of the following members:

1. The chairman of the Arizona power authority.

2. A member of the faculty at Arizona State University, who shall be appointed by the governor.

3. A member of the faculty at the university of Arizona, who shall be appointed by the governor.

4. A member of the faculty at northern Arizona university, who shall be appointed by the governor.

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5. Eleven additional persons, appointed by the governor, who shall either be knowledgeable of specific solar energy technologies or representatives of private industry involved in the application of solar energy to commercial, industrial or residential use.

6. The president of the Arizona senate and the speaker of the house of representatives or their representatives, shall be ex officio members.

B. Appointments made by the governor shall be for a term which expires on the termination date of this article. Appointment to fill a vacancy shall be made pursuant to the provisions of § 38-211.

C. Members of the commission serving by virtue of their office shall serve without compensation. Appointed members shall receive compensation as determined pursuant to § 38-611 for each day of attendance upon meetings.

D. The chairman of the commission shall be selected by the governor from among the members.

E. The commission shall meet upon call of the chairman.

§ 41-573. Executive director; appointment; employees; compensation

A. There shall be an executive director of the commission who shall be appointed by the governor pursuant to § 38-211.

B. The executive director shall be responsible for the administrative functions of the commission and shall implement policies as directed by the commission.

C. The executive director may employ such clerical and technical assistants as are necessary to carry out the policies of the commission.

D. Compensation for the executive director and other employees of the commission shall be established pursuant to § 38-611.

§ 41-574. Powers and duties

The executive director, in consultation with the solar energy research commission, shall:

1. Initiate and develop a systematic plan designed to meet all of the requirements of a national solar energy research institute pursuant to the United States Solar Energy Research and Demonstration Act of 1974.

2. Cooperate, when in the best interests of the state, with all federal government agencies responsible for implementation of the United States Solar Energy Research and Demonstration Act of 1974 to coordinate and encourage the support of all solar and advanced alternate energy systems research, development and demonstration in order to encourage the final decision to locate such institute within this state.

3. Encourage efforts by research institutions, local government institutions and home builders in obtaining technical and financial support from the federal government for their activities in solar and advanced alternate energy systems.

4. Collect, assemble and analyze information and data relating to solar energy technology, including the following:

(a) Federal legislation and federal agency sponsored programs and projects.

(b) Legislation enacted and programs or projects undertaken by this state and other states.

(c) Projects undertaken or to be undertaken by private firms and nonprofit institutions, foundations and laboratories.

(d) Innovations and uses developed by other countries.

5. Identify and describe the solar energy technologies that are feasible and practical in terms of short term application of retrofit, new construction and conservation projects within five years.

6. Identify and describe long range programs that are feasible and require significant technological development. Programs having similar technological gradients shall be formulated to encompass the period of time from the present through the year 2020.

7. Recommend an organizational structure for the institute that will provide the functional properties necessary to execute the development or research requirements, analysis of federal contract plans, identification or educational curricula requirements, legislation emphasis and data collection needs of the institute.

8. Encourage the cooperation and direct involvement of academic, business, professional and industrial sectors that are determined to have special expertise or knowledge of solar energy technology.

9. Prepare interim reports and submit copies thereof to the legislature and the governor during June, 1975, June, 1976 and June, 1977 and a final report during December, 1978. Such reports shall include specific recommendations necessary for the support of the institute and any of its satellites.

10. If Arizona is selected as a site for the institute, fully cooperate for the provision of a suitable permanent site and transitional needs during the time the institute facilities are under construction.

1. 42 U.S.C.A. § 5551 et seq.

Sec. 3. Appropriation; lapsing

A. The sum of seventy-five thousand dollars is appropriated to the solar energy research commission to carry out the purposes of this act.

B. The appropriation made by subsection A of this section is exempt from the provisions of § 1-190, Arizona Revised Statutes, relating to lapsing of appropriations, except that all monies remaining unencumbered or unexpended on December 31, 1978 shall revert to the general fund.

Sec. 4. Expiration of act

The provisions of this act shall expire and the commission established by it shall terminate on December 31, 1978.

Sec. 5. Emergency

To preserve the public peace, health and safety it is necessary that this act become immediately operative. It is therefore declared to be an emergency measure, to take effect as provided by law.

Approved by the Governor, May 8, 1975.

Filed in the Office of the Secretary of State, May 8, 1975.

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Ch. 165

31st LEGISLATURE

TAXATION—VALUATION; SOLAR ENERGY

CHAPTER 165

SENATE BILL 1231

An Act relating to taxation and taxation of income; prescribing powers and duties of the department of revenue; prescribing tax benefits for installation of solar energy device designed to produce heat or electricity; amending title 42, chapter 1, article 2, Arizona Revised Statutes, by adding section 42-123.01, and amending title 43, chapter 1, article 1, Arizona Revised Statutes, by adding section 43-123.37.

Be it enacted by the Legislature of the State of Arizona:

Section 1. Title 42, chapter 1, article 2, is amended by adding section 42-123.01, Arizona Revised Statutes, to read:

§ 42-123.01. Alternate powers and duties of department

A. Notwithstanding the provisions of § 42-123 and until December 31, 1984, the department shall:

- 1. Exercise general supervision over county assessors in the administration of the state property tax laws of the state for the purpose of insuring that all property is uniformly valued for state property tax purposes.**
- 2. Prescribe rules and regulations relating to the enforcement of the powers and duties of the department under the provisions of this title.**
- 3. Require the use by the county assessors of prescribed forms for the listing and valuing of property for tax purposes, the reporting of changes in valuations and for such other purposes as may be required by the department under the provisions of this title.**
- 4. Require county assessors to maintain uniform maps and records.**
- 5. Adopt standard appraisal methods and techniques for use by the department and county assessors in determining the valuation of property, and prepare and maintain manuals and other necessary guidelines reflecting such methods and techniques in order to perpetuate a current inventory of all property subject to taxation and the valuation thereof. In the standard appraisal methods and techniques adopted current usage shall be included in the formula for reaching a determination of full cash value and when the methods and techniques adopted prescribe the use of market data as an indication of market value, the price paid for future, anticipated property value increments and any solar energy device, as defined in subdivision (d) of § 43-123.37, shall be excluded.**
- 6. Require the county assessors to meet with the director at the state capitol, or at a place designated by him, at least twice a year for the purpose of considering matters relating to property taxation. The traveling expenses of assessors in attending such meetings shall be paid by the respective counties.**
- 7. Investigate property valuations and any matters relating to property taxes and require the production of any private or public record relating**

to such valuations or property taxes. The director or his agent may enter upon and examine any and all property within the state for the purpose of determining its full cash value and require any officer whose duties relate to the assessment or collection of taxes to report to him at such time and in such manner as he prescribes. In the event the owner or possessor of property refuses entrance to the director or his agents, the valuation of such property may be estimated by the director.

8. Require the use by county assessors of such a data processing system as the department may prescribe, provided that any county assessor having a data processing system compatible with the system prescribed by the department may continue to use his own system as long as it is coordinated with the system prescribed by the department.

9. Contract with the counties to furnish electronic data processing equipment in instances where the counties do not have the equipment necessary to meet the requirements of the department.

10. Furnish assistance to the county assessors in order to implement placement on the rolls of the valuations determined under article 2.1 of this chapter and to assure a uniform valuation of all property throughout the state for property tax purposes, including but not limited to the providing of services of department personnel to the counties, provided that subsequent to June 30, 1968 the cost of providing the services of department personnel to the counties shall be charged to the county served.

11. Furnish the state board with such information as it may request.

12. At such time as the state acquires from the national aeronautics and space administration orthophoto base maps for use by all departments of Arizona state government and others in need of such maps, charge for duplication and sale of these maps and deposit such revenues in the state general fund.

B. The department may:

1. Examine into all alleged violations of the provisions of this title relating to the valuation of property and the assessment and collection of taxes and request the attorney general or the county attorney in their respective counties to commence and prosecute actions and proceedings or to represent counties to commence and prosecute actions and proceedings or to represent the department in litigation to enforce the laws relating to taxation and orders, or the rules and regulations of the department. When in the opinion of the director and in the opinion of the attorney general or the county attorney in which the public official serves, a public official, who performs valuing, taxing or equalizing functions, is guilty of official misconduct or neglect of duty, the director shall take whatever steps are necessary to insure that complaints are filed and prosecutions commenced against such officials for their removal from office. A complaint by the director charging official misconduct or neglect of duty of a public officer shall be delivered to the county attorney or to the attorney general who shall file the original with the superior court in the county in which the public official serves and cause a copy thereof to be served upon such public official. Proceedings up-

on such complaints shall be in accordance with the provisions of subsections B and C of § 38-342, and §§ 38-343 and 38-345.

2. Study the tax systems of other states.

3. Employ technical experts and assistants and make contracts for services as may be required to carry out its duties.

4. Appoint advisory committees representative of various classes of property.

5. Request the attorney general to initiate a mandamus action if any assessor fails to follow any regulation, rule, order or direction of the director or the department or if the director determines that an assessor, or a county board of equalization has practiced discrimination in the valuation of property. For the purposes of this section, county boards of equalization and the county assessors are state officers within the meaning of article 8, section 5 of the constitution of Arizona.

6. Contest any proposed valuation or classification or any proposed change in valuations or classifications before any county board of equalization or before the state board of tax appeals. If any decision of any county board of equalization or of the state board of tax appeals is, in the opinion of the director, erroneous, the director may appeal such decision to the superior court in the manner provided in § 42-151, on or before the final date a taxpayer may file an appeal from the valuation or classification of his property.

7. Sell contact prints of any national aeronautics and space administration orthophoto base maps acquired by the department and deposit such revenues in the state general fund.

Sec. 2. Title 43, chapter 1, article 1, Arizona Revised Statutes, is amended by adding section 43-123.37 to read:

§ 43-123.37. Election to amortize expenditures incurred in the acquisition of any solar energy device designed to produce heat or electricity

(a) General Rule. Any taxpayer may elect to amortize the adjusted basis of any solar energy device designed to produce heat or electricity based upon a period of sixty months. In computing net income, such amortization shall be allowed as a deduction ratably over the period allowed under this subsection beginning with the month in which such device is completed or acquired and is placed in service by the taxpayer. This election shall be indicated by the taxpayer in an appropriate statement in the taxpayer's income tax return for the taxable year of the acquisition or completion and placement in service of such device. An election to discontinue amortization with respect to the remainder of the amortization period is permitted and shall be indicated by an appropriate statement in the taxpayer's income tax return for the taxable year of discontinuance.

(b) Deduction in lieu of depreciation. The deduction provided under subsection (a) shall be in lieu of any allowance for the exhaustion, wear and tear of property used in a trade or business, or of property held for the pro-

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duction of income, including a reasonable allowance for obsolescence as provided under § 43-123.14.

(c) Determining the adjusted basis. In determining the adjusted basis for the purposes of subsection (a), such device, shall include only an amount that is properly attributable to the construction, reconstruction, remodeling, installation or acquisition of such device.

(d) Definition. In this section and § 42-123.01, "Solar energy device" means a system or a series of mechanisms designed primarily to provide heating, to provide cooling, to produce electrical power, to produce mechanical power, or any combination thereof, by means of collecting and transferring solar-generated energy into such uses and which also may have the capability of storing such energy for future utilization.

Sec. 3. Effective date

The provisions of this act shall become effective retroactive to the taxable year beginning from and after December 31, 1973.

Sec. 4. Expiration date

The provisions of this act shall expire with the taxable year beginning from and after December 31, 1984.

Approved by the Governor, May 15, 1974.

Filed in the Office of the Secretary of State, May 15, 1974.

Assembly Bill No. 1575

CHAPTER 276

An act to amend Section 21100 of, and to add Division 15 (commencing with Section 25090) to, the Public Resources Code, and to repeal Chapter 11 (commencing with Section 19870) of Part 3 of Division 13 of the Health and Safety Code, relating to energy resources.

[Approved by Governor May 21, 1974. Filed with Secretary of State May 21, 1974]

LEGISLATIVE COUNSEL'S DIGEST

AB 1575, Warren. Energy resources.

Requires specifically that an environmental impact report prepared pursuant to the Environmental Quality Act of 1970 include a statement of measures to reduce wasteful, inefficient, and unnecessary consumption of energy.

Enacts the Warren-Alquist State Energy Resources Conservation and Development Act.

Declares legislative findings relating to energy resources.

Establishes the State Energy Resources Conservation and Development Commission and prescribes its membership, powers, and duties.

Provides for forecasting and assessment of energy demands and supplies, and for conservation of energy resources by designated methods.

Requires, with exceptions, that power sites and facilities, as defined, be certified by the commission, as prescribed.

Requires the commission to develop and coordinate a program of research and development in energy supply, consumption and conservation and the technology of siting facilities.

Provides for development of contingency plans to deal with possible shortages of electrical energy or fuel supplies.

Imposes various fees and requires the money to be deposited in the State Energy Resources Conservation and Development Special Account, which is established in the General Fund. Requires that money from such account be expended for purposes of carrying out the provisions of this act, when appropriated by the Legislature in the Budget Act.

Deletes designated provisions providing for the establishment of energy insulation regulations for residential buildings, with deletion to be operative on the date one year after the date the commission adopts regulations pertaining to such subject matter.

Provides that there shall be no reimbursement pursuant to Section 2231 of the Revenue and Taxation Code nor shall there be any appropriation made by this act, for specified reasons.

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CHAPTER 5. ENERGY RESOURCES CONSERVATION

25400. The commission shall conduct an ongoing assessment of the opportunities and constraints presented by all forms of energy. The commission shall encourage the balanced use of all sources of energy to meet the state's needs and shall seek to avoid possible undesirable consequences of reliance on a single source of energy.

25401. The commission shall continuously carry out studies, research projects, data collection, and other activities required to assess the nature, extent, and distribution of energy resources to meet the needs of the state, including but not limited to, fossil fuels and solar, nuclear, and geothermal energy resources. It shall also carry out studies, technical assessments, research projects, and data collection directed to reducing wasteful, inefficient, unnecessary, or uneconomic uses of energy, including, but not limited to, all of the following:

- (a) Pricing of electricity and other forms of energy.
- (b) Improved building design and insulation.
- (c) Restriction of promotional activities designed to increase the use of electrical energy by consumers.
- (d) Improved appliance efficiency.
- (e) Advances in power generation and transmission technology.
- (f) Comparisons in the efficiencies of alternative methods of energy utilization.

The commission shall survey pursuant to this section all forms of energy on which to base its recommendations to the Governor and Legislature for elimination of waste or increases in efficiency for sources or uses of energy. The commission shall transmit to the Governor and the Legislature, as part of the biennial report specified in Section 25309, recommendations for state policy and actions for the orderly development of all potential sources of energy to meet the state's needs, including, but not limited to, fossil fuels and solar, nuclear, and geothermal energy resources, and to reduce wasteful and inefficient uses of energy.

25402. Within 18 months after the effective date of this division, the commission shall, after one or more public hearings, do all of the following, in order to reduce the wasteful, uneconomic, inefficient, or unnecessary consumption of energy:

- (a) Prescribe, by regulation, lighting, insulation, climate control systems, and other building design and construction standards which increase the efficient use of energy. Such standards shall be economically feasible in that the resultant savings in energy procurement costs shall be greater than the cost of the energy conserving requirements amortized over the economic life of the building. In prescribing standards for insulation, the commission shall take into consideration the standards developed pursuant to Chapter 11 (commencing with Section 19870) of Part 3, Division 13 of the Health and Safety Code, which standards shall only be

operative until the date one year after the date that the commission adopts regulations for energy insulation for residential buildings pursuant to this subdivision. One year after the commission adopts the regulations pursuant to this subdivision, no city, county, city and county, or state agency shall issue any building permit unless the standards prescribed by the commission pursuant to this section are satisfied. Whenever the provisions of this subdivision and the provisions of Chapter 11.5 (commencing with Section 19878) of Part 3 of Division 13 of the Health and Safety Code, as to adoption and enforcement of standards for "nonresidential buildings" as defined by Section 19878.1 of the Health and Safety Code, are in conflict, the commission shall be governed by the provisions of such chapter of the Health and Safety Code to the extent of such conflict.

(b) Recommend per unit energy requirement allotments based on square footage for various classes of buildings which would reduce the growth rate of electrical energy consumption and which are technically feasible and will provide adequate safeguards for public health, safety, and welfare. No city, county, city and county, or state agency shall issue any permit for the construction of any building unless the applicant certifies that consideration has been given to such energy requirement allotments, which certification shall include a statement specifying the extent to which conformance with the relevant recommended allotment will be achieved.

(c) By regulation, prescribe standards for minimum levels of operating efficiency, based on a reasonable use pattern, for all appliances whose use, as determined by the commission, requires a significant amount of energy on a statewide basis. Such minimum levels of operating efficiency shall be based on feasible and attainable efficiencies or feasible improved efficiencies which will reduce the electrical energy consumption growth rate. One year after the date of the adoption of such standards, no new appliance may be sold or offered for sale in the state which is not certified by the manufacturer thereof to be in compliance with such standards. Such standards shall be drawn so that they do not result in any added total costs to the consumer over the designed life of the appliances concerned.

(d) Recommend minimum standards of efficiency for the operation of any new facility at a particular site which are technically and economically feasible. No site and related facility shall be certified pursuant to Chapter 6 (commencing with Section 25500) of this division, unless the applicant certifies that standards recommended by the commission have been considered, which certification shall include a statement specifying the extent to which conformance with the recommended standards will be achieved.

Whenever the provisions of this section and the provisions of Chapter 11.5 (commencing with Section 19878) of Part 3 of Division 13 of the Health and Safety Code are in conflict, the commission shall be governed by the provisions of such chapter of the Health and Safety Code to the extent of such conflict.

a special fund in its budget for the reimbursement of costs incurred by local agencies.

25539. In reviewing notices and applications for certification of modifications of existing facilities, the commission shall adopt rules and regulations as necessary to insure that relevant duties pursuant to this division are carried out.

25540. If a person proposes to construct a geothermal powerplant and related facility or facilities on a site, the commission shall not require three alternative sites and related facilities to be proposed in the notice. In considering the proposed construction of a geothermal powerplant and related facilities on a site, the commission shall issue its findings on the notice as specified in Section 25516 within nine months from the date of filing of such notice, and shall issue its final and decision on the application as specified in Section 25523 within nine months from the date of filing of the application for certification, or at such later time as is mutually agreed by the commission and the applicant or person submitting the notice.

25541. The commission may exempt from the provisions of this chapter thermal powerplants with a generating capacity of up to 100 megawatts and modifications to existing generating facilities which do not add capacity in excess of 100 megawatts, if the commission finds both of the following:

(a) No substantial adverse impact on the environment or energy resources will result from the construction or operation of the proposed facility or from the modifications.

(b) Generating capacity will not be added which is substantially in excess of the forecast of electrical energy demands adopted pursuant to subdivision (b) of Section 25309.

25542. In the case of any site and related facility or facilities for which the provisions of this division do not apply, the exclusive power given to the commission pursuant to Section 25500 to certify sites and related facilities shall not be in effect.

CHAPTER 7. RESEARCH AND DEVELOPMENT

25600. The commission shall develop and coordinate a program of research and development in energy supply, consumption, and conservation and the technology of siting facilities and shall give priority to those forms of research and development which are of particular importance to the state, including, but not limited to, all of the following:

(a) Methods of energy conservation specified in Chapter 5 (commencing with Section 25400).

(b) Increased energy use efficiencies of existing thermal electric and hydroelectric powerplants and increased energy efficiencies in designs of thermal electric and hydroelectric powerplants.

(c) Exploration and accelerated development of alternative sources of energy, including geothermal and solar energy resources.

CHAPTER 95

SCHOOLS II — STATE UNIVERSITIES, COLLEGES, AND
ACADEMIES

SCHOOL OF MINES — ENERGY RESEARCH INSTITUTE

SENATE BILL NO. 50, BY SENATORS Schieffelin, Allshouse, Anderson, Ball, G. Brown, H. Brown, Calabrese, Cisneros, Derby, Festrup, H. Fowler, L. Fowler, Garney, Jackson, Locke, M. McCormick, Mason, Minister, Noble, Parker, Plack, Roland, Shoemaker, Stockton, Strickland, Taylor, and Wunsch; also **REPRESENTATIVES** Fentress, Baer, Benavides, Bernaldo, Bishop, Boey, Bryant, Buckner, Burns, Carroll, Coorzz, DeMola, Dittermore, Easer, Eselberry, Edmonds, Falle, Furr, Gallagher, Goen, Gunn, Gustafson, Hamlin, Hayes, Hertzberger, Hobbs, Kirsch, Kopel, Koster, Kramer, Lamm, Lloyd, Lucero, McNeil, Mavari, Miller, Moore, Mullin, Munson, O'Brian, Pettie, Quinlan, Ross, Sack, Safran, Sears, Showalter, Smith, Sonnenberg, Spano, Taylor, Valdez, Webb, Wells, and Younglund.

AN ACT

CREATING THE ENERGY RESEARCH INSTITUTE AT THE COLORADO SCHOOL OF
MINES, AND MAKING AN APPROPRIATION THEREFOR.

Be it enacted by the General Assembly of the State of Colorado:

Section 1. Article 9 of chapter 124, Colorado Revised Statutes 1963, as amended, is amended BY THE ADDITION OF THE FOLLOWING NEW SECTIONS to read:

124-9-19. Colorado energy research institute — creation. (1) There is hereby created at the Colorado school of mines the Colorado energy research institute, referred to in this section as the "institute". It is the intent of this section that the institute serve as a mechanism for the development and co-ordination of energy and energy-related minerals research programs including programs at single state or private educational or research institutions and multidisciplinary, interuniversity, government-university, and industry-university energy and energy-related minerals research programs and projects. It is the further intent of this section that the institute provide the mechanism for enhancing the development and promotion of energy and energy-related minerals education programs in the state.

(2) The principal administrative officer of the institute shall be the president of the Colorado school of mines, and budgetary and fiscal procedures and activities of the institute shall be under the supervision of the school of mines. To meet fully the intent of this section, the principal administrative officer, together with an advisory council on energy research formed pursuant to section 124-9-20, shall be responsible for developing appropriate administrative structure and process. These should be designed to insure that the institute accomplishes its purposes and becomes a state instrumentality facilitating development and coordination among all programs and projects concerned with energy and energy-related minerals research. The advisory

council shall review proposals and expenditures, and when possible shall include representatives from the principal institutions or agencies in the state which are directly involved in research or education associated with energy and energy-related minerals. In addition, appointed members shall be familiar with federal, industrial, and local government funding sources in these areas and should coordinate the dissemination of information necessary to facilitate the preparation of high quality proposals for research from all concerned institutions and agencies in the state.

(3) It is the duty of the institute to:

- (a) Maintain liaison with the state to identify the important regional energy and energy-related minerals problems, including their relationship to the use of the waters of the state;
- (b) Inventory Colorado higher education faculty members and state organization employees with energy and energy-related minerals related research experience and update this tabulation annually;
- (c) Coordinate and promote the development of energy and energy-related minerals research programs and projects in single or multiple disciplines at state and private educational and research institutions;
- (d) Coordinate the development of interuniversity, industry-university, and government-university energy and energy-related minerals research projects;
- (e) Coordinate the evaluation of the economic, social, medical, educational, and environmental impact of various energy and energy-related minerals policies;
- (f) Develop and promote energy and energy-related minerals education programs in the state.

(4) Any state agency making any proposal for funding research concerning energy or energy-related minerals shall be required to submit such proposal to the institute for comment. The institute shall make such comment as is deemed appropriate to the investigator and the agency to which the proposal was submitted within thirty days of its receipt of the proposal.

(5) The institute is hereby authorized to receive federal or private funds for energy or energy-related minerals research projects for furthering the purposes of the institute. Funds received shall be appropriated by the general assembly with the exception of those funds received requiring no state support directly or indirectly, which funds will be reported to the joint budget committee upon receipt.

124-9-20. Advisory council on energy and energy-related minerals research. (1) There is hereby created the advisory council on energy and energy-related minerals research consisting of eleven members. The primary function of the advisory commission is to establish general policy guidelines for implementing the intent of this section and to regularly evaluate the development of the Colorado energy research institute and its programs, in terms of overall objectives. The membership of the advisory council shall include four ex officio members as follows: The executive director of the department of natural resources, the executive director of the Colorado commission on higher education, the president of the university of Colorado,

and the president of Colorado state university or their respective designees; and seven members appointed by the governor which shall include one member representing the nonmetallic mineral extractive or processing industry, one member representing the metallic mineral extractive or processing industry, one member representing the energy utility industry, one member representing environmental interests, one member representing the oil and gas industry or the oil shale industry, and two members representing local government. One of the members of the advisory council shall be designated by the governor as chairman.

(2) The term of each member of the advisory council appointed by the governor is three years. Of those members first appointed, two shall be appointed for a term of one year, two for a term of two years, and three for a term of three years. A member chosen to fill a vacancy arising otherwise than by expiration of term shall be appointed for the unexpired term of the member whom he is to succeed. A member of the advisory council is eligible for reappointment for one three-year term.

(3) The advisory council shall advise and consult with the Colorado energy research institute and make recommendations to assist in carrying out the purposes of this article.

(4) Members of the advisory council shall serve without compensation but are entitled to reimbursement of actual and necessary expenses incurred in the performance of their duties.

Section 2. Appropriation. There is hereby appropriated, to the Colorado school of mines for the Colorado energy research institute, for the fiscal year commencing July 1, 1974, the sum of two million eight hundred sixty thousand dollars (\$2,860,000), of which nine hundred ten thousand dollars (\$910,000) shall be out of any moneys in the state treasury not otherwise appropriated, and one million nine hundred fifty thousand dollars (\$1,950,000) shall be from federal funds for the following purposes:

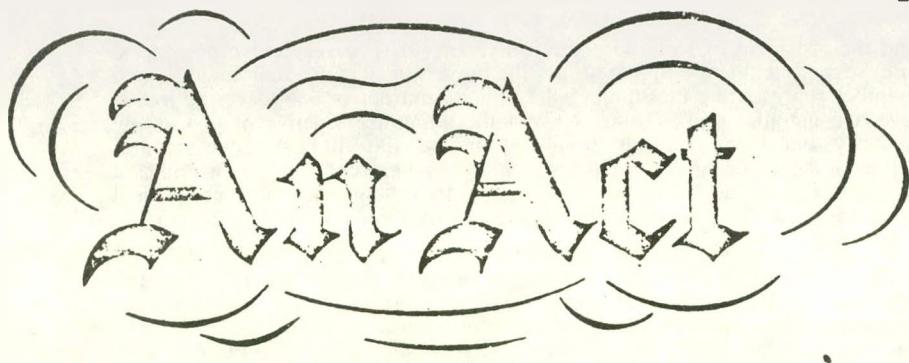
Administration.....	\$ 110,000 (7.0 FTE)
State research grants	650,000
Federal funds	1,950,000
One hundred academic one-year scholarships to be distributed where possible on a statewide geographic basis	66,000
Eighteen scholarships for demonstrated need	18,000
Ten retraining fellowships.....	66,000

Where all qualifications for the above scholarships and fellowships are equal among applicants, preference will be given to Colorado residents who are veterans who served in the United States armed forces on active duty for any period between August 5, 1964, through August 5, 1973, and who were discharged or released from active duty under honorable conditions.

Section 3. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: May 8, 1974

1975



SENATE BILL NO. 75. BY SENATORS Schieffelin, Anderson, Bishop, Cooper, DeBerard, H. Fowler, Hatcher, Hughes, Johnson, McCormick, Smedley, Wunsch, Allshouse, Cisneros, Darby, L. Fowler, Gallagher, Holme, Kadlecak, Kogovsek, MacManus, Minister, Sandoval, Stockton, and Strickland; also REPRESENTATIVES Frank, Bendelow, Brown, Burrows, Demoulin, Dick, Durham, Elliott, Flanery, Gaon, Hilsmeier, Hobbs, Hogan, Quinlan, Sprague, Taylor, Waldow, and Witherspoon.

CONCERNING THE VALUATION FOR ASSESSMENT OF SOLAR HEATING OR COOLING DEVICES.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. 39-1-104, Colorado Revised Statutes 1973, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

39-1-104. Valuation for assessment. (6) The valuation for assessment of all solar heating or cooling devices attached to or a part of any building improvement shall be at an amount equal to five percent of the actual value thereof as determined by the assessor in accordance with the regulations of the property tax administrator. For the purposes of this subsection (6), solar heating, solar hot water, or solar cooling devices shall include all controls, tanks, pumps, heat exchangers, and other hardware necessary to effect the installation of a solar heating or cooling system. Solar heating or cooling devices shall not include walls or roofs unless those portions of the structure shall be a part of those devices specifically designed into the system to provide additional heating or cooling that would not ordinarily be contained in a structure not designed or modified to provide solar heating or cooling.

SECTION 2. 39-5-105, Colorado Revised Statutes 1973, is

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

amended to read:

39-5-105. Improvements valued separately - when. Improvements shall be appraised and valued separately from land, except improvements on land which is used solely and exclusively for agricultural purposes, in which case the land, water rights, and improvements shall be appraised and valued as a unit. IN APPRAISING AND VALUING IMPROVEMENTS ANY DEVICE WHICH IS ATTACHED TO A BUILDING OR STRUCTURE OR WHICH IS AN INTEGRAL PART OF SUCH STRUCTURE AND IS DESIGNED TO PROVIDE SOLAR HEATING OR COOLING SHALL BE APPRAISED AND VALUED SEPARATELY FROM SUCH BUILDING OR STRUCTURE. SUCH SEPARATE APPRAISAL AND VALUATION SHALL BE MADE UPON APPLICATION OF THE OWNER OF THE IMPROVEMENT TO THE ASSESSOR. THE PROPERTY TAX ADMINISTRATOR SHALL PROULATE REGULATIONS FOR THE UNIFORM ADMINISTRATION OF THIS SECTION AND SHALL PROVIDE AN APPROPRIATE APPLICATION FORM.

SECTION 3. Effective date - applicability. This act shall take effect July 1, 1975, and shall apply to tax years beginning January 1, 1976.

SECTION 4. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Fred E. Anderson
PRESIDENT OF
THE SENATE

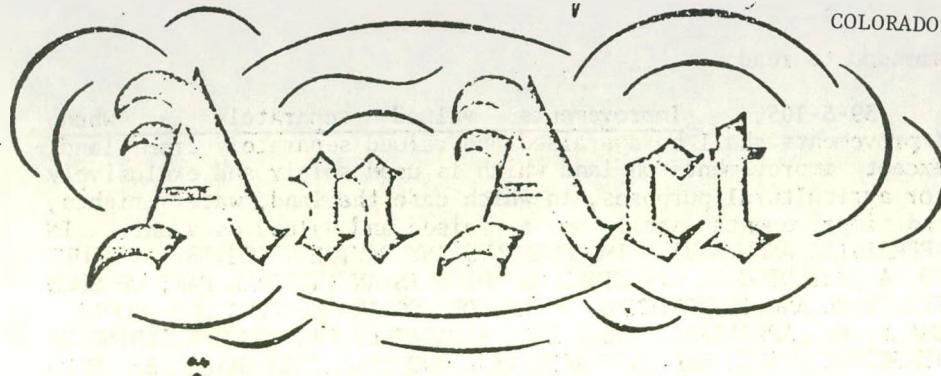
Ruben A. Valdez
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Comfort W. Shaw
SECRETARY OF
THE SENATE

Evelyn T. Davidson
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

APPROVED

Richard D. Lamm
GOVERNOR OF THE STATE OF COLORADO



SENATE BILL NO. 95. BY SENATORS Schieffelin, Allshouse, Anderson, Bishop, Cooper, DeBerard, Holme, Hughes, Kadlecik, McCormick, Minister, and Stockton; also REPRESENTATIVES Burrows, Cantrell, Elliott, Flanery, Frank, Gaon, Hilsmeier, Orten, Shoemaker, and Taylor.

CONCERNING SOLAR EASMENTS, AND PROVIDING FOR THE CREATION AND CONVEYANCING THEREOF AND THE RECORDATION AND CONTENTS OF THE INSTRUMENT RELATING THERETO.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. Title 38, Colorado Revised Statutes 1973, as amended, is amended BY THE ADDITION OF A NEW ARTICLE to read:

ARTICLE 32.5

Solar Easements

38-32.5-101. Solar easements - creation. Any easement obtained for the purpose of exposure of a solar energy device shall be created in writing and shall be subject to the same conveyancing and instrument recording requirements as other easements.

38-32.5-102. Contents. (1) Any instrument creating a solar easement shall include, but the contents shall not be limited to:

(a) The vertical and horizontal angles, expressed in degrees, at which the solar easement extends over the real property subject to the solar easement;

(b) Any terms or conditions or both under which the solar

Capital Letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

easement is granted or will be terminated;

(c) Any provisions for compensation of the owner of the property benefitting from the solar easement in the event of interference with the enjoyment of the solar easement or compensation of the owner of the property subject to the solar easement for maintaining the solar easement.

SECTION 2. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Fred E. Anderson
PRESIDENT OF
THE SENATE

Ruben A. Valdez
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Comfort W. Shaw
SECRETARY OF
THE SENATE

Evelyn T. Davidson
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

APPROVED

Richard D. Lamm
GOVERNOR OF THE STATE OF COLORADO

CHAPTER 74-185

FLORIDA SB 721

Senate Bill No. 721

AN ACT relating to solar energy, creating a solar energy center, authorizing research, dissemination of information, and providing demonstrations, providing an effective date.

WHEREAS, the energy demands of Florida are presently growing at a rate which would require by the year 2000 six (6) times as much energy as currently needed; and

WHEREAS, the energy resources currently supplying the state's demands are both becoming increasingly scarce and more costly; and

WHEREAS, the adverse environmental effects associated with the production, transportation and utilization of present energy resources are degrading the high level of environmental quality of the state; and

WHEREAS, solar energy represents a vast potential energy resource for the people of the state; and

WHEREAS, it is in the interest of Florida to utilize to the maximum extent possible the significant capabilities already existing within the universities of the state; and

WHEREAS, this increased research and public knowledge is needed to aid in the realization of this potential; NOW THEREFORE,

Be It Enacted by the Legislature of the State of Florida:

Section 1. Board of Regents to develop solar energy center plan.

(1) The legislature hereby directs the board of regents of the state university system to develop a plan for a solar energy center and present the plan to the legislature by March 1, 1975. The center shall be termed to advance research and development in solar energy, to disseminate information on the results of such research, and to engage in projects designed to exemplify the capability of solar energy as a resource for meeting state energy needs. The plan shall include:

(a) a proposed location for the center selected after consideration of centers of present technical expertise, availability of equipment and facilities, convenience of location to all of Florida, and other relevant factors,

(b) an organizational structure for the center to allow personnel from all institutions within the state university system and others to participate in center activities, and also to provide the ability to actively seek federal and other funds to support the work of the center and to coordinate cooperative solar energy research efforts within the state university system,

(c) a program proposal and budget for the center which shall cover staff requirements, capital equipment acquisition, buildings and associated facilities and other costs necessary to carry out the intent of this act,

(d) a program to provide ongoing educational services for persons desiring solar energy technical knowledge at the working applications level and at levels requiring high technical competence,

(e) a program to develop methods for testing solar equipment,

(f) a program to develop and participate in demonstration projects and in the design and development of solar energy systems with emphasis on incident solar energy applications,

(g) a program to develop and disseminate information and to maintain an information system on solar energy and solar products, and

(h) a program to provide technical assistance to state agencies in the development of information and standards in the field as required.

Section 2. Effective Date.—This act shall take effect on July 1, 1974.

Approved by the Governor June 17, 1974.

Filed in Office Secretary of State June 18, 1974.

1
2
3 A bill to be entitled
4
5 An act relating to building construction
6 standards; creating §553.065, Florida Statutes;
7 providing that no building be constructed with-
8 out provision for future installation of solar
9 hot water heating equipment; providing an
effective date.

10
11 Be It Enacted by the Legislature of the State of Florida:
12
13 Section 1. Section 553.065, Florida Statutes, is
14 created to read:
15 • 553.065 Notwithstanding the provisions of §§553.12 and
16 553.13, no single family residence shall be constructed within
17 the state, unless the plumbing therein is designed to facili-
18 tate the future installation of solar water heating equipment.
19 The words "facilitate the future installation" as used in this
20 act shall mean the provision of readily accessible piping to
21 allow for pipe fittings that will allow easy future connection
22 into the system of solar water heating equipment. It is the
23 intent of the legislature to minimize cost of rearranging
24 plumbing should solar water heaters be added to buildings.

25 Section 2. This act shall take effect October 1, 1974.
26
27
28

(To be made one and twelve copies)

THE SENATE

EIGHTH LEGISLATURE, 1975

STATE OF HAWAII

S.B. NO. 1586

A BILL FOR AN ACT

MAKING AN APPROPRIATION FOR RESEARCH AND DEVELOPMENT OF ALTERNATE ENERGY SOURCES FOR HAWAII.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. There is appropriated out of the general revenues
 2 of the State of Hawaii the sum of \$882,000 and out of general
 3 obligation bond fund the sum of \$905,000, or so much thereof as
 4 may be necessary, for the funding of applications and demonstrations,
 5 research and energy institution programs directed toward the develop-
 6 ment and utilization of alternate energy sources. The areas pro-
 7 posed for funding are based on recommendations for the Committee
 8 on Alternate Energy Sources for Hawaii, the University of Hawaii
 9 Planning Committee for the National Energy Institute, and the
 10 Marine Affairs Coordinator. The purposes of the funding are for:

	<u>Resource</u>	<u>Funding (\$1,000)</u>		<u>Source of Funding</u>
		<u>75-76</u>	<u>76-77</u>	
12	A. Applications & Demonstrations			
13	Solid Waste	75	30	GO Bonds
14	Hydroelectric	50	50	GO Bonds
15	Solar (water heaters & air conditioners)	120	80	GO Bonds
16	B. Research & Development			
17	Wind	150	100	GO Bonds
18	OTEC	150	150	Gen. Fund
	Bioconversion	---	40	Gen. Fund

S.B. NO. 1586

1 C. Institutional Support

2	Hawaii Natural Energy Institute	218	324	Gen. Fund
3	Hawaii Natural Energy Laboratory	100 495	150 410	GO Bonds GO Bonds
4		368	514	Gen. Fund 905 Biennium 882 Biennium
	TOTALS	863	924	1,787

5 SECTION 2. The sum appropriated shall be expended for the
6 purpose of this Act by the department of planning and economic
7 development. The state energy resources coordinator, who is the
8 department director, shall contract with the University of Hawaii,
9 and other state and private agencies to carry out the proposed work.

10 Federal matching funds will be sought for projects where feasible.

11 SECTION 3. This Act will take effect on July 1, 1975.

13 INTRODUCED BY: T. C. Chan

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✓✓✓/15

1 AN ACT to add Sections 20d-1, 20d-2 and 20d-3 to the 13
2 "Revenue Act of 1939", filed May 17, 1939, as amended.

3 Be it enacted by the People of the State of Illinois, 15
4 represented in the General Assembly: 16

5 Section 1. Sections 20d-1, 20d-2 and 20d-3 are added to 18
6 the "Revenue Act of 1939", filed May 17, 1939, as amended, 19
7 the added Sections to read as follows:

8 (Ch. 120, new par. 501d-1) 21
9 Sec. 20d-1. It is declared to be the policy of the State 23
10 of Illinois that the use of solar energy heating or cooling 24
11 systems should be encouraged as conserving nonrenewable 25
12 resources, reducing pollution and promoting the health and 26
13 well-being of the people of this State, and should be valued 27
14 in relation to these benefits to the people of the State. 28

15 (Ch. 120, new par. 501d-2) 30
16 Sec. 20d-2. "Solar energy heating or cooling system" 32
17 means any system, method, construction, device or appliance 33
18 designed, constructed and installed relying on the use of the 34
19 sun's rays, rather than on conventional heating or air 35
20 conditioning systems, for heating or cooling a building, 36
21 which conforms to the standards for such systems established 37
22 by regulation of the Department of Local Government Affairs, 38
23 or its successor agency.

24 (Ch. 120, new par. 501d-3) 39
25 Sec. 20d-3. When a solar energy heating or cooling 41
26 system has been installed in improvements on any real 42
27 property, the owner of that real property is entitled to 43
28 claim an alternate valuation of those improvements. The 44
29 claim shall be made by filing with the county assessor, 45
30 supervisor of assessments or board of assessors, as the case 46
31 may be, a certified statement, on forms prescribed by the 47
32 Department of Local Government Affairs, or its successor 48
33 agency, and furnished by the assessing officer, setting out 49
34 50

1 (a) that the specified improvements on described real estate 51
2 are equipped with such a system, (b) that the system is used 52
3 for heating or cooling or both heating and cooling those 53
4 improvements, and (c) the total cost of the solar energy
5 heating or cooling system. 54

6 When such a statement and claim for alternate valuation 56
7 is filed, the county assessor, supervisor of assessments or 57
8 board of assessors, as the case may be, shall ascertain the 58
9 value of the improvements as if equipped with a conventional 59
10 heating or cooling system and the value of the improvements 60
11 as equipped with the solar energy or cooling system. So long 61
12 as the solar heating or cooling system is used as the means 62
13 of heating or cooling those improvements, the alternate 63
14 valuation computed as the lesser of the two values 64
15 ascertained under this paragraph shall be applied. Whenever 65
16 the solar heating or cooling system so valued ceases to be 66
17 used as the means of heating or cooling those improvements,
18 the owner of that real property shall within 30 days notify 68
19 in writing by certified mail, return receipt requested, the 69
20 county assessor, supervisor of assessments or board of
21 assessors, as the case may be, of that fact. It shall be a 70
22 Class B misdemeanor to fail to submit information required 71
23 under this Section or to knowingly submit any false 72
24 information required under this Section. 73

PUBLIC LAW No. 15

[S. 223. Approved February 18, 1974.]

AN ACT to amend IC 1971, 6-1 by adding a new chapter concerning property tax deductions for solar energy systems. *

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. IC 1971, 6-1 is amended by adding a new chapter 9.5 to read as follows:

Chapter 9.5. Deduction-Solar Energy Systems.

Sec. 1. The owner of real property which is equipped with a solar energy heating or cooling system may have deducted annually from the assessed valuation of the real property a sum which is equal to the lesser of:

- (1) the remainder of (i) the assessed valuation of the real property with the solar heating or cooling system included, minus (ii) the assessed valuation of the real property without the system; or
- (2) two thousand dollars (\$2,000).

Sec. 2. The owner of real property who desires to claim the deduction provided in this chapter must file a certified statement in duplicate with the auditor of the county in which the real property is located. In addition, the owner must file the statement on forms prescribed by the state board of tax commissioners, and he must file the statement between March 1 and May 10, inclusive, of each year for which he desires to obtain the deduction. Upon verification of the statement by the assessor of the township in which the real property is located, the county auditor shall make the deduction.

AN ACT

TO CREATE AN ENERGY RESEARCH AND DEVELOPMENT FUND WITHIN THE ENERGY POLICY COUNCIL AND MAKING AN APPROPRIATION.

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

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

NEW SECTION. ENERGY RESEARCH AND DEVELOPMENT FUND. There is created within the council an energy research and development fund. Moneys deposited in the fund shall be used for the research and development of projects designated to improve Iowa's energy situation by developing improved methods of energy conservation, by enabling Iowans to better manage available energy resources, or through the increased development and use of Iowa's renewable or nonrenewable energy resources. Said projects will be selected by the council with the advice of knowledgeable persons appointed by the council to provide assistance.

NEW SECTION. ADDITIONAL FUNDS. The council may accept funds from state and local sources and shall take steps necessary to obtain federal funds allotted and appropriated for the purpose of the above described energy-related programs. Such funds shall be deposited in the energy research and development fund. Federal funds received under the provisions of this section are appropriated for the purposes set forth in the federal grants.

Sec. 2. There is appropriated from the general fund of the state for the fiscal year commencing July 1, 1975 and ending June 30, 1976, to the energy policy council, the sum of two hundred fifty thousand (250,000) dollars, or so much thereof as may be necessary, to carry out the purposes of this Act. Any unobligated balance of funds as of June 30,

1976 appropriated by this section shall revert to the credit of the general fund on August 31, 1976.

ARTHUR A. NEU
President of the Senate

DALE M. COCHRAE
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 289, Sixty-sixth General Assembly.

CLARK R. RASMUSSEN
Secretary of the Senate

Approved _____, 1975

ROBERT D. RAY
Governor

APPROVED

MAINE SP 549
CHAPTER

JUN 26 '75

587

BY GOVERNOR

PUBLIC LAW

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-FIVE

S. P. 549 — L. D. 1913

AN ACT Concerning the Office of Energy Resources.

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the United States is in the initial stages of a far-reaching energy crisis and is seeking new and alternative sources of energy; and

Whereas, Maine and the Northeast are dependent upon expensive foreign oil which has a significant effect on the State and regional economies; and

Whereas, the Federal Government is encouraging the several states to develop energy conservation programs and to administer programs to help reduce the severity of the energy crisis; and

Whereas, Maine's Office of Energy Resources is presently not functioning, which has a serious impact on the State and denies the State millions of dollars of federal funds for energy conservation and development; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of the State of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

Be it enacted by the People of the State of Maine, as follows:

Sec. 1. *5 MRSA § 5004, as enacted by PL 1973, c. 770, § 2, is repealed and the following enacted in place thereof:*

§ 5004. Director of Office of Energy Resources

1. Appointment. The Governor, with the approval of the Executive Council, shall appoint a full-time Director of the Office of Energy Resources. The director shall serve a term coterminous with that of the Governor and until his successor is appointed and qualified, subject to removal for cause by the Governor. The director shall be paid a salary fixed by the Governor and Council.

2. Qualifications. The Director of the Office of Energy Resources shall have a background in engineering, economics, energy research or the administration of energy programs and shall be qualified to evaluate energy conservation or development proposals in terms of technical and economic feasibility.

3. Powers and duties. The director shall exercise the powers of the office and shall be responsible for the execution of its duties. The director shall:

- A. Administer the office and adopt such methods of administration, not inconsistent with the law, as he may determine necessary to render the office efficient;
- B. Appoint and remove the staff of the office and prescribe their duties as may be necessary to implement the purposes of this chapter. Professional employees shall be hired as unclassified employees. All other employees shall be subject to the Personnel Law.
- C. Be assisted by the New England Power Pool and by departments, agencies, authorities, boards, commissions and other instrumentalities of State Government in the gathering of information, reports and data which relate to state planning and development in the area of energy resources;
- D. Prepare and submit for executive and legislative action thereon the budget for the office;
- E. Be empowered, in connection with the performance of his duties, to apply to the Superior Court for a subpoena to compel the attendance of witnesses, the production of books, papers, records and documents of individuals, firms, associations and corporations and all officers, boards, commissions and departments of the State. Said court shall, before issuing such subpoena, provide adequate opportunity for the director and the party against whom the subpoena is requested to be heard. No such subpoena shall be issued unless the court or judge certifies that the attendance of such witness or the production of such books, papers, records or documents is reasonably necessary to carry out the purposes of this section and that the director has made reasonable efforts to secure such attendance or such books, papers, records or documents without recourse to compulsory process. The director shall afford confidential treatment to any materials or information turned over to him which is of a confidential or proprietary nature.
- F. Be responsible for the coordination of all state energy programs and the coordination of state programs with programs and plans developed by private organizations and the Federal Government.
- G. Be responsible for the administration of all federal energy programs to be implemented in Maine. This includes, but is not limited to, the Fuel Allocation and Conservation Program and all related activities.
- H. Be responsible for the dissemination of energy related information to the public. Upon request, the director shall provide information to public and private groups in the field of energy.
- I. Be responsible for the formulation of a comprehensive state energy resources plan and a state energy policy.

4. Annual report. The Director of the Office of Energy Resources shall prepare an annual report to be presented to the Legislature in every regular and special session of the Legislature. The annual report shall include, but is not limited to, the following: The programs developed and implemented by the Office of Energy Resources, the stage of development of the programs, the stage of implementation of the State Energy Plan and the direction of programs planned for the ensuing year.

Sec. 2. 5 MRSA § 5005, as enacted by PL 1973, c. 770, § 2, is repealed and the following enacted in place thereof:

§ 5005. Office of Energy Resources

- 1. Powers and duties. The Office of Energy Resources shall:

- A. Prepare a comprehensive energy resources plan to be revised and updated at least annually and more often as the Director of the Office of Energy Resources or the State Legislature deem necessary.

(1) The comprehensive plan shall include, but is not limited to, a description and quantification of the present supply, rates of use and energy needs of the State; a description and quantification of the projected needs, rate of use and availability of various energy resources to meet future state needs; a cost analysis of providing energy to meet the state's future needs; a description of the assumptions upon which the predictions and costs are based and the probability of error in the projections in the plan;

B. Prepare a state energy policy to include, but is not limited to, the following: The direction or directions most feasible for Maine to pursue in the field of energy resource use and development, feasible alternatives to implement the state energy plan and long range as well as short range energy programs;

C. Encouragement of voluntary energy conservation among state and local government, industry, business and the public for the most efficient utilization of available energy;

D. The Director of Energy Resources shall be responsible for collecting and analyzing energy data from all available energy sources in and outside the State;

E. Provide technical assistance to the Governor and the Legislature in identifying the emergency and long-range needs and resources to meet these needs for the State;

F. Upon request, provide planning and technical assistance to public and private groups in the field of energy planning;

G. Encourage and direct or sponsor research and experiments within the State to develop alternate energy sources, particularly, but not limited to, those sources which rely on the renewable natural resources of the State, such as the water of the tides and rivers, the forests, the winds and other sources which to date have not been fully explored or utilized;

H. Encourage and direct, in conjunction with private industry, the practical development and operation on a small scale of experimental projects involving alternate energy sources, in order to ascertain the potential usefulness of such alternate energy sources and their costs, provided only that such projects shall be subject to the regulations of those state agencies concerned with the protection of the environment and preservation of the natural resources of the State, and with regulation of other energy sources;

I. The Office of Energy Resources, with the consent of the Governor, may employ such expert and professional consultants as it deems necessary within the limit of funds available and consistent with the powers and duties of the office.

Sec. 3. 5 MRSA § 5006, as enacted by PL 1973, c. 770, § 2, is repealed and the following enacted in place thereof:

§ 5006. Maine Energy Resources Development Fund

All federal and private moneys received by the Office of Energy Resources for energy research and development shall be deposited in the Maine Energy Resources Development Fund. The Maine Energy Resources Development Fund shall be administered by the Director of the Office of Energy Resources and shall be used only to carry out the provisions of this Act. The Office of Energy Resources shall be the designated state agency to handle all energy matters within the State which are not the specific responsibility of another state agency under the provisions of federal or state law, and authority is conferred on the director of such office to accept, use and administer all energy funds, including federal, state and private funds,

in accordance with established budgetary procedures which become available pursuant to this Act. The director may receive on behalf of the Office of Energy Resources or on behalf of the State any grants or gifts and may accept them.

1. Report to Legislature. The Director of Energy Resources shall report annually to the Legislature in January of every regular and special session of the Legislature in regard to expenditure of funds, the purposes for which said funds were used and the amount of as well as the sources from which the funds were derived.

Sec. 4. 5 MRSA § 5007, as enacted by PL 1973, c. 770, § 2, is repealed and the following enacted in place thereof:

§ 5007. State Energy Resources Advisory Board

1. Appointment. The Governor shall appoint a State Energy Resources Advisory Board to advise the Governor, the Legislature and the Director of the Office of Energy Resources on policy matters relating to this chapter.

2. Membership. The State Energy Resources Advisory Board shall consist of the following: One member of the House of Representatives to be appointed by the Speaker of the House and one member of the Senate to be appointed by the President of the Senate and one representative of the Public Utilities Commission and with said Legislators to serve *ex officio*; and the following 6 members to be appointed by the Governor, with the advice and consent of the Council, such members to be selected on the basis of their interest, education and experience in the areas of energy planning, research and development, to include one representative of industry, one representative of labor, one representative of the academic community, 2 representatives of the general public and one representative of the business community.

Sec. 5. 5 MRSA §§ 5008 and 5009 are enacted to read:

§ 5008. Duties

The State Energy Resources Advisory Board shall meet at least 3 times each year and at other times at the request of the Director of the Office of Energy Resources or the Governor. The members of the board shall provide information and assistance in the development of a state energy resources plan and in the research and development phase of the office's activities as requested by the director. The board shall act only in an advisory capacity and shall have no power to control the activities of the office.

§ 5009. Restrictions on employee interests

No member, officer or employee of the Office of Energy Resources shall acquire any interest, direct or indirect, in any contract or proposed contract negotiated or proposed by the Office of Energy Resources, nor shall any member, officer or employee participate in any decision or any contract entered into by the authority if he or she has an interest, direct or indirect, in any firm, partnership, corporation or association which will be party to such contract or financially involved in any transaction with the authority.

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect when approved.

SEP 18 1975

HOUSE OF DELEGATES

No. 1604

By: Delegates Zander, [Maurer, Bell, Doctor, Shore and Scull]
 Bell, Doctor, Margraives, Krysiak, Maurer, Nichols,
 Scull, Shore and Sklar

Introduced and read first time: March 3, 1975

Assigned to: Ways and Means

Committee Report: Favorable with amendments
 House Action: Adopted
 Read second time: March 20, 1975

509 APP 2/27
 CHAPTER _____ of the Session Laws of 1975

AN ACT concerning	42
Solar Energy Units - Assessment	45
FOR the purpose of requiring that solar energy heating and cooling units used in certain buildings be assessed in a manner so as to not exceed the assessment of conventional heating and cooling units.	49
50	50
BY adding to	53
Article 81 - Revenue and Taxes	56
Section 14 (b) (4)	57
Annotated Code of Maryland (1969 Replacement Volume and 1974 Supplement)	58
	59
51	51
SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That new Section 14 (b) (4) be and it is hereby added to Article 81 - Revenue and Taxes, of the Annotated Code of Maryland (1969 Replacement Volume and 1974 Supplement) to read as follows:	62
52	62
Article 81 - Revenue and Taxes	64
14.	66
(b) Except as hereinafter provided:	67
(4) IN ORDER TO ENCOURAGE THE USE AND	68
	68
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55	78
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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
 [Brackets] indicate matter deleted from existing law.
 Underlining indicates amendments to the bill.
 [[Double brackets]] enclose matter stricken out of bill.
 Numerals at right identify computer lines of text.

INSTALLATION OF SOLAR ENERGY HEATING AND COOLING UNITS IN EXISTING OR NEWLY CONSTRUCTED BUILDINGS, SOLAR ENERGY HEATING AND COOLING UNITS IN RESIDENTIAL OR NONRESIDENTIAL BUILDINGS SHALL BE ASSESSED AT NO MORE THAN THE VALUE OF A CONVENTIONAL HEATING AND COOLING UNIT NECESSARY TO SERVE THE BUILDING.	81
SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 1975.	88
	89

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.

HOUSE RESOLUTION NO. 129

A resolution creating a special committee to study the feasibility of statewide use of solar heating and cooling systems.

Whereas, As prices of conventional fuels have increased, interest has turned to utilizing alternative resources to fossil fuels in meeting heating and cooling needs. One resource that has drawn considerable attention has been solar energy; and

Whereas, Solar energy can be collected and converted into useful energy with a minimal impact on the environment and in many cases with no significant waste. It is estimated that by the year 2020 at least twenty percent of the United States total energy needs could be met with solar energy processes; and

Whereas, In light of the need for alternative energy resources, it is incumbent upon this legislative body to thoroughly examine the feasibility of statewide use of solar heating and cooling systems. There is a need for an extensive historical analysis and review of research on solar energy performed to date and a need for an analysis of present and potential applications; now therefore be it

Resolved, That there is created a special committee of the House to consist of five members to be appointed in the same manner as standing committees are appointed, to function during the 1975-1976 Regular Sessions of the Legislature, to study the feasibility of statewide use of solar heating and cooling systems, and to report its findings and recommendations to the Legislature not later than January, 1977; and be it further

Resolved, That the committee may employ such consultants, aides, and assistants as it deems necessary to conduct its study; the committee may call upon the Legislative Service Bureau, subject to approval of the Legislative Council, for such services and assistance as it deems necessary and may request information and assistance from state departments and agencies; and be it further

Resolved, That the members of the committee shall serve without compensation, but shall be entitled to actual and necessary travel and other expenses incurred in the performance of official duties, to be paid from the appropriation to the House of Representatives.

The resolution was referred to the Committee on House Policy.

COMMITTEE MEMBERS

Rep. Lucille H. McCollough, Chairperson
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44th Legislature

SB 0086/05

Senate Bill No. 86
INTRODUCED BY TOWE, COLBERG, WATT, REGAN,
NORMAN, SEYBEL, ROMNEY

A BILL FOR AN ACT ENTITLED: "AN ACT CREATING A FUND FOR
RESEARCH, INTO DEVELOPMENT AND DEMONSTRATION OF ALTERNATIVE
ENERGY SOURCES AND ALLOCATING CERTAIN REVENUE FROM COAL
TAXES TO THE FUND; ESTABLISHING--A--BOARD DIRECTING THE
DEPARTMENT OF NATURAL--RESOURCES--AND--CONSERVATION
INTERGOVERNMENTAL--RELATIONS NATURAL RESOURCES AND
CONSERVATION TO MAKE GRANTS FROM THE FUND IN SUPPORT OF
ALTERNATIVE ENERGY RESEARCH; PROVIDING FOR AN ALTERNATIVE
ENERGY ADVISORY COMMITTEE; MAKING APPROPRIATIONS; AMENDING
SECTION 84-1309.1, R.C.M. 1947."

16 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

18 Section 1. There is a new R.C.M. section that reads as

20 Purpose. The purposes of this act are to stimulate
21 research, development, and demonstration of energy sources
22 which are harmonious with ecological stability by virtue of
23 being renewable, thereby to lessen that reliance on
24 nonrenewable energy sources which conflicts with the goal of
25 long-range ecological stability, and to provide for the

REFERENCE BILL ~~CONFIDENTIAL~~
Second Printing - Conference Report Included

1 funding and administration of such research, provided, that
2 demonstration or development projects funded under this act
3 may not be used to commercially market electricity, heat
4 energy, or energy by-products.

5 Section 2. There is a new R.C.M. section that reads as
6 follows:

7 Definitions. As used in this act:

8 (1) "Alternative renewable energy source" means a form
9 of energy or matter, such as solar energy, wind energy, or
10 methane FROM SOLID WASTE, capable of being converted into
11 forms of energy useful to mankind, and the technology
12 necessary to make this conversion, when the source is not
13 exhaustible in terms of this planet and when the source or
14 the technology are not in general commercial use.

15 (2) "Person" means a natural person, corporation,
16 partnership, or other business entity, association, trust,
17 foundation, any educational or scientific institution, or
18 any governmental unit.

19 (3) "Department" means the Montana department of
20 ~~natural---resources---and---conservation~~ INTERGOVERNMENTAL
21 RELATIONS NATURAL RESOURCES AND CONSERVATION.

22 Section 3. There is a new R.C.M. section that reads as
23 follows:

24 Alternative energy research development and
25 demonstration account established. There is within the

1 earmarked revenue fund an alternative energy research
2 development and demonstration account. Moneys are paid into
3 this account under section 84-1309.1. The state treasurer
4 shall draw warrants payable from this account upon order of
5 the ~~coal~~-board DEPARTMENT.

6 Section 4. Section 84-1309.1, R.C.M. 1947, is amended
7 to read as follows:

8 "84-1309.1. Disposal of license taxes. License taxes
9 collected under the provisions of this chapter or severance
10 taxes collected under such statutes as may be enacted in
11 1975 are allocated as follows:

12 (1) To the county general fund from which coal was
13 mined three cents (3¢) per ton.

14 (2) Five-percent-(4%) TWO AND ONE-HALF PERCENT (2
15 1/2%) of total collections per year UNTIL DECEMBER 31, 1979
16 AND THEREAFTER FOUR PERCENT (4%) OF TOTAL COLLECTIONS PER
17 YEAR to the earmarked revenue fund, to the credit of the
18 alternative energy research development and demonstration
19 account.

20 ~~(3)~~ All other revenues from license taxes
21 collected under the provisions of this chapter shall be
22 deposited to the credit of the general fund of the state."

23 Section 5. There is a new R.C.M. section that reads as
24 follows:

25 Department -- general powers. The department may:

- 1 (1) employ a staff adequate to administer this act;
- 2 (2) retain professional consultants and advisors;
- 3 (3) adopt rules governing applications and granting of
- 4 funds;

5 (4) consider applications for grants and award grants,
6 subject to the availability of funds, and to the
7 appropriation of such funds by the legislature from the
8 alternative energy research development and demonstration
9 funds for projects that will further the purposes of this
10 act;

11 (5) appoint an alternative energy advisory committee
12 composed of representatives of state agencies and citizen
13 members with expertise in alternative energy matters. The
14 appointment of any such advisory committee shall be in
15 keeping with section 82A-110.

16 Section 6. There is a new R.C.M. section that reads as
17 follows:

18 Applications for grants. Any person may apply for a
19 grant to enable him to research, develop or demonstrate
20 alternative renewable energy sources. The department shall
21 prescribe the form for applications. Applicants shall
22 describe the nature of their proposed investigations,
23 including practical applications of the possible results and
24 time requirements.

25 Section 7. There is a new R.C.M. section that reads as

1 follows:

2 Criteria for grant awards. The department may award
3 grants to applicants under section 6 of this act in
4 accordance with the following criteria:

5 (1) A grant may cover a period not exceeding one (1)
6 year, and the department may not commit itself to spending
7 funds anticipated to be available more than one (1) year
8 after the grant period begins. The department may give an
9 applicant a statement of intent to renew its support of his
10 work, subject to the availability of funds and such other
11 conditions as the department may express.

12 (2) The department may give preference to projects
13 which are also supported by grants from the federal
14 government or other persons provided the grants are
15 consistent with the other objectives of the board. The
16 purpose of this preference is to use the alternative energy
17 research development and demonstration account for matching
18 moneys in order to support more substantial research.

19 (3) The department may give preference to research
20 centers unattached to existing educational institutions
21 where several investigators can share supporting services.
22 However, this shall not be interpreted to prohibit the
23 department from awarding grants to existing educational
24 institutions.

25 (4) The department may give preference to research

1 centers which make information available to individuals,
2 small businesses, and small communities seeking the use of
3 renewable energy sources in their homes, plants, places of
4 business, and small communities.

5 (5) All information resulting from such research shall
6 be made available to the public and shall not become the
7 private property of or under the exclusive control of any
8 one (1) company or person.

9 (6) The department is under no requirement to expend
10 or commit available alternative energy research, development
11 and demonstration funds when in its judgment such
12 expenditures or commitments would be unproductive.

13 SECTION 8. THERE IS A NEW R.C.M. SECTION THAT READS AS
14 FOLLOWS:

15 BIENNIAL REPORT. THE DEPARTMENT SHALL REPORT ITS
16 EXPENDITURES AND OTHER ACTIVITIES UNDER THIS ACT TO THE
17 LEGISLATURE AT THE BEGINNING OF EACH REGULAR LEGISLATIVE
18 SESSION.

19 SECTION 9. THERE IS APPROPRIATED TO THE DEPARTMENT OF
20 NATURAL RESOURCES AND CONSERVATION FROM THE ALTERNATIVE
21 ENERGY RESEARCH DEVELOPMENT AND DEMONSTRATION ACCOUNT, FOR
22 THE PURPOSE OF PUBLICIZING TAX INCENTIVES FOR ALTERNATIVE
23 ENERGY DEVELOPMENT AND ENERGY CONSERVATION UNDER HOUSE BILL
24 633, AS ENACTED, NOT TO EXCEED FIFTEEN THOUSAND DOLLARS
25 (\$15,000), FOR THE FISCAL YEAR ENDING JUNE 30, 1976, AND FOR
1 MAKING GRANTS UNDER SECTION 7 OF THIS ACT ALL THE REMAINING
2 FUNDS IN THE ALTERNATIVE ENERGY RESEARCH DEVELOPMENT AND
3 DEMONSTRATION ACCOUNT FOR THE BIENNIAL ENDING JUNE 30, 1977.

-End-

CHAPTER NO. 548

AN ACT TO ENCOURAGE INVESTMENT IN NONFOSSIL FORMS OF ENERGY GENERATION AND IN ENERGY CONSERVATION IN BUILDINGS THROUGH TAX INCENTIVES AND CAPITAL AVAILABILITY, AMENDING SECTIONS 84-202 AND 84-301, R.C.M. 1947.

Be it enacted by the Legislature of the State of Montana:

Section 1. There is a new R.C.M. section numbered 84-7401 that reads as follows:

84-7401. Statement of purpose. The purpose of this act is to encourage the use of alternative energy sources and the conservation of energy through incentive programs. Such incentives are to be made available to the energy user on a basis which requires him to take the initiative in obtaining a particular incentive. This act is not intended to require an assessor to revalue property except upon receipt of a properly documented and approved application. This act allows but does not require a public utility to extend credit for energy conservation investments.

Section 2. There is a new R.C.M. section numbered 84-7402 that reads as follows:

84-7402. Definitions. As used in this act:

(1) "Building" means a single or multiple dwelling, including a mobile home, or a building used for commercial, industrial, or agricultural purposes, which is enclosed with walls and a roof.

(2) "Capital investment" means any material or equipment purchased and installed in a building, or land, with or without improvements.

(3) "Energy conservation purpose" means one or more of the following results of an investment: reducing the waste or dissipation of energy, or reducing the amount of energy required to accomplish a given quantity of work.

(4) "Recognized nonfossil forms of energy generation" means a system for the utilization of solar heat, wind, solid wastes, or the decomposition of organic wastes, for capturing energy or converting energy sources into usable sources, for the production of electric power from solid wood wastes, and also means a small system for the utilization of water power by means of an impoundment not over twenty (20) acres in surface area.

Section 3. There is a new R.C.M. section numbered 84-7403 that reads as follows:

84-7403. Tax treatment of certain energy-related investments. (1) Upon application by a taxpayer, approved under section 84-7404, a capital investment by the taxpayer in a recognized nonfossil form of energy generation shall be treated by the department of revenue as:

(a) property exempt from taxation, to the extent the appraised value of the investment does not exceed one hundred thousand dollars (\$100,000), or

(b) class seven property, as defined in sections 84-301 and 84-302, for such portion of the appraised value of the investment that exceeds one hundred thousand dollars (\$100,000).

(2) Upon application by a taxpayer, approved under section 84-7404, a capital investment in a building by the taxpayer for an energy conservation purpose shall be treated by the department of revenue as class eight property, as defined in sections 84-301 and 84-302, to the extent the appraised value of the investment does not exceed twenty percent (20%) of the appraised value of the building in which the investment is made.

Section 4. There is a new R.C.M. section numbered 84-7404 that reads as follows:

84-7404. Application for special energy investment taxation. The department of revenue shall provide forms on which a taxpayer may apply for tax treatment under section 84-7403. Application shall be made to the department. The department shall approve an application which demonstrably promotes energy conservation or utilizes a recognized nonfossil form of energy generation. The department may refer an application involving energy generation to the department of natural resources and conservation for its advice, and the department of natural resources and conservation shall respond within sixty (60) days. The department may refer an application involving energy conservation to the department of administration for its advice, and the department of administration shall respond within sixty (60) days. The department of revenue may deny an application which it finds to be impractical or ineffective.

Section 5. There is a new R.C.M. section numbered 84-7405 that reads as follows:

84-7405. Capital may be lent by utilities — tax credit for interest differential. (1) A public utility providing electricity or natural gas may install or pay for the installation of energy conservation materials in a dwelling. The utility may agree with the occupant of the dwelling that the occupant shall reimburse the utility for its expenditure in periodic installment payments added to the occupant's regular bill for electricity or natural gas. The utility may charge interest not exceeding the equivalent of a rate of seven percent (7%) per year on the declining balance of the sum advanced.

(2) A public utility lending money under this section may compute the difference between interest it actually receives on such transactions and the interest which would have been received at the prevailing average interest rate for home improvement loans, as prescribed in rules made by the public service commission. The utility may apply the difference so computed as a credit against its tax liability for the electrical energy producer's license tax under section 84-1601 or for the corporation license tax under section 84-1501.

(3) The public service commission may make rules to implement this section.

Section 6. There is a new R.C.M. section numbered 84-7406 that reads as follows:

84-7406. Limitations. Tax treatment under section 84-7403 is limited to:

(1) capital investments made after January 1, 1975, and

(2) persons and firms not primarily engaged in the provision of gas or electricity derived from fossil fuel extraction or conventional hydroelectric development, and

(3) a ceiling of one hundred thousand dollars (\$100,000) in tax savings per year to any one person or firm.

Section 7. Section 84-202, R.C.M. 1947, is amended to read as follows:

"84-202. Exemptions from taxation. (1) The property of the United States, the state, counties, cities, towns, school districts, municipal corporations, public libraries, such other property as is used exclusively for agricultural and horticultural societies, for educational purposes, places of actual religious worship, hospitals and places of burial not used or held for private or corporate profit, and institutions of purely public charity, evidence of debt secured by mortgages of record upon real or personal property in the state of Montana, and public art galleries and public observatories not used or held for private or corporate profit, are exempt from taxation, but no more land than is necessary for such purpose is exempt; provided, the term "institutions of purely public charity" as used in this act shall include organizations owning and operating facilities for the care of the retired or aged or chronically ill which are not operated for gain or profit; provided, that the terms public art galleries and public observatories used in this act shall mean only such art galleries and observatories whether of public or private ownership, as are open to the public, without charge or fee at all reasonable hours, and are used for

the purpose of education only, and also when a clubhouse or building erected by or belonging to any society or organization of honorably discharged United States soldiers, sailors or marines who served in army or navy of United States, is used exclusively for educational, fraternal, benevolent or purely public charitable purposes, rather than for gain or profit, together with the library and furniture necessarily used in any such building, and all property, real or personal, in the possession of legal guardians of incompetent veterans of the World War or minor dependents of such veterans, where such property is funds or derived from funds received from the United States as pension, compensation, insurance, adjusted compensation, or gratuity, shall be exempt from all taxation as property of the United States while held by the guardian, but not after title passes to the veteran or minor in his or her own right on account of removal of legal disability.

(2) All household goods and furniture, including clocks, musical instruments, sewing machines, wearing apparel of members of the family actually used by the owner for personal and domestic purposes, or for furnishing or equipping the family residence are exempt from taxation.

(3) Freeport merchandise shall be exempt from taxation. Freeport merchandise means those stocks of merchandise manufactured or produced outside this state which are in transit through this state and consigned to a warehouse or other storage facility, public or private, within this state, for storage in transit prior to shipment to a final destination outside the state, and which have acquired a taxable situs within the state.

Stocks of merchandise do not lose their status as freeport merchandise because while in the storage facility they are assembled, bound, joined, processed, disassembled, divided, cut, broken in bulk, relabeled or repackaged.

Any person, corporation, firm, partnership, association, or other group seeking to qualify its property for inclusion in this class shall make application to the state department of revenue in such manner or form as may be required by the department.

(4) All unprocessed, perishable fruits and vegetables in farm storage and owned by the producer are exempt from taxation.

(5) A capital investment in a recognized nonfossil form of energy generation is exempt to the extent provided under section 84-7403."

Section 8. Section 84-301, R.C.M. 1947, is amended to read as follows:

"84-301. Classification of property for taxation. For the purpose of taxation the taxable property in the state shall be classified as follows:

Class One. The annual net proceeds of all mines and mining claims, after deducting only the expenses specified and allowed by section 84-5403; also where the right to enter upon land, to explore or prospect, or dig for oil, gas, coal or mineral is reserved in land or received by mesne conveyance (exclusive of leasehold interests), devise or succession by any person or corporation, the surface title to which has passed to or remains in another, the state department of revenue shall determine the value

of the right to enter upon said tract of land for the purpose of digging, exploring, or prospecting for gas, oil, coal or minerals, and the same shall be placed in this classification for the purpose of taxation.

Class Two. All agricultural and other tools, implements and machinery, gas and other engines and boilers, threshing machines and outfits used therewith, automobiles, motor trucks and other power-driven cars, vehicles of all kinds except mobile homes, boats and all watercraft, harness, saddlery and robes and except as provided in Class Five (b) of this section, all poles, lines, transformers, transformer stations, meters, tools, improvements, machinery and other property used and owned by all persons, firms, corporations, and other organizations which are engaged in the business of furnishing telephone communications, exclusively to rural areas, or to rural areas and cities and towns provided that any such city or town has a population of eight hundred (800) persons or less; and provided further, that the average circuit miles for each station on the system is more than one and one-quarter ($1 \frac{1}{4}$) miles.

Class Three. Livestock, poultry and unprocessed products of both; stocks of merchandise of all sorts, together with furniture and fixtures used therewith, except mobile homes; and all office or hotel furniture and fixtures.

Class Four. (a) All land, town and city lots, with improvements, and all trailers affixed to land owned, leased, or under contract or purchase by the trailer owner, manufacturing and mining machinery, fixtures and supplies, except as otherwise provided by the constitution of Montana, and except as such property may be included in Class Five, Class Seven or Class Eight.

(b) Mobile homes without regard to the ownership of the land upon which they are situated, except those held by a distributor or dealer of mobile homes as part of his stock in trade, and except as such property may be included in Class Eight.

(c) Class Five. (a) All moneys and credits, secured or unsecured, including all state, county, school district and other municipal bonds, warrants and securities, without any deduction or offset; provided, however, that the terms "moneys and credits" as herein used shall not embrace the moneyed capital employed in the banking business by any banking corporation or individual in this state.

(b) All poles, lines, transformers, transformer stations, meters, tools, improvements, machinery and other property used and owned by co-operative rural electrical and co-operative rural telephone associations organized under the laws of Montana except those within the incorporated limits of a city or town in which less than ninety-five per cent (95%) of the electric consumers and/or telephone users are served by a co-operative organization, and as to the property enumerated in this sub-section (b) within incorporated limits of a city or town in which less than ninety-five per cent (95%) of the electric consumers or users will be served by a co-operative organization, such property shall be put in Class Two.

(c) All unprocessed agricultural products either on the farm or in storage, irrespective of whether said products are owned by the elevator,

warehouse or flour mill owner or company storing the same, or any other person whomsoever, except all perishable fruits and vegetables in farm storage and owned by the producer, and excepting livestock and poultry and the unprocessed products of both.

(d) The dwelling house, and the lot on which it is erected, owned and occupied by any resident of the state, who has been honorably discharged from active service in any branch of the armed forces, who is rated one hundred per cent (100%) disabled due to a service-connected disability by the United States veterans administration or its successors.

In the event of the veteran's death, the dwelling house, and the lot on which it is erected, so long as the widow remains unmarried and the owner and occupant of the property, shall remain within this classification.

Class Six. Property formerly included in this class is now classified by section 84-308, R.C.M. 1947.

Class Seven. (a) All new industrial property. New industrial property shall mean any new industrial plant, including land, buildings, machinery and fixtures which, in the determination of the state department of revenue, is used by a new industry during the first three (3) years of operation not having been assessed prior to July 1, 1961, within the state of Montana. New industry shall mean any person, corporation, firm, partnership, association, or other group which establishes a new plant or plants in this state for the operation of a new industrial endeavor, as distinguished from a mere expansion, reorganization, or merger of an existing industry or industries. Provided, however, that new industrial property shall be limited to industries that manufacture, mill, mine, produce, process or fabricate materials, or do similar work in which capital and labor are employed and in which materials unserviceable in their natural state are extracted, processed or made fit for use or are substantially altered or treated so as to create commercial products or materials; and in no event shall the term new industrial property be included to mean property used by retail or wholesale merchants, commercial services of any type, agriculture, trades or professions. And provided further, that new industrial property shall not be included to mean property which is used or employed in any industrial plant which has been in operation in this state for three (3) years or longer. Any person, corporation, firm, partnership, association or other group seeking to qualify its property for inclusion in this class shall make application to the state department of revenue in such manner and form as may be required by said department.

(b) A capital investment in a recognized nonfossil form of energy generation, to the extent provided under section 84-7403.

Class Eight. (a) Any improvement on real property, trailers affixed to land or mobile home belonging to any person who qualifies under any one or more of the hereinafter set forth categories, valued at not more than seventeen thousand five hundred dollars (\$17,500), which is owned or under a contract for deed, and which is actually occupied by:

(1) a widow sixty-two (62) years of age or older, whether with or without minor dependent children, who qualifies under the income limitations of (4), or

(2) a widower sixty-five (65) years of age or older, whether with or without minor dependent children, who qualifies under the income limitations of (4), or

(3) a widow with minor or dependent children regardless of age, who qualifies under the income limitations of (4), or

(4) a recipient of retirement benefits whose income from all sources is not more than four thousand dollars (\$4,000) for a single person and five thousand two hundred dollars (\$5,200) for a married couple per annum. Provided, further, that one who applies for classification of property under this class must make an affidavit to the state department of revenue on a form as may be provided by the state department of revenue supplied without cost to the applicant, as to his income, if applicable, as to his retirement benefits, if applicable, or, as to his marital status, if applicable, and to the fact that he or she actually occupies such improvements with right of the county welfare board to investigate the applicant, on the completion of the form, as to answers given on the form. Provided, further, that the value of said property shall not increase during the life of the recipient of retirement benefits or widow or widower covered under this class. For purposes of the affidavit required for classification of property under this class, it shall be sufficient if the applicant signs a statement swearing to or affirming the correctness of the information supplied, whether or not the statement is signed before a person authorized to administer oaths, and mails the application and statement to the department of revenue. This signed statement shall be treated as a statement under oath or equivalent affirmation for purposes of section 94-7-203, R.C.M. 1947, relating to the criminal offense of false swearing.

(b) *Any capital investment in a building for an energy conservation purpose, to the extent provided under section 84-7-403.*

Class Nine. All property not included in the eight (8) preceding classes."

Approved May 13, 1975.

Senate Bill No. 552—Senators Gibson, Brown, Lamb, Walker, Close, Schofield, Bryan, Hilbrecht, Echols, Herr, Neal and Blakemore

CHAPTER 163

AN ACT appropriating the sum of \$370,000 from the state general fund for the purpose of designing, constructing, inspecting, equipping and furnishing a solar energy research laboratory in Clark County, Nevada, as an additional facility of the desert research institute of the University of Nevada; specifying the powers, duties and requirements of the state public works board and the board of regents of the University of Nevada; and providing other matters properly relating thereto.

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

SECTION 1. For the support of the state public works board in carrying out the design, construction, inspection, equipping and furnishing of a solar energy research laboratory in Clark County, Nevada, as a facility of the desert research institute of the University of Nevada, there is hereby appropriated from the general fund in the state treasury the sum of \$370,000.

SEC. 2. The state public works board is hereby charged with the duty of carrying out the provisions of this act relating to design, construction, inspection, equipping and furnishings provided for in this act.

SEC. 3. The board of regents of the University of Nevada and the state public works board shall cooperate in carrying out the provisions of this act. All plans and specifications for the whole or part of the design, construction, equipment and furnishings shall be approved by the board of regents of the University of Nevada and each contract shall be approved by the attorney general before any such contract may be let.

SEC. 4. The state public works board shall employ competent architects, who in turn shall employ competent structural, mechanical and electrical engineers in preparing plans and specifications. The state public works board shall advertise, in a newspaper of general circulation in the State of Nevada, for separate sealed bids for the construction of the building herein designated. Approved plans and specifications shall be on file at a place and time stated in such advertisement for the inspection of qualified contractors desiring to bid thereon and for other interested persons. The state public works board, at its discretion, may accept bids on either the whole or on a part or parts of the design, construction, equipment or furnishings, and may let a contract for the whole thereof, or a combination contract for structural, mechanical and electrical construction if savings will result thereby, to the lowest qualified bidder thereon; but any bids may be rejected for any good reason.

SEC. 5. This act shall become effective upon passage and approval.

CHAPTER 391.**AN ACT PERMITTING A LOCAL OPTION TO ADOPT TAX EXEMPTIONS FOR REALTY EQUIPPED WITH SOLAR ENERGY HEATING OR COOLING SYSTEMS.**

Be it Enacted by the Senate and House of Representatives in General Court convened:

391:1 Solar Energy Systems Exemption. Amend RSA 72 by inserting after section 60 the following new subdivision:

Solar Energy Systems Exemption

72:61 Definition of Solar Energy Systems. In this subdivision "solar energy heating or cooling system" means a system which utilizes solar energy to heat or cool the interior of a building or to heat water for use in a building and which includes one or more collectors and a storage container.

72:62 Property Tax Exemption. Each city and town may adopt under RSA 72:63 an exemption from the property tax for persons owning real property which is equipped with a solar energy heating or cooling system.

72:63 Procedure for Adoption.

I. A town desiring to adopt the provisions of RSA 72:62 may have the question placed on the warrant for a town meeting at which town officers are elected in the manner provided in RSA 39:3. Such question shall be presented for voter approval in the following manner:

(a) For a town which has an official ballot for the election of town officers, the officer who prepares the ballot shall place the question on such official ballot as it appears in subparagraph (c).

(b) For a town which does not have an official ballot for the election of town officers, the clerk shall prepare a ballot in the form as provided in subparagraph (c).

(c) The wording on the ballot of any referendum for the adoption of RSA 72:62 shall be as follows: "Shall we adopt the provisions of RSA 72:62 for a property tax exemption on real property equipped with a solar energy heating or cooling system which exemption shall be in an amount _____?" The amount of the exemption or the manner of its determination shall be included in the written application of the voters presented under RSA 39:3 and shall be inserted in the question on the referendum where the blank appears above.

(d) Upon the ballot containing the question shall be printed the word "Yes" with a square near it at the right hand of the question; and

immediately below the word "Yes" shall be printed the word "No" with a square near it at the right hand of the question. The voter desiring to vote upon the question shall make a cross in the square of his choice. If no cross is made in a square beside the question, the ballot shall not be counted on the question.

II. A city desiring to adopt the provisions of RSA 72:62 may have the question placed on the official ballot for any regular municipal election for the election of city officers upon a vote of the city council or upon submission of a petition signed by five percent of the registered voters of the city to the city council. The vote of the city council and the petition of the voters shall include the amount of the exemption or the manner of its determination. The question shall be placed on the official ballot by the city clerk with the wording and in the form provided for in paragraph I, (c) and shall include the amount of the exemption or the manner of its determination.

III. Upon approval of the question by a majority of those voting on the question, the provisions of RSA 72:62 shall be deemed to have been adopted and shall take effect on April first next following the referendum for the tax year beginning on such date.

IV. If after adoption of the provisions of RSA 72:62, any town or city desires to rescind its adoption, it may do so by referendum pursuant to paragraphs I or II, by changing in paragraph I, (c) the word "adopt" to read "rescind" in the question on the referendum; and provided, further, that after the adoption of the provisions of RSA 72:62, any action to rescind shall not become effective until April first next following the action taken to rescind.

V. If after adoption of the provisions of RSA 72:62, any town or city desires to change its exemption, it may do so by referendum pursuant to paragraphs I or II, by inserting in the question on the referendum a different amount for the exemption or a different manner of its determination; and provided, further, that the change in the exemption shall not become effective until April first next following the action to change the exemption.

72:64 Application for Exemption.

I. On or before April fifteenth of the year in which an exemption is claimed, a person qualified for the exemption under RSA 72:62 shall file an application for the exemption with the selectmen or assessors. The selectmen or assessors shall have an application form prepared, to be signed by the applicant under penalty of perjury, which shows that the applicant is qualified for the exemption.

II. If any person otherwise qualified to receive such exemption shall satisfy the selectmen or assessors that he was prevented by accident, mistake or misfortune from filing said application on or before April fifteenth, said officials may receive said application at a later date and grant an exemption thereunder, but no such application shall be received or exemption granted after the local tax rate is approved.

III. If the selectmen or assessors are satisfied that the applicant has wilfully made any false statement in the application to obtain an exemption, they may refuse to grant the exemption.

IV. Whenever the selectmen or assessors refuse to grant an applicant an exemption to which he may be entitled under the provisions of RSA 72:62, said applicant may appeal in writing within six months of receipt of the tax bill to the board of taxation which may order an exemption or an abatement if the tax has been assessed.

391:2 Effective Date. This act shall take effect sixty days after its passage.

[A: proved June 16, 1975.]
[Effective date August 15, 1975.]

CHAPTER . 12

AN ACT

2 RELATING TO TAXATION; PROVIDING FOR A CREDIT AGAINST PERSONAL INCOME
3 TAX DUE FOR CONVERSION TO OR CONSTRUCTION OF SOLAR ENERGY SYSTEM; PRO-
4 VIDING FOR REFUND TO TAXPAYER IF CREDIT ALLOWED EXCEEDS TAX LIABILITY;
5 DECLARING AN EMERGENCY.

7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

8 Section 1. A new Section 72-15A-11.2 NMSA 1953 is enacted to
9 read:

10 "72-15A-11.2. CREDIT AGAINST PERSONAL INCOME TAX--REFUND--

11 A. Any resident who files an individual New Mexico income
12 tax return and who is not a dependent of another taxpayer may claim a
13 tax credit not to exceed one thousand dollars (\$1,000) in an amount
14 equal to twenty-five percent of the cost of equipment used in the tax-
15 payer's principal residence for solar heating, cooling or heating and
16 cooling if the residence is located in New Mexico. The person furnish-
17 ing the equipment shall furnish the taxpayer with an accounting of the
18 cost to the taxpayer.

19 B. A taxpayer may claim the credit provided by the provi-
20 sions of this section only once in a taxable year, and only once for a
21 given principal residence.

22 C. A taxpayer may not claim the credit provided by the pro-
23 visions of this section if he has claimed on his federal income tax
24 return a credit, deduction, exemption or exclusion for solar heating,
25 cooling or heating and cooling equipment installed in his principal

1 residence.

2 D. A husband and wife who file separate returns for a taxable
3 year in which they could have filed a joint return may each claim only
4 one-half of the tax credit that would have been allowed on a joint
5 return.

6 E. For the purpose of this section, the term, "solar heating,
7 cooling or heating and cooling equipment" means any heating, cooling or
8 heating and cooling equipment which meets the definitive performance
9 criteria prescribed pursuant to the provisions of the Solar Heating and
10 Cooling Demonstration Act of 1974 (42 U.S.C.A. S.S.5506), or any amend-
11 ments thereto.

12 F. The credit provided by this section may only be deducted
13 from the taxpayer's New Mexico income tax liability for the taxable
14 year in which the equipment was installed in the taxpayer's residence.
15 If the tax credit exceeds the taxpayer's income tax liability, the
16 excess shall be refunded to the taxpayer."

17 Section 2. APPLICABILITY.--The provisions of this act apply to
18 taxable years beginning on or after January 1, 1975.

19 Section 3. EMERGENCY.--It is necessary for the public peace,
20 health and safety that this act take effect immediately.

The Legislature
of the
State of New Mexico

32nd Legislature, 1st Session

LAWS 1975

CHAPTER 83

SENATE BILL 120, as amended

with emergency clause

Introduced by

SENATOR JOHN B. IRICK
SENATOR ODIS L. ECHOIS, JR.
SENATOR THOMAS T. RUTHERFORD



EMERGENCY CLAUSE

CHAPTER 83

AN ACT

1 2 RELATING TO SOLAR ENERGY RESOURCES; PROVIDING DUTIES; MAKING AN
2 3 APPROPRIATION; DECLARING AN EMERGENCY.

4

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

6 7 Section 1. SHORT TITLE.--This act may be cited as the "Solar
7 Energy Development Act".

8 9 Section 2. PURPOSE.--The purpose of the Solar Energy Develop-
9 10 ment Act is to promote development and use of solar energy in New
10 11 Mexico, by both industry and government for the benefit of New Mexico
11 12 citizens and for the citizens of the United States. It is proposed
12 13 to accomplish this purpose through active measures to encourage the
13 14 location within this state of the proposed national solar institute,
14 15 research to discover practical and feasible methods to harness solar
15 16 energy to supplement existing but limited present sources of energy,
16 17 and development of a vigorous and productive solar energy industrial
17 18 complex.

18 19 Section 3. DUTIES.--The department of development shall:

19 20 A. establish and operate a program of promotion to encour-
20 21 age investment in the research and application of solar energy within
21 22 New Mexico;

22 23 B. promote and develop in New Mexico a vigorous and pro-
23 24 ductive solar energy industrial complex;

24 25 C. actively seek and promote the state of New Mexico as
25 26 the proper and ideal site, because of geographical location, climate,

SENATE BILL 120
Approved April 2, 1975

1 research facilities and plentiful supply of scientific and technical
2 expertise, for the location of the proposed national solar institute;
3 D. develop necessary promotional material to be used in
4 the process of attracting new investment capital within the solar
5 energy field;

6 E. employ sufficient staff to carry out the purpose of
7 the Solar Energy Development Act; and

8 F. cooperate with private firms and all agencies of the
9 state and federal government in furthering research and investment in
10 solar energy use in New Mexico.

11 Section 4. APPROPRIATION.--The sum of thirty thousand dollars
12 (\$30,000) is appropriated from the general fund to the department
13 of development for the purposes of carrying out the provisions of the
14 Solar Energy Development Act. Expenditure of this appropriation may
15 be made in the sixty-third and the sixty-fourth fiscal years. Bal-
16 ances unexpended or unencumbered at the end of the sixty-fourth fis-
17 cal year shall revert to the general fund.

18 Section 5. EMERGENCY.--It is necessary for the public peace,
19 health and safety that this act take effect immediately. _____

20
21
22
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24
25

The Legislature
of the
State of New Mexico

32nd Legislature, 1st Session

LAWS 1975

CHAPTER 200

HOUSE BILL 395

Introduced by
REPRESENTATIVES

DAVID M. SALMAN
WILLIAM E. WARREN
RAYMOND G. SANCHEZ



STATE OF NEW YORK

S. 6716

A. 8620

1975-1976 Regular Sessions

SENATE-ASSEMBLY

June 9, 1975

IN SENATE—Introduced by Sens. PISANI, BELLAMY, BURSTEIN, CALANDRA, DUNNE, GALIBER, GARCIA, GORDON, HALPERIN, LEICHTER, OHRENSTEIN, PADAVAN, ROLISON, SCHERMERHORN, B. C. SMITH, TAURIELLO, TRUNZO, WINIKOW—read twice and ordered printed, and when printed to be committed to the Committee on Corporations, Authorities and Public Utilities

IN ASSEMBLY—Introduced by COMMITTEE ON RULES—
Multi-Sponsored by—Messrs. AMATUCCI, BARBARO, BETROS, BLUMENTHAL, BREWER, BROWN, BURNS, CINCOTTA, COCHRANE, Miss CONNELLY, CONNOR, D. W. COOK, COOPERMAN, DEARIE, DELTORO, DIFALCO, Mrs. DIGGS, EVE, FARRELL, FERRIS, FINK, FLANAGAN, FORTUNE, FREMMING, FREY, GAZZARA, Mrs. GOODHUE, GORSKI, GOTTFRIED, GRABER, GRANNIS, GRECO, GRIFFIN, GRIFFITH, HAMILTON, HARENBERG, HARRIS, HECHT, HEVESI, HINCHHEY, HOCHBERG, HOCHBRÜCKNER, HOYT, IZARD, KOPPELL, LANDES, LANE, LEHNER, LENTOL, LEVY, LEWIS, LISA, MANNIX, MARCISIELLI, McCABE, G. W. MILLER, H. J. MILLER, M. H. MILLER, MIRTO, MONTANO, M. J. MURPHY, NICOLOSI, NINE, O'NEIL, ORAZIO, PESCE, H. A. POSNER, ROSS, Mrs. RUNYON, SCHMIDT, SEARS, SERRANO, SILVERMAN, STAVISKY, STEIN, STEINGUT, STRELZIN, SUCHIN TILLS, VANN, VIRGILIO, WALSH, WEMPLE, YEVOLE—
read once and referred to the Committee on Environmental Conservation

EXPLANATION — Matter in *italics* is new; matter in brackets [] is old law to be omitted.

AN ACT

to amend the public authorities law and the public service law, in relation to reconstituting the New York state atomic and space development authority as the New York state energy research and development authority, enacting the New York state safe energy act of nineteen hundred seventy-five and repealing certain provisions of the public authorities law relating thereto

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Short title. This act may be cited as the "New York
2 state safe energy act of 1975".

3 § 2. The public authorities law is hereby amended by adding
4 thereto a new section, to be section eighteen hundred fifty-a, to read
5 as follows:

6 *§ 1850-a. Legislative declaration. It is hereby declared that the need
7 for obtaining and maintaining an adequate and continuous supply of
8 safe, dependable and economical power and energy is a matter of
9 concern to the people of the state; that the high social, environmental,
10 health and economic costs of present fossil fuel energy make it
11 imperative that such source be used henceforth but sparingly in the
12 state of New York; that the high social, environmental, health and
13 economic cost of nuclear fission energy makes it imperative that such
14 source not be used henceforth beyond existing facilities unless the
15 legislature of the state of New York specifically determines by
16 statute for each application to the siting board for a nuclear fission
17 facility, for the three years succeeding the effective date of this act,
18 that construction of each proposed facility will be necessary to meet a
19 compelling need; and in place thereof, abundant and environmen-
20 tally acceptable energy sources such as solar, wind, solid waste, and
21 geothermal and bioconversion should be developed and utilized. The
22 objectives of the policy expressed in this act are the development and
23 utilization of safe, dependable, renewable and economic energy
24 sources and the conservation of energy and energy resources.*

25 *It is further declared that implementation of this policy can best be
26 effectuated by changing and reconstituting the New York state*

1 *atomic and space development authority into the New York state*
2 *energy research and development authority. While maintaining its*
3 *present commitments to its bondholders, the authority shall direct its*
4 *efforts toward the development of new energy technologies, with*
5 *special emphasis on renewable energy sources, and energy conserva-*
6 *tion technologies.*

7 § 3. Section eighteen hundred fifty of such law, as amended by
8 chapter three hundred sixty-six of the laws of nineteen hundred
9 sixty-four, is hereby amended to read as follows:

10 § 1850. Short title. This title may be cited as the "New York state
11 ~~atomic and space development~~ *energy research and development*
12 authority act."

13 § 4. Subdivisions one and two of section eighteen hundred
14 fifty-one of such law, subdivision one as added by chapter two
15 hundred ten of the laws of nineteen hundred sixty-two, subdivision
16 two as amended by chapter three hundred sixty-six of the laws of
17 nineteen hundred sixty-four, are hereby amended to read,
18 respectively, as follows:

19 1. "~~Atomic~~ *Nuclear fission* energy" shall mean all forms of
20 energy released in the course of nuclear fission, nuclear fusion or
21 other nuclear transformation.

22 2. "Authority" shall mean the New York state ~~atomic and space~~
23 *energy research and development* authority continued pursuant to
24 section one thousand eight hundred fifty-two of this title.

25 § 5. Subdivisions seven and eight of section eighteen hundred
26 fifty-one of such law, are hereby ~~repealed~~ and subdivisions nine, ten
27 and eleven of such section are hereby renumbered to be subdivisions
28 seven, eight and nine, respectively, and two new subdivisions to be
29 subdivisions ten and eleven, are hereby added thereto, to read as
30 follows:

31 10. "New energy technologies" shall mean all methods used to
32 produce energy other than those utilizing conventional nuclear
33 fission and fossil fuels.

34 11. "Under construction" shall mean any project that shall have
35 advanced to actual on-site construction and entry into the ground.

36 § 6. The section heading and subdivisions one and two of section
37 eighteen hundred fifty-two of such law, as amended by chapter three
38

1 hundred sixty-six of the laws of nineteen hundred sixty-four, are
2 hereby amended to read, respectively, as follows:

3 New York state ~~atomic and space~~ *energy research and develop-*
4 *ment authority.* 1. The authority heretofore known and designated as
5 the ~~“New York state atomic research and development authority”~~ is
6 hereby continued and shall hereafter be known and designated as
7 the ~~“New York state atomic and space development authority”~~ is
8 *hereby continued and shall hereafter be known and designated as the*
9 *New York state energy research and development authority.*
10 Reference in any provision of law, general, special or local, or in any
11 rule, regulation or public document to the New York state atomic
12 research and development authority shall be deemed to be and
13 construed as a reference to the authority continued by this section.
14 The authority shall be a body corporate and politic, constituting a
15 public benefit corporation. Its membership shall consist of ~~five~~
16 *eleven* persons, *three of which shall serve ex-officio.* The persons
17 serving as members of the New York state atomic ~~and space~~ *research*
18 ~~and~~ *development authority* on the effective date of this act shall ~~be~~
19 ~~the initial~~ *serve as additional* members of the authority *for the*
20 *duration of their terms.* ~~Additional~~ initial members to complete the
21 initial membership of the authority shall be appointed by the
22 governor, by and with the advice and consent of the senate.]

23 2. ~~[The initial members of the authority shall serve for terms~~
24 ~~ending April first, nineteen hundred sixty-six, nineteen hundred~~
25 ~~sixty-seven, nineteen hundred sixty-eight, nineteen hundred six-~~
26 ~~ty-nine and nineteen hundred seventy, respectively. In the case of~~
27 ~~the person then serving as a member and chairman of the New York~~
28 ~~state atomic research and development authority on the effective~~
29 ~~date of this act, such person shall continue to serve as a member for~~
30 ~~the term ending April first, nineteen hundred seventy, and shall~~
31 ~~continue to serve as chairman at the pleasure of the governor. In the~~
32 ~~case of the person then serving as a member of the New York state~~
33 ~~atomic research and development authority for the term ending~~
34 ~~April first, nineteen hundred sixty-five, such person shall continue~~
35 ~~to serve as a member of the authority for the term ending April~~
36 ~~first, nineteen hundred sixty-nine. In the case of the person then~~
37 ~~serving as a member of the New York state atomic research and~~
38 ~~development authority for the term ending April first, nineteen~~

1 hundred sixty-eight, such person shall continue to serve as a
2 member of the authority for the balance of such term. In the case of
3 each other initial member of the authority, such member shall serve
4 for the term, not otherwise filled pursuant to the provisions of this
5 subdivision two, as may be designated by the governor in the
6 appointment of such member. Persons appointed by the governor
7 for full terms as successors to the initial members shall serve for
8 terms of six years each commencing as of April first.] *The mem-*
9 *bership of the authority shall consist of the commissioner of the*
10 *department of environmental conservation, the chairperson of the*
11 *public service commission, the chairperson of the power authority of*
12 *the state of New York, all of whom shall serve ex-officio: and eight*
13 *members appointed by the governor by and with the advice and*
14 *consent of the senate; one of whom, shall be an engineer or a*
15 *research scientist with a degree in the physical sciences or engin-*
16 *eering who has not been employed in the nuclear fission field for*
17 *three years preceding the appointment; one of whom shall be an*
18 *economist who shall not have received more than one tenth of his*
19 *income from an electric utility for three years preceding the ap-*
20 *pointment; one of whom shall be a member of a not-for-profit*
21 *environmental group; one of whom shall be a member of a not-*
22 *for-profit consumer group; and one of whom shall be an officer of an*
23 *electric utility. The members shall serve for terms of six years each.*
24 *The chairperson shall be designated by the governor from among the*
25 *members appointed by him, other than the ex-officio members, to*
26 *serve as such at the pleasure of the governor. In the event of a*
27 *vacancy occurring in the office of a member by death, resignation or*
28 *otherwise, the governor shall appoint a successor, by and with the*
29 *advice and consent of the senate, to serve for the balance of the*
30 *unexpired term.*

31 § 7. Section eighteen hundred fifty-four of such law, as amended
32 by chapter two hundred ninety-four of the laws of nineteen hundred
33 sixty-eight, paragraph (e) of subdivision three thereof as added by
34 chapter four hundred two of the laws of nineteen hundred
35 seventy-four and paragraph (d) of subdivision three thereof as
36 relettered by chapter four hundred two of the laws of nineteen
37 hundred seventy-four, is hereby amended to read as follows:

1 § 1854. Purposes and specific powers of the authority. The
2 purposes of the authority shall be to [encourage and cooperate in
- 3 the maximum development and use of atomic energy for peaceful
4 and productive purposes within the state and in the active furth-
5 erance of space activities within the state] *develop and implement*
6 *new energy technologies, and to develop and encourage energy*
7 *conservation technologies.* In carrying out such purposes, the
8 authority shall, with respect to the activities specified, have the
9 following powers:

10 1. Research, [and] *development and demonstration.* To conduct,
11 sponsor, assist and foster programs of research, [and] *development*
12 *and demonstration* in the methods of production and use of atomic
13 energy and programs relating to space activities,] including the
14 power to establish, acquire, operate, develop and manage facilities
15 therefor[] *in the methods of: (a) energy conservation, (b) produc-*
16 *tion of power from new energy technologies with emphasis on*
17 *renewable energy sources such as solar, wind, bioconversion and*
18 *solid waste, (c) storage of energy with emphasis on inertial and*
19 *battery storage, (d) conversion of facilities now utilizing nuclear*
20 *fission energy and fossil fuel energy technologies, (e) transmission*
21 *and distribution of power, and (f) methods of conversion of energy*
22 *and improvements of efficiencies of such conversion.*

23 2. The provision of services. To provide services required for the
24 development and use of [atomic energy and services required for
25 space activities] *new energy production and conservation tech-*
26 *nologies* by the industrial, commercial, medical, scientific, educa-
27 tional and governmental organizations within the state, including
28 the power to establish, acquire and develop facilities therefor not
29 otherwise available within the state, and to operate and manage
30 such facilities.

31 3. Cooperation with power companies. To contract with or enter
32 into joint undertakings with any power company, or power auth-
33 ority of the state of New York, or more than one of them, to
34 (a) Participate in the construction and operation of experimental
35 or developmental [nuclear power facilities within the state of types
36 which, by reason of advanced design concepts, have substantial
37 prospects of reducing power production costs] *facilities which*
38 *implement new energy technologies which have prospects of reduc-*

1 *in the economic, environmental and social costs of energy produc-*
2 *tion and utilization.*

3 (b) Participate in the incorporation of features in nuclear power
4 plants and the construction of associated facilities to the extent
5 required by the public interest in development, health, recreation,
6 safety, conservation of natural resources and aesthetics.

7 (c) Participate in the incorporation of features in fossil fuel
8 power plants and the construction of associated facilities to the
9 extent required by the public interest in development, health,
10 recreation, safety, conservation of natural resources and aesthetics,
11 provided that the authority shall not so act with respect to any fossil
12 fuel power plant with respect to which it had not taken affirmative
13 action towards the issuance of bonds, as contemplated by the
14 regulations promulgated under the Federal Internal Revenue Code
15 of 1954, as amended, prior to July first, nineteen hundred
16 seventy-six.

17 (d) Develop, prepare, and furnish by sale or lease real property
18 owned, held, or acquired by the authority within the state to be used
19 for the construction and operation of **[nuclear power plants]**
20 *generating facilities based on new energy technologies* and related
21 facilities, **[Provided]** *provided* that no such contract or joint
22 venture shall be entered into which shall permit the authority to
23 distribute or sell any power or energy to any person or entity other
24 than the other contracting party or parties or joint venturer or
25 venturers, and provided further that all power and energy received
26 by power authority of the state of New York, pursuant to any such
27 contract or joint venture, shall be distributed and sold only to such
28 persons as power authority of the state of New York may sell power
29 **[produced by its nuclear generating facilities.]** *pursuant to law.*

30 4. Water desalination. To contract with one or more water dis-
31 tribution companies or agencies to participate in the construction
32 and operation of **[nuclear facilities]** *power generating facilities* for
33 the purpose of desalination or distribution of water, and to develop,
34 prepare, and furnish by sale or lease, real property owned, held or
35 acquired by the authority within the state to be used for the
36 construction and operation of such facilities and facilities related,
37 thereto, provided that the authority shall not enter into any such
38 contract relating to any such facility which also produces electric

1 power for purposes of sale unless the authority also contracts with
2 one or more power companies with respect to the construction and
3 operation of such facility and the distribution and use of such
4 power.

5 5. [Provision of nuclear fuel. To acquire and lease or otherwise
6 make available nuclear fuel for use in the production of power, the
7 desalination of water or for any other useful purpose within the
8 state.

9 6.] The dissemination of information. To accumulate and dis-
10 seminate information relating to the development and use of
11 [atomic energy and relating to space activities] *new energy tech-*
12 *nologies and energy conservation technologies*, including the power
13 to conduct, sponsor, assist and foster studies and surveys, and
14 publish the results thereof.

15 6. *To continue such contractual agreements as may be in force at*
16 *the effective date of this subdivision with regard to the West Valley*
17 *nuclear reprocessing facility and the Malta research facility.*

18 In exercising the powers granted by this title, the authority shall,
19 insofar as practicable, cooperate and act in conjunction with in-
20 dustrial, commercial, medical, scientific, *public interest* and educa-
21 tional organizations within the state, and with agencies of the
22 federal government, of the state and its political subdivisions, of
23 other states, and joint agencies thereof.

24 In carrying out its corporate purposes and in exercising the
25 powers granted by this title, the authority shall be regarded as
26 performing an essential governmental function.

27 § 8. Subdivision one of section eighteen hundred fifty-nine of
28 such law, as amended by chapter three hundred sixty-six of the laws
29 of nineteen hundred sixty-four, is hereby amended to read as
30 follows:

31 1. All moneys of the authority, from whatever source derived,
32 shall be paid to the commissioner of taxation and finance as agent of
33 the authority, who shall not commingle such moneys with any other
34 moneys. Such moneys shall be deposited in a separate bank account
35 or accounts. Such bank account or accounts known as the [“atomic
36 research and development operating fund” are hereby continued
37 and shall be known and designated as the] “atomic and space
38 development operating fund” are hereby continued and shall be

1 *known and hereby designated as the energy research and develop-*
2 *ment operating fund.* The moneys in such fund may be expended for
3 payment of any and all costs and expenditures as required for the
4 corporate purposes of the authority; provided, until such time as the
5 state of New York is reimbursed in full for all moneys repayable to
6 the state by the authority, all expenditures from this fund shall be
7 subject to the prior approval of the director of the budget of the
8 state of New York. The moneys in such fund when made available
9 shall be paid out on check of the commissioner of taxation and
10 finance on requisition of the chairman of the authority or of such
11 other person as the authority shall authorize to make such requisition.
12 All deposits of such moneys shall, if required by the commis-
13 sioner of taxation and finance or the authority, be secured by
14 obligations of the United States or of the state of New York of a
15 market value equal at all times to the amount of the deposit and all
16 banks and trust companies are authorized to give such security for
17 such deposits.

18 § 9. Sections eighteen hundred sixty-seven through eighteen
19 hundred seventy of such law are hereby renumbered to be sections
20 eighteen hundred sixty-nine through eighteen hundred seventy-
21 two, respectively, and a new section, to be section eighteen hundred
22 sixty-eight, is hereby inserted therein to read as follows:

23 § 1868. *Annual reports by authorities. I. For the purpose of*
24 *furnishing the state with systematic information regarding the*
25 *status and the activities of the authority, the authority shall submit*
26 *to the governor, the chairman of the senate finance committee, the*
27 *chairman of the assembly ways and means committee and the state*
28 *comptroller, within ninety days after the end of its fiscal year, a*
29 *complete and detailed report setting forth: (1) its operations and*
30 *accomplishments; (2) its receipts and disbursements, or revenues*
31 *and expenses, during such fiscal year in accordance with the*
32 *categories or classifications established by the comptroller and*
33 *including but not limited to a breakdown of operating expenditures*
34 *and revenues by facility, maintenance and personnel expenditure; a*
35 *breakdown of capital expenditures, including an analysis of all*
36 *projects begun, completed or in progress in that fiscal year; (3) an*
37 *explanation of depreciation policies, reserve funds and invest-*
38

1 ments; (4) its assets and liabilities at the end of its fiscal year
2 including the status of reserve, depreciation, special or other funds
3 and including the receipts and payments of these funds, the status
4 of funds received from federal and state governments; and (5) a
5 schedule of its bonds and notes outstanding at the end of its fiscal
6 year, together with a statement of the amounts redeemed and
7 incurred during such fiscal year.

8 2. The authority, so long as it is not subject to the civil service
9 law, shall annually submit to the governor, the chairman of the
10 senate finance committee and the chairman of the assembly ways
11 and means committee a report on its personnel policies and prac-
12 tices with regard to recruitment, selection, promotion, classification,
13 compensation, transfer, separation, employee relations and services
14 and equal opportunity programs.

15 3. The comptroller shall be charged with seeing that the reports
16 mandated in subdivision one are filed on time and that they are
17 sufficiently comprehensive. The comptroller shall report any
18 deficiencies to the governor and to the leaders of the legislature.

19 4. The authority shall submit to the governor, the budget direc-
20 tor, the state comptroller and the head of any executive agency
21 performing the same or similar functions, chairperson, of the
22 senate finance committee, and chairperson of the assembly ways and
23 means committee, its proposed operating budget for the next ensu-
24 ing fiscal year and the operating budget for the present fiscal year.

25 5. The budget shall be submitted in a form specified by the
26 budget director, including, but not limited to, information on rates,
27 contracts, revenue and sources of revenue.

28 6. In the case of the authority owing moneys to the state, either
29 through grants, first instance appropriations, and other subsidies,
30 the budget director shall have the right of approval as well as of
31 review of the budget.

32 7. The comptroller shall each year certify to the budget director,
33 the governor and the legislative officers named above, the specific
34 amounts for which the authority is obligated to the state.

35 § 10. Right and remedies preserved. No existing right or remedy
36 of any character shall be lost, impaired or affected, nor shall any
37 new right or remedy of any character accrue to or for the benefit of
38 any person by reason of the redesignation and continuation of the

1 New York state atomic and space development authority as the New
2 York state energy research and development authority pursuant to
3 the provisions of this act.

4 § 11. Terms occurring in law and in contracts and other
5 documents. Whenever the New York state atomic and space
6 development authority is referred to or designated in any law,
7 general, special or local, contract, judgment, decision or document
8 pertaining to the functions, powers and duties hereby continued in,
9 transferred and assigned to, or devolved upon, the New York state
10 energy research and development authority, such reference or
11 designation shall be deemed to refer to and include New York state
12 energy research and development authority, so far as such law,
13 contract, judgment, decision or document pertains to matters which
14 are within its jurisdiction by reason of the redesignation, continua-
15 tion, transfer, assignment and devolution of functions, powers
16 and duties made by this act.

17 § 12. Continuance of rules, regulations and acts. All rules,
18 regulations and acts, decisions, determinations and orders of the
19 New York state atomic and space development authority pertaining
20 to the functions herein continued, transferred, assigned or devolved
21 in force or effective at the time of such redesignation, transfer,
22 assignment or devolution shall continue in force and effect as rules,
23 regulations, acts, decisions, determinations and orders of the New
24 York state energy research and development authority, until
25 modified or abrogated.

26 § 13. Continuance of rights and obligations. All rights, obliga-
27 tions, debts, liabilities, conditions, covenants, pledges, undertakings
28 and commitments of the New York state atomic and space develop-
29 ment authority, including those contained in conveyances, leases,
30 sub-leases, bonds, notes or agreements to, from, or with any mun-
31 icipality, are hereby transferred and assigned to, assumed by and
32 devolved upon the New York state energy research and development
33 authority, created by this title, and shall continue to be rights,
34 obligations, debts, liabilities, covenants, conditions, pledges, under-
35 takings and commitments of such corporation without diminution or
36 impairment.

37

38

1 § 14. Section ten hundred one of the public authorities law is
2 hereby amended by inserting therein a new opening paragraph,
3 following the section heading, to read as follows:

4 *It is hereby declared that the need for obtaining and maintaining
5 an adequate and continuous supply of safe, dependable and econ-
6 omical power and energy is a matter of concern to the people of the
7 state; that the high social, environmental, health and economic costs
8 of present fossil fuel energy make it imperative that such source be
9 used henceforth but sparingly in the state of New York; that the
10 high social, environmental, health and economic costs of nuclear
11 fission energy make it imperative that for the three years succeeding
12 the effective date of this act such source shall not be used beyond
13 existing facilities unless the legislature of the state of New York
14 specifically determines by statute, for each application to the siting
15 board for a nuclear fission facility, that construction of the proposed
16 nuclear fission facility will be necessary to meet a compelling need,
17 and in place thereof, abundant and environmentally acceptable
18 energy sources such as solar, wind, solid waste and bioconversion
19 should be developed and utilized. The objectives of the policy
20 expressed in this act are the development and utilization of safe,
21 dependable, renewable and economic energy sources and the con-
22 servation of energy and energy resources.*

23 § 15. The second and fourth unnumbered paragraphs of section
24 one thousand one of such law, the second unnumbered paragraph as
25 amended by chapter four hundred eighty-eight of the laws of nine-
26 teen hundred seventy-two, the fourth unnumbered paragraph as
27 amended by chapter three hundred sixty-nine of the laws of nine-
28 teen hundred seventy-four, are hereby amended to read, respec-
29 tively, as follows:

30 It is further declared that the need for obtaining and maintaining
31 a continuous and adequate supply of dependable electric power and
32 energy is a matter of public concern to the people of the state, that
33 the maximum capacity of the hydroelectric developments on the
34 Niagara and Saint Lawrence rivers of the authority may be es-
35 sentially utilized and additional public benefit derived therefrom by pro-
36 vision for supplemental base load [nuclear] generation and by
37 utilizing nonconventional hydroelectric or nuclear fission fuel resources.
38 The legislature of the state of New York specifically determines by

1 *statute for each application to the siting board for a nuclear facility,*
2 *for the three years succeeding the effective date of this act, that*
3 *construction of such a facility will be necessary to meet a compelling*
4 *need; and that for the purposes (i) of so utilizing such capacity and*
5 *of deriving such additional benefit, (ii) of providing additional low*
6 *cost power and energy to attract and expand high load factory*
7 *industry, (iii) of continuing an adequate supply of power and*
8 *energy for the future needs of [its] municipal electric systems and*
9 *rural electric cooperative customers, and (iv) of assisting in the*
10 *development of additional dependable hydroelectric power from*
11 *other waters of the state and in the development of advanced*
12 *facilities having substantial prospects of reducing electricity*
13 *production costs, the public interest requires that the authority*
14 *participate in the generation of supplemental electric power and*
15 *energy [by pumped storage hydroelectric and nuclear means] by*
16 *means of these energy storage facilities, nuclear fission facilities*
17 *currently in operation or under construction or which the*
18 *legislature of the state of New York specifically determines by*
19 *statute for each application to the siting board for a nuclear facility,*
20 *for the three years succeeding the effective date of this act, that*
21 *construction of such a facility will be necessary to meet a compelling*
22 *need and by implementing new energy technologies which utilize*
23 *renewable energy sources, advanced fossil fuel technologies and*
24 *energy storage systems to the extent authorized in this title.*

25 It is further declared (i) that there should be full cooperation
26 among private and public entities including the authority, mun-
27 icipal corporations and rural electric cooperatives engaged in power
28 generation, transmission and distribution and in associated
29 developmental and service activities, (ii) that it is desirable that the
30 authority and the utilities which with the authority constitute the
31 New York power pool exchange comparable cost, performance and
32 operating data with respect to generation by nuclear means parti-
33 cularly reflecting the effect of the authority's tax-free status, (iii)
34 that it is desirable and reasonable that the authority sell power and
35 energy from its projects other than the Niagara and Saint Lawrence
36 hydroelectric projects, not needed for [its] high load factor indus-
37 trial, municipal, rural electric cooperative and public transpor-
38 tation customers to other members of the New York power pool for

1 resale without discrimination under their respective tariffs and (iv)
2 [that it is desirable that the authority, in order to cooperate in New
3 York state atomic and space development authority's program for
4 maximum development and peaceful use of atomic energy, utilize
5 nuclear fuel supplied by New York state atomic and space
6 development authority to the extent deemed advisable by the
7 trustees] *that the authority shall give its fullest cooperation to the*
8 *energy research and development authority in advancing and*
9 *promoting the development and implementation of new energy*
10 *technologies, and shall fulfill its responsibilities for the development*
11 *and maintenance of a New York state base load to the greatest*
12 *extent possible by acquiring new energy technologies made available*
13 *by the energy research and development authority and by con-*
14 *structing, developing, operating and maintaining generating*
15 *facilities based upon such new energy technologies. Upon certifica-*
16 *tion of the public service commission of the commercial feasibility of*
17 *a new energy technology, the authority shall immediately plan and*
18 *construct a commercial installation of such technology. The auth-*
19 *ority may plan and construct such facilities in the absence of such*
20 *certification.*

21 § 6. Such law is hereby amended by adding thereto a new section,
22 to be section one thousand one-b, to read as follows:

23 § 1001-b. *Definitions. As used in this title;*

24 1. "Fossil fuel energy" shall mean all forms of energy derived
25 from the conventional combustion of oil, gas or coal.
26 2. "New energy technologies" shall mean all methods used to
27 produce energy other than those utilizing conventional nuclear
28 fission and fossil fuels.

29 § 17. The second unnumbered paragraph of section one thousand
30 five of such law, as amended by chapter four hundred eighty-nine of
31 the laws of nineteen hundred seventy-two, is hereby amended to
32 read as follows:

33 The authority is authorized to construct throughout its area of
34 service (a) such [hydroelectric pumped] energy storage projects, as
35 it deems necessary or desirable to supplement the supply of electric
36 power and energy and (b) such [base-load nuclear] generating
37 facilities utilizing new energy technologies as in its judgement are
38 necessary and such base-load nuclear generating facilities which the

1 *legislature of the state of New York specifically determines by*
2 *statute for each application to the siting board for a nuclear fission*
3 *facility, for the three years succeeding the effective date of this act,*
4 *to be necessary to meet a compelling need* (i) *to supply sufficient*
5 *supplemental energy to make possible optimum use of the generat-*
6 *ing capacity of the authority's Saint Lawrence and Niagara hy-*
7 *droelectric projects, (ii) to supply low cost power and energy to high*
8 *load factor manufacturers which will build new facilities in the*
9 *authority's area of service or expand existing facilities provided*
10 *such power and energy is made available to them, and (iii) to supply*
11 *the future needs of the authority's [existing] municipal electric and*
12 *rural electric cooperative customers.*

13 § 18. Subdivision nine of section ten hundred five of such law, as
14 added by chapter two hundred ninety-four of the laws of nineteen
15 hundred sixty-eight, is hereby amended to read as follows:

16 9. To cooperate with and [when the trustees deem it feasible and
17 advisable,] to enter into contractual arrangements with New York
18 State [atomic and space] *energy research and* development auth-
19 ority in connection with the planning, siting, development, con-
20 struction, operation and maintenance of [nuclear] generating
21 facilities of the authority *utilizing new energy technologies* to the
22 extent such action is consistent with the purposes and powers
23 granted by law to New York State [atomic and space] *energy*
24 *research and* development authority.

25 § 19. Subdivision ten of section one thousand five of such law is
26 hereby **repealed** and subdivisions eleven and twelve thereof are
27 hereby renumbered to be subdivisions ten and eleven respectively.

28 § 20. Subdivision four-a of section eighteen-a of the public
29 service law is hereby **repealed** and a new subdivision, to be sub-
30 division six, is hereby added thereto to read as follows:

31 6. *The costs of the New York state energy research and develop-*
32 *ment authority in excess of that amount available from bonds,*
33 *appropriations and grants in undertaking research, development*
34 *and demonstration of new energy technologies and energy conser-*
35 *vation techniques shall be apportioned among the gas and electric*
36 *corporations as defined in section two of this chapter in accordance*
37 *with the billing procedures of this section. The total amount which*
38 *may be charged to any such gas and electric corporations for any*

1 state fiscal year shall be .6 cents per one thousand cubic feet for gas
2 sold and .006 cents per kilowatt hour of electricity sold by such
3 corporations in their intrastate utility operations the last preceding
4 calendar year. Upon receipt of payment by the department of all or
5 part of such appropriation, such funds shall be paid over to the
6 comptroller as agent of said authority for account of the said
7 authority.

8 § 21. Such law is hereby amended by adding thereto a new
9 section, to be section one hundred forty-one-a, to read as follows:

10 § 141-a. *Legislative determination.* 1. *With respect only to the*
11 *construction of a nuclear fission facility, no certificate of environ-*
12 *mental compatibility and public need shall be issued by the siting*
13 *board, for the three years succeeding the effective date of this act,*
14 *unless the legislature of the State of New York shall determine by*
15 *statute for each application for a nuclear facility that such*
16 *construction will be necessary to meet a compelling need. Such*
17 *legislature determination shall be made within a reasonable period*
18 *and in no case later than 60 days after the convening of the next*
19 *legislative session following the receipt of the application by the*
20 *Legislature for the proposed nuclear facility.*

21 2. *The board shall advise the legislature of any application for a*
22 *certificate to construct a nuclear fission facility within ten days of*
23 *its filing by written notification to the speaker of the assembly and*
24 *the senate majority leader. The board shall make available to the*
25 *legislature and any duly authorized committee thereof all relevant*
26 *material and the department of public service may submit recom-*
27 *mendations regarding the proposed nuclear fission facility.*

28 § 22. Section sixty-five of such law is hereby amended by adding
29 thereto a new subdivision, to be subdivision one-a, to read as follows:

30 1-a. *Notwithstanding the provision of any other law to the*
31 *contrary, in establishing the rate base to be used by the electric*
32 *utility companies the commission shall disallow therefrom after the*
33 *effective date of this act any and all expenditures relating to the*
34 *construction of any nuclear fission facility not yet under construc-*
35 *tion prior to the effective date of this subdivision unless the*
36 *legislature of the state of New York specifically determines by*
37 *statute for each application to the siting board for a nuclear facility,*
1 *for the three years succeeding the effective date of this act, that*
2 *construction of such nuclear fission facility will be necessary to*
3 *meet a compelling need.*

4 § 23. This act shall take effect immediately.

5

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 1975
RATIFIED BILL

CHAPTER 911

HOUSE BILL 375

AN ACT TO APPROPRIATE FUNDS TO NORTH CAROLINA STATE UNIVERSITY FOR RESEARCH AND DEVELOPMENT OF A SOLAR HEATING AND COOLING SYSTEM WORKING MODEL FOR NEW AND EXISTING HOMES, OFFICE BUILDINGS, SCHOOLS AND INDUSTRIAL PLANTS.

Whereas, there are no known fossil fuel deposits in North Carolina that can be commercially developed, but this State is a recognized leader in the development and dissemination of knowledge; and

Whereas, solar energy is the world's most abundant renewable energy resource; and

Whereas, the public welfare of this State would benefit from the development of an inexpensive solar house heating and cooling system that can be applied to existing houses or new houses under construction and designed in such a manner, size and cost to encourage its use by home owners and builders; and

Whereas, much of the basic research into solar energy systems has been accomplished and disseminated and there is a vital need for demonstrated applications of solar energy systems on average North Carolina homes, office buildings, schools and industrial plants; and

Whereas, the aim of such research and development should not be intellectual inquiry as an end in itself, but rather the widespread introduction of new systems for the utilization of

solar energy for homes, office buildings, schools and industrial plants for heating purposes; Now, therefore,

The General Assembly of North Carolina enacts:

Section 1. There is hereby appropriated from the General Fund to the School of Engineering and the School of Design of North Carolina State University the sum total of twenty thousand dollars (\$20,000) for the fiscal year 1975-1976, and the sum of ten thousand dollars (\$10,000) for the fiscal year 1976-1977, for the purpose of research and development of a working solar house heating and cooling system of a kind and size that can be applied to existing houses, and new houses under construction, and to office buildings, schools and industrial plants; and such research and development is to be conducted in a manner consistent with the purposes set forth in the preamble to this act.

Sec. 2. North Carolina State University is hereby authorized to spend a portion of the funds herein appropriated to design, construct and display at the North Carolina State Fair a solar heating and cooling system model for the purpose of demonstrating and encouraging the use of solar energy for the heating and cooling of existing homes, new homes under construction, office buildings, schools and industrial plants in North Carolina.

Sec. 3. North Carolina State University is hereby authorized to apply for, obtain and spend any federal grants of funds available from the federal government for use in a manner consistent with the purposes herein designated.

Sec. 4. North Carolina State University is hereby

authorized to apportion the funds herein appropriated, and any matching federal funds obtained as authorized herein, among the School of Engineering and its departments, the School of Design and its departments, and any joint projects between those two schools, in any manner consistent with the purposes herein designated.

Sec. 5. All expenditures made from the funds appropriated by this act and for the purposes herein designated shall be accounted for and reported according to the fiscal and financial system of the agencies to whom the appropriations are made as herein set forth.

Sec. 6. This act shall become effective upon ratification.

In the General Assembly read three times and ratified, this the ^{26th} day of June, 1975.

JAMES B. HUNT, JR.

James B. Hunt, Jr.

President of the Senate

JAMES C. GREEN, SR.

James C. Green, Sr.

Speaker of the House of Representatives

CHAPTER 508

SENATE BILL NO. 2439
(Conlin, J. Schultz)

SOLAR ENERGY SYSTEM EXEMPTION

AN ACT to create and enact a new subsection to section 57-02-08 of the North Dakota Century Code, relating to the exemption from property taxes of solar energy systems to heat or cool buildings and structures, and to provide for a time limitation.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE STATE OF NORTH DAKOTA:

SECTION 1.) A new subsection to section 57-02-08 of the North Dakota Century Code is hereby created and enacted to read as follows:

Installations, machinery, and equipment of systems which utilize solar energy for the heating or cooling of new or existing buildings or structures, provided that if a building or structure has a conventional heating or cooling system which is supplemented by a solar energy system, only the solar energy portion of the total system shall be exempt. Provided, however, that any exemptions granted by this subsection shall be valid for a five-year period following installation of any such system.

Approved April 8, 1975

(Amended Substitute House Bill No. 584)

AN ACT

To amend sections 122.09, 122.63 to 122.73, and 123.01, to enact sections 122.671, 122.74 to 122.87, and 5709.30 to 5709.37 and to repeal section 122.08 of the Revised Code to create an Ohio energy and resource development agency to administer a comprehensive, co-ordinated program to meet energy needs throughout this state, authorize the agency to award grants and contracts for energy and resource experimental development demonstration facilities, authorize the agency to issue energy and resource development revenue bonds, direct the agency to give priority to assisting in the construction of a coal conversion plant, provide a 30-year personal property and franchise tax exemption for coal conversion facilities constructed prior to 1983, grant the governor energy emergency powers, and transfer to the agency assets and property of the Ohio development center and energy emergency commission, make an appropriation, and to declare an emergency.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 122.09, 122.63, 122.64, 122.65, 122.66, 122.67, 122.68, 122.69, 122.70, 122.71, 122.72, 122.73, and

123.01 be amended and sections 122.671, 122.74, 122.75, 122.76, 122.77, 122.78, 122.79, 122.80, 122.81, 122.82, 122.83, 122.84, 122.85, 122.86, 122.87, 5709.30, 5709.31, 5709.32, 5709.33, 5709.34, 5709.35, 5709.36, and 5709.37 of the Revised Code be enacted to read as follows:

Sec. 122.09. The director of the department of economic and community development, with the approval of the governor, may appoint technical and advisory ~~commissions~~ BOARDS as he considers appropriate to assist him in carrying out the functions and duties of the department. The ~~commissions~~ may include, but not be limited to:

An atomic energy advisory board, which shall review the studies, policies, and activities developed under the authority of section 1162.03 of the Revised Code or other activity, review energy developments within the United States and elsewhere, both scientific and regulatory, relating to the use of energy, make recommendations to the governor, and furnish to any state departments technical advice on all matters relating to the production or use of energy as it concerns the growth and development of the state.

The members of the advisory boards shall serve without compensation, but shall be reimbursed for the necessary expense incurred in the performance of their official duties.

Sec. 122.63. As used in sections 122.63 to 122.73 122.83 of the Revised Code:

(A) "Governmental agency" means the United States government or a department, division, or any agency or authority thereof or a department, agency, division or any unit of a state government, a municipal corporation, county, township ~~or~~, BOARD OF EDUCATION, or other political subdivision or any other body corporate and politic, THE UNITED STATES OR ANY AGENCY OR INSTRUMENTALITY THEREOF, OR ANY AGENCY, COMMISSION, OR AUTHORITY ESTABLISHED PURSUANT TO AN INTERSTATE COMPACT OR AGREEMENT.

(B) "ENERGY AND RESOURCE DEVELOPMENT FACILITY" MEANS ANY ENERGY OR RESOURCE DEVELOPMENT FACILITY, INCLUDING UNDIVIDED OR OTHER INTERESTS THEREIN, ACQUIRED OR TO BE ACQUIRED, OR CONSTRUCTED OR TO BE CONSTRUCTED BY THE OHIO ENERGY AND RESOURCE DEVELOPMENT AGENCY UNDER SECTIONS 122.63 TO 122.83 OF THE REVISED CODE, OR ACQUIRED OR TO BE ACQUIRED, OR CONSTRUCTED OR TO BE CONSTRUCTED BY A GOVERNMENTAL AGENCY OR PERSON WITH ALL OR A PART OF THE COST THEREOF BEING PAID FROM A LOAN OR GRANT FROM THE AGENCY UNDER SUCH SECTIONS, INCLUDING ALL BUILDINGS AND FACILITIES THAT THE AGENCY DETERMINES NECESSARY FOR THE OPERATION OF THE FACILITY, TOGETHER WITH ALL

PROPERTY, RIGHTS, EASEMENTS, AND INTERESTS THAT MAY BE REQUIRED FOR THE OPERATION OF THE FACILITY, WHICH FACILITIES MAY INCLUDE:

(1) ANY BUILDING, TESTING FACILITY, TESTING DEVICE, OR SUPPORT FACILITIES WHICH WOULD PROVIDE EXPERIMENTAL, DEMONSTRATION, OR TESTING CAPABILITIES OR SERVICES NOT OTHERWISE AVAILABLE IN THIS STATE AND WHICH ARE NECESSARY FOR THE ACCOMPLISHMENT OF THE PURPOSES OF SECTIONS 122.63 TO 122.83 OF THE REVISED CODE;

(2) ANY METHOD, PROCESS, STRUCTURE, OR EQUIPMENT THAT IS USED TO STORE COAL, OIL, NATURAL GAS, FUEL FOR NUCLEAR REACTORS, OR ANY OTHER FORM OF ENERGY;

(3) ANY METHOD, PROCESS, STRUCTURE, OR EQUIPMENT THAT IS USED TO RECOVER OR CONVERT COAL, OIL, NATURAL GAS, STEAM, OR OTHER FORM OF ENERGY FROM PROPERTY LOCATED WITHIN THE STATE FOR THE PURPOSE OF SUPPLYING ENERGY FOR UTILIZATION;

(4) ANY METHOD, PROCESS, STRUCTURE, OR EQUIPMENT THAT IS DESIGNED TO RESULT IN MORE EFFICIENT RECOVERY, CONVERSION, OR UTILIZATION OF ENERGY RESOURCES WITHIN THE STATE.

(C) "COST" AS APPLIED TO AN ENERGY AND RESOURCE DEVELOPMENT FACILITY MEANS THE COST OF ACQUISITION AND CONSTRUCTION, THE COST OF ACQUISITION OF ALL LAND, RIGHTS-OF-WAY, PROPERTY RIGHTS, EASEMENTS, FRANCHISE RIGHTS, AND INTERESTS REQUIRED FOR SUCH ACQUISITION AND CONSTRUCTION, THE COST OF DEMOLISHING OR REMOVING ANY BUILDINGS OR STRUCTURES ON LAND SO ACQUIRED, INCLUDING THE COST OF ACQUIRING ANY LANDS TO WHICH SUCH BUILDINGS OR STRUCTURES MAY BE MOVED, THE COST OF ACQUIRING OR CONSTRUCTING AND EQUIPPING A PRINCIPAL OFFICE AND SUBOFFICES OF THE AGENCY, THE COST OF DIVERTING HIGHWAYS, INTERCHANGE OF HIGHWAYS, ACCESS ROADS TO PRIVATE PROPERTY, INCLUDING THE COST OF LAND OR EASEMENTS FOR SUCH ACCESS ROADS, THE COST OF PUBLIC UTILITY AND COMMON CARRIER RELOCATION OR DUPLICATION, THE COST OF ALL MACHINERY, FURNISHINGS, AND EQUIPMENT, FINANCING CHARGES, INTEREST PRIOR TO AND DURING CONSTRUCTION AND FOR NO MORE THAN EIGHTEEN MONTHS AFTER COMPLETION OF CONSTRUCTION, ENGINEERING, EXPENSES OF RESEARCH AND DEVELOPMENT WITH RESPECT TO THE FACILITY, LEGAL EXPENSES, PLANS, SPECIFICATIONS, SURVEYS, STUDIES, ESTIMATES OF COST AND REVENUES, WORKING CAPITAL, OTHER EXPENSES NECESSARY OR INCIDENT TO DETERMINING THE FEASIBILITY

OR PRACTICABILITY OF ACQUIRING OR CONSTRUCTING SUCH FACILITY, ADMINISTRATIVE EXPENSE, AND SUCH OTHER EXPENSE AS MAY BE NECESSARY OR INCIDENT TO THE ACQUISITION OR CONSTRUCTION OF THE FACILITY, THE FINANCING OF SUCH ACQUISITION OR CONSTRUCTION, INCLUDING THE AMOUNT AUTHORIZED IN THE RESOLUTION OF THE AGENCY PROVIDING FOR THE ISSUANCE OF ENERGY AND RESOURCE DEVELOPMENT REVENUE BONDS TO BE PAID INTO ANY SPECIAL FUNDS FROM THE PROCEEDS OF SUCH BONDS AND THE FINANCING OF THE PLACING OF SUCH FACILITY IN OPERATION. ANY OBLIGATION, COST, OR EXPENSE INCURRED AFTER THE EFFECTIVE DATE OF THIS SECTION BY ANY GOVERNMENTAL AGENCY OR PERSON FOR SURVEYS, BORINGS, PREPARATION OF PLANS AND SPECIFICATIONS, AND OTHER ENGINEERING SERVICES, OR ANY OTHER COST DESCRIBED ABOVE, IN CONNECTION WITH THE ACQUISITION OR CONSTRUCTION OF A FACILITY MAY BE REGARDED AS A PART OF THE COST OF SUCH FACILITY AND MAY BE REIMBURSED OUT OF THE PROCEEDS OF ENERGY AND DEVELOPMENT REVENUE BONDS.

(D) "OWNER" INCLUDES ANY PERSON HAVING ANY TITLE OR INTEREST IN ANY PROPERTY, RIGHTS, ESTATES, EASEMENTS, OR INTERESTS AUTHORIZED TO BE ACQUIRED.

(E) "REVENUES" MEANS ALL RENTALS AND OTHER CHARGES RECEIVED BY THE AGENCY FOR THE USE OR SERVICES OF ANY ENERGY AND RESOURCE DEVELOPMENT FACILITY, ANY CONTRACT, GIFT, OR GRANT RECEIVED WITH RESPECT TO ANY ENERGY AND RESOURCE DEVELOPMENT FACILITY, AND MONEYS RECEIVED WITH RESPECT TO THE LEASE, SUBLICENSE, SALE, INCLUDING INSTALLMENT SALE OR CONDITIONAL SALE, OR OTHER DISPOSITION OF AN ENERGY AND RESOURCE DEVELOPMENT FACILITY, MONEYS RECEIVED IN REPAYMENT OF AND FOR INTEREST ON ANY LOANS MADE BY THE AGENCY TO A PERSON OR GOVERNMENTAL AGENCY, WHETHER FROM THE UNITED STATES OR ANY DEPARTMENT, ADMINISTRATION, OR AGENCY THEREOF, OR OTHERWISE, PROCEEDS OF ENERGY AND RESOURCE DEVELOPMENT REVENUE BONDS TO THE EXTENT THAT THE USE THEREOF FOR PAYMENT OF PRINCIPAL OR, PREMIUM, IF ANY, OR INTEREST ON THE BONDS IS AUTHORIZED BY THE AGENCY, PROCEEDS FROM ANY INSURANCE, CONDEMNATION, OR GUARANTY PERTAINING TO A FACILITY OR PROPERTY MORTGAGED TO SECURE BONDS OR PERTAINING TO THE FINANCING OF A FACILITY, AND INCOME AND PROFIT FROM THE INVESTMENT OF THE PROCEEDS OF ENERGY AND RESOURCE DEVELOPMENT REVENUE BONDS OR OF ANY REVENUES.

(F) "PUBLIC ROADS" INCLUDES ALL PUBLIC HIGHWAYS, ROADS, AND STREETS IN THE STATE, WHETHER MAINTAINED BY THE STATE, COUNTY, CITY, TOWNSHIP, OR OTHER POLITICAL SUBDIVISION.

(G) "CONSTRUCTION," UNLESS THE CONTEXT INDICATES A DIFFERENT MEANING OR INTENT, INCLUDES CONSTRUCTION, RECONSTRUCTION, ENLARGEMENT, IMPROVEMENT, OR PROVIDING FURNISHINGS OR EQUIPMENT.

(H) "ENERGY AND RESOURCE DEVELOPMENT REVENUE BONDS," UNLESS THE CONTEXT INDICATES A DIFFERENT MEANING OR INTENT, INCLUDES ENERGY AND RESOURCE DEVELOPMENT REVENUE BONDS, ENERGY AND RESOURCE DEVELOPMENT REVENUE NOTES, AND ENERGY AND RESOURCE DEVELOPMENT REVENUE RE-FUNDING BONDS.

(I) "PERSON" MEANS ANY INDIVIDUAL, FIRM, PARTNERSHIP, ASSOCIATION, OR CORPORATION.

(J) AS USED IN SECTIONS 122.84 TO 122.87 OF THE REVISED CODE, "ENERGY" MEANS CRUDE OIL, RESIDUAL FUEL OIL, REFINED PETROLEUM PRODUCTS, COAL, NATURAL AND ARTIFICIAL GAS, PROPANE, AND ELECTRICITY.

Sac. 122.64. (A) There is hereby created the Ohio ENERGY AND RESOURCE development ~~center~~ AGENCY, A BODY BOTH CORPORATE AND POLITICAL OF THE STATE, herein referred to as the ~~center~~ "AGENCY." The ~~center~~ PURPOSES of the ~~center~~ AGENCY shall be to encourage, promote, and support new technological, economic, and organizational research, EXPERIMENTAL AND DEMONSTRATION projects, and programs designed to MORE EFFICIENTLY UTILIZE PRESENT, NEW, OR ALTERNATIVE ENERGY OR OTHER RESOURCES, TO ASSIST IN THE FINANCING OF ENERGY AND RESOURCE DEVELOPMENT FACILITIES, TO improve the general welfare of the people of the state ~~and~~, to foster economic development and the creation OR PRESERVATION of jobs and employment opportunities within the state, AND TO ASSIST AND COOPERATE WITH GOVERNMENTAL AGENCIES IN ACHIEVING THESE PURPOSES. THE AGENCY SHALL GIVE PRIORITY TO THE ESTABLISHMENT, LOCATION, AND CONSTRUCTION OF ONE LOW HEAT VALUE AND ONE HIGH HEAT VALUE COAL CONVERSION PLANT, AT SUITABLE SITES WITHIN THIS STATE. To achieve ~~the~~ purpose THESE PURPOSES the ~~center~~ ~~the~~ AGENCY MAY:

(1) Identify, plan, organize, initiate, and ~~demonstrate pilot projects~~ SPONSOR STUDIES, RESEARCH, AND EXPERIMENTAL AND DEMONSTRATION FACILITIES AND PROJECTS WHICH WOULD LEAD TO THE DEVELOPMENT AND MORE EFFICIENT UTILIZATION OF PRESENT, NEW, OR ALTERNATIVE ENERGY SOURCES IN THE STATE, TO THE CONSERVA-

TION OF ENERGY, TO THE ATTRACTION OF FEDERAL AND OTHER DEVELOPMENT FUNDING in emerging and established national or state priority areas which could attract financial assistance and participation from other sources and which would be carried on outside the center, OR TO THE ENHANCEMENT OF THE ECONOMIC DEVELOPMENT OF THE STATE;

(2) Develop SEEK OUT AND DEVELOP proposals and seek out and identify new and existing TO ATTRACT FUNDS FROM federal ENERGY AND OTHER development projects and programs which will attract funds, AND from available OTHER sources both public and private, to carry forward outside the center, those projects PURPOSES set forth in division (A) (1) of this section;

(3) Promote, assist, and provide financial assistance for the development of nonprofit corporations organized and established under Chapter 1702. of the Revised Code to continue the projects set forth in division (A) (1) of this section in furtherance of FURTHER the purpose PURPOSES of this section;

(4) APPLY FOR, RECEIVE, AND ACCEPT GRANTS, GIFTS, CONTRIBUTIONS, LOANS, AND OTHER ASSISTANCE IN ANY FORM FROM PUBLIC AND PRIVATE SOURCES, INCLUDING ASSISTANCE FROM ANY GOVERNMENT AGENCY;

(5) MAKE GRANTS FROM FUNDS THAT ARE APPROPRIATED BY THE GENERAL ASSEMBLY AND FROM GIFTS OR GRANTS OBTAINED UNDER DIVISION (A) (4) OF THIS SECTION TO PERSONS, BOARDS OF EDUCATION, STATE AGENCIES, OR POLITICAL SUBDIVISIONS FOR THE PURPOSES OF CONSTRUCTING AND OPERATING EXPERIMENTAL AND DEMONSTRATION FACILITIES WHICH DEVELOP, TEST, OR DEMONSTRATE MORE EFFICIENT AND ENVIRONMENTALLY ACCEPTABLE METHODS OF EXTRACTING ENERGY RESOURCES, NEW CONCEPTS OR TECHNOLOGY FOR THE CONSERVATION OF ENERGY, NEW CONCEPTS OR TECHNOLOGY FOR THE EFFICIENT AND ENVIRONMENTALLY ACCEPTABLE UTILIZATION OF PRESENT, NEW, OR ALTERNATIVE ENERGY SOURCES, OR CONCEPTS OR TECHNOLOGY WHICH DEVELOP RESOURCES OF THE STATE. GRANTS MAY BE MADE FOR, BUT NOT LIMITED TO, PROJECTS SUCH AS: EXPERIMENTAL DEMONSTRATIONS OF THE USE OF OHIO COAL IN PROCESSES WHICH WOULD FACILITATE ITS WIDESPREAD USE AS A SOURCE OF ENERGY; EXPERIMENTAL DEMONSTRATIONS OF NEW OR IMPROVED COAL, NATURAL GAS, AND NATURAL PETROLEUM EXTRACTION TECHNIQUES AND OF RECLAMATION TECHNIQUES AT THE EXTRACTION SITES; EXPERIMENTAL DEMONSTRATIONS OF SOLAR HEATING AND COOLING AND POTENTIALLY ENERGY-EFFICIENT CONSTRUCTION IN PUBLIC BUILDINGS, SCHOOLS, OFFICES, COMMERCIAL ESTABLISHMENTS, AND RESIDENTIAL HOMES; EXPERIMENTAL DEMONSTRATIONS OF THE UTILIZATION OF WASTE PRO-

DUCTS IN ENERGY PRODUCTION AND MINERAL AND ENERGY CONSERVATION; AND EXPERIMENTAL DEMONSTRATIONS OF TECHNOLOGIES WHICH WOULD PERMIT UTILITY PRICING POLICIES WHICH MAY REDUCE THE CONSUMER COSTS OF ENERGY;

(6) INITIATE, ACQUIRE, CONSTRUCT, MAINTAIN, REPAIR, AND OPERATE ENERGY AND RESOURCE DEVELOPMENT FACILITIES OR CAUSE THE SAME TO BE OPERATED PURSUANT TO A LEASE, SUBLICENSE, OR AGREEMENT WITH ANY PERSON OR GOVERNMENTAL AGENCY;

(7) MAKE LOANS AND GRANTS TO GOVERNMENTAL AGENCIES FOR THE ACQUISITION OR CONSTRUCTION OF ENERGY AND RESOURCE DEVELOPMENT FACILITIES BY SUCH GOVERNMENTAL AGENCIES;

(8) MAKE LOANS TO PERSONS FOR THE ACQUISITION OR CONSTRUCTION OF ENERGY AND RESOURCE DEVELOPMENT FACILITIES BY SUCH PERSONS;

(9) ISSUE ENERGY AND RESOURCE DEVELOPMENT REVENUE BONDS OF THIS STATE PAYABLE SOLELY FROM REVENUES, TO PAY THE COST OF ENERGY AND RESOURCE DEVELOPMENT FACILITIES;

(10) ENTER AGREEMENTS WITH PERSONS AND GOVERNMENTAL AGENCIES, IN ANY COMBINATION, FOR THE PURPOSES OF THIS SECTION.

(B) The center AGENCY shall be under the control, management, supervision, and direction of the board of trustees of the Ohio ENERGY AND RESOURCE development center AGENCY, which shall be composed of nine members. The members of the board shall be the director of economic and community development and eight individuals appointed by the governor with the advice and consent of the senate; not more than four of such eight individuals shall be of the same political party. The second paragraph of section 121.05 of the Revised Code is not applicable to the membership on the board of the director of economic and community development. The director of the center shall be a nonvoting ex officio member of the board as provided in division (B) (1) of section 122.06 of the Revised Code.

(C) Within thirty days of the effective date of this section, the governor shall make initial appointments to the board. Of the initial appointments made to the board, two shall be for terms ending one year after the effective date of this section; three shall be for terms ending two years after that date; and three shall be for terms ending three years after that date. FIVE PUBLIC MEMBERS APPOINTED BY THE GOVERNOR WITH THE ADVICE AND CONSENT OF THE SENATE, NO MORE THAN THREE OF WHOM SHALL BE OF THE SAME POLITICAL PARTY; AND FOUR LEGISLATIVE MEMBERS, ONE OF WHOM SHALL BE APPOINTED BY THE PRESIDENT PRO TEMPORE OF THE SENATE, ONE OF WHOM SHALL BE APPOINTED BY THE MINORITY LEADER OF THE

SENATE, ONE OF WHOM SHALL BE APPOINTED BY THE SPEAKER OF THE HOUSE, AND ONE OF WHOM SHALL BE APPOINTED BY THE MINORITY LEADER OF THE HOUSE. EACH LEGISLATIVE LEADER SHALL DESIGNATE ANOTHER MEMBER OF THE GENERAL ASSEMBLY WHO IS OF THE APPOINTED MEMBER'S SAME HOUSE AND POLITICAL PARTY TO SERVE AS THE APPOINTED MEMBER'S ALTERNATE AT ALL MEETINGS OF THE BOARD THAT THE APPOINTED MEMBER IS UNABLE TO ATTEND. THE LEGISLATIVE MEMBERS AND THEIR DESIGNATED ALTERNATES SHALL BE ENTITLED TO FULL PARTICIPATION IN ALL BOARD DELIBERATIONS AND ACTIVITIES, EXCEPT THAT THEY SHALL SERVE AS NONVOTING MEMBERS. EACH LEGISLATIVE MEMBER SHALL SERVE ON THE BOARD FOR THE DURATION OF THE ELECTED TERM THAT HE IS SERVING AT THE TIME OF HIS APPOINTMENT. WITHIN THIRTY DAYS OF THE EFFECTIVE DATE OF THIS ACT THE GOVERNOR SHALL MAKE INITIAL APPOINTMENTS TO THE BOARD. OF THE INITIAL APPOINTMENTS MADE TO THE BOARD, ONE SHALL BE FOR A TERM ENDING ONE YEAR AFTER THE EFFECTIVE DATE OF THIS SECTION, ONE SHALL BE FOR A TERM ENDING TWO YEARS AFTER THAT EFFECTIVE DATE, ONE SHALL BE FOR A TERM ENDING THREE YEARS AFTER THAT EFFECTIVE DATE, AND TWO SHALL BE FOR TERMS ENDING FOUR YEARS AFTER THAT DATE. Thereafter, appointed PUBLIC members' terms of office shall be for three FOUR years, each term ending on the same day of the same month of the year as did the term which it succeeds. Each PUBLIC member shall hold office from the date of his appointment until the end of the term for which he was appointed. Any PUBLIC member shall continue in office subsequent to the expiration date of his term until his successor takes office, or until a period of sixty days has elapsed, whichever occurs first. Any member of the board shall be eligible for reappointment.

(D) Each appointed PUBLIC member of the board shall be a resident of the state and a qualified elector therein. Before entering upon the discharge of his duties, each appointed PUBLIC member of the board shall take an oath as prescribed by section SECTION 7 of Article XV, Ohio Constitution.

(E) Members of the board shall serve without compensation, but shall be reimbursed for actual and necessary expenses incurred in the performance of their official duties. PUBLIC MEMBERS OF THE BOARD, WHEN ENGAGED IN THEIR DUTIES AS MEMBERS OF THE BOARD, SHALL BE PAID AT THE PER DIEM RATE OF STEP 1, PAY RANGE 32, UNDER SCHEDULE B OF SECTION 124.15 OF THE REVISED CODE, OR AS OTHERWISE PROVIDED BY LAW, AND SHALL RECEIVE THEIR NECESSARY TRAVELING EXPENSES. SUCH PAYMENTS FOR PUBLIC MEMBERS OF THE BOARD SHALL BE MADE FROM THE MONEYS APPROPRIATED FOR OPERATING EXPENSES OF

A-ENGROSSED

House Bill 2036

Ordered by the Senate April 18
(Including Amendments by House March 6 and by Senate April 18)

By order of the Speaker (at the request of the Joint
Interim Committee on Environmental/Agricultural and Natural Resources)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

Adds solar energy consideration to comprehensive planning; allows county planning commission to recommend ordinances protecting and assuring access to incident solar energy and governing height and setback of buildings; allows city planning commission to recommend zoning ordinances limiting or conditionally limiting aspects of buildings and to recommend energy saving incentives. Permits city council to consider solar energy potential in regulating buildings and open spaces. Requires council to exercise powers so as to preserve constitutional rights.

NOTE: Matter in **bold** face in an amended section is new; matter **[italic and bracketed]** is existing law to be omitted; complete new sections begin with **SECTION**.

1 A BILL FOR AN ACT

2 Relating to planning and zoning; amending ORS 215.055, 215.110, 227.090
3 and 227.230.

4 **Be It Enacted by the People of the State of Oregon:**

5 Section 1. ORS 215.055 is amended to read:

6 215.055. (1) Any comprehensive plan and all zoning, subdivision or
7 other ordinances and regulations authorized by ORS 215.010 to 215.233
8 and 215.402 to 215.422 and adopted prior to the expiration of one year
9 following the date of the approval of state-wide planning goals and
10 guidelines under ORS 197.240 shall be designed to promote the public
11 health, safety and general welfare and shall be based on the following
12 considerations, among others: The various characteristics of the various
13 areas in the county, the suitability of the areas for particular land uses
14 and improvements, the land uses and improvements in the areas, trends
15 in land improvement, density of development, property values, the needs
16 of economic enterprises in the future development of the areas, needed
17 access to particular sites in the areas, natural resources, including inci-
18 dent solar energy and utilization, of the county and prospective needs for
19 development and utilization thereof, and the public need for healthful,
20 safe, aesthetic surroundings and conditions.

21 (2) Any plan and all zoning, subdivision or other ordinances and reg-
22 ulations authorized by ORS 215.010 to 215.233 and 215.402 to 215.422 and
23 adopted after the expiration of one year after the date of the approval
24 of state-wide planning goals and guidelines under ORS 197.240 shall be
25 designed to comply with such state-wide planning goals and any subse-
26 quent revisions or amendments thereof.

27 (3) In order to conserve natural resources of the state, any land use
28 plan or zoning, subdivision or other ordinance adopted by a county shall
29 take into consideration lands that are, can or should be utilized for sources
30 or processing of mineral aggregates.

31 Section 2. ORS 215.110 is amended to read:

32 215.110. (1) The commission may recommend to the governing body
33 ordinances intended to carry out part or all of the comprehensive plan

1 adopted by the commission. The ordinances may provide, among other
2 things, for:

3 (a) Zoning,

4 (b) Official maps showing the location and dimensions of, and the
5 degree of permitted access to, existing and proposed thoroughfares, ease-
6 ments and property needed for public purposes,

7 (c) Preservation of the integrity of the maps by controls over con-
8 struction, by making official maps parts of county deed records, and by
9 other action not violative of private property rights, and

10 (d) Conservation of the natural resources of the county.

11 (2) The commission may also recommend to the county governing
12 body ordinances renaming public thoroughfares, protecting and assuring
13 access to incident solar energy, numbering property, and controlling sub-
14 division and other partitioning of land and the location, construction, main-
15 tenance, repair and alteration of buildings, including height and setback,
16 and other structures.

17 (3) The governing body may enact, amend or repeal ordinances rec-
18 commended by authority of this section, together with whatever amend-
19 ments it believes the public interest requires. The governing body may
20 also enact, amend or repeal with reference to any subject mentioned in
21 subsection (1) of this section, an ordinance on which the governing body
22 initiates action, provided that it first requests from the commission a re-
23 port and recommendation regarding the ordinance and allows a reason-
24 able time for submission of the report and recommendation. The gov-
25 erning body may also enact, amend or repeal with reference to any sub-
26 ject mentioned in subsection (2) of this section, an ordinance on which
27 the governing body initiates action, regardless of whether the county
28 has a planning commission; provided that, in the event the county has
29 a planning commission, the governing body first requests from the com-
30 mission a report and recommendation regarding the ordinance and al-
31 lows a reasonable time for submission of the report and recommendation.

32 (4) The governing body may refer to the legal voters of the county

1 for their approval or rejection an ordinance or amendments thereto for
2 which subsection (3) of this section provides. If only a part of the county
3 is affected, the ordinance or amendment may be referred to that part only.

4 (5) An ordinance enacted by authority of this section may prescribe
5 fees and appeal procedures necessary or convenient for carrying out the
6 purposes of the ordinance.

7 (6) No retroactive ordinance shall be enacted under the provisions of
8 this section.

9 Section 3. ORS 227.090 is amended to read:

10 227.090. Except as otherwise provided by law, the commission may:

11 (1) Recommend and make suggestions to the city council and to all
12 other public authorities concerning laying out, widening, extending, park-
13 ing and locating of streets, sidewalks and boulevards, relief of traffic
14 congestion, betterment of housing and sanitation conditions and estab-
15 lishment [of zones of districts limiting] of zoning ordinances limiting
16 the use, height, area and bulk of buildings and structures.

17 (2) Recommend to the city council and all other public authorities
18 plans for regulation of the future growth, development and beautifica-
19 tion of the municipality in respect to its public and private buildings and
20 works, streets, parks, grounds and vacant lots, and plans consistent with
21 future growth and development of the city in order to secure to the city
22 and its inhabitants sanitation, proper service of all public utilities, includ-
23 ing appropriate public incentives for overall energy conservation and
24 harbor, shipping and transportation facilities.

25 (3) Recommend to the city council and all other public authorities
26 plans for promotion, development and regulation of industrial and eco-
27 nomic needs of the community in respect to private and public enterprises
28 engaged in industrial pursuits.

29 (4) Advertise the industrial advantages and opportunities of the
30 municipality and availability of real estate within the municipality for
31 industrial settlement.

32 (5) Encourage industrial settlement within the municipality.

33 (6) Make an economic survey of present and potential possibilities of
34 the municipality with a view to ascertaining its industrial needs.

1 (7) Study needs of existing local industries with a view to strength-
2 ening and developing local industries and stabilizing employment con-
3 ditions.

4 (8) Do and perform all other acts and things necessary or proper to
5 carry out the provisions of ORS 227.010 to 227.180.

6 (9) Study and propose in general such measures as may be advisable
7 for promotion of the public interest, health, morals, safety, comfort, con-
8 venience and welfare of the city and of the area six miles adjacent thereto.

9 Section 4. ORS 227.230 is amended to read:

10 227.230. (1) The council may by ordinance regulate, restrict and seg-
11 regate the location of industries, the several classes of business, trades
12 or callings, the location of apartment or tenement houses, clubhouses,
13 group residences, two family dwellings, single family dwellings and the
14 several classes of public and semipublic buildings, and the location of
15 buildings or property for specified uses, and may divide the city into dis-
16 tricts of such number, shape and area as the council may deem best suited
17 to carry out the purposes of ORS 227.220 to 227.280, subject to the provi-
18 sions of ORS 227.250 and 227.260.

19 (2) The council may place reasonable regulations and limitations up-
20 on the height, setback and bulk of buildings erected after May 29, 1919,
21 and regulate and determine the area of yards, courts and other open
22 spaces having due regard of the use and occupancy of the land and may
23 also consider the site slope and tree cover, with regard to solar exposure
24 in such case. The council shall not unreasonably restrict construction where
25 site slope and tree cover make incident solar energy collection unfeasible,
26 except an existing solar structure's sun plane shall not be substantially
27 impaired.

28 (3) In order to conserve natural resources of the state and the pros-
29 pective needs for development thereof, any land use zoning ordinance
30 adopted by a city shall take into consideration lands that are, can or
31 should be utilized for sources or processing of mineral aggregates.

32 (4) The powers given in this section shall be so exercised as to preserve
33 constitutional rights.

A-ENGROSSED

House Bill 2202

Ordered by the Speaker May 9
(Including Amendments by House May 9)

Sponsored by Representatives PAULUS, BUNN, FROHNAYER, GUSTAFSON, Senators CARSON, HALLOCK, WINGARD. Representatives BURROWS, DENSMORE, FADELEY, KATZ, MARTIN, STEVENSON, VAN VLIET, WOLFER, Senators HEARD, RIPPER

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

Exempts from ad valorem taxation increased value of [residential property] any building or structure attributable to solar energy heating or cooling system, or any other solar energy system not fossil-fueled, excluding heat pumps.

Applies to assessment years beginning on and after January 1, 1976, but not to assessment years beginning on or after January 1, 1986.

NOTE: Matter in bold face in an amended section is new; matter [italic and bracketed] is existing law to be omitted; complete new sections begin with SECTION.

1 **A BILL FOR AN ACT**

2 Relating to ad valorem taxation.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1.** Any building or structure equipped with a solar energy
5 heating or cooling system, or with any other solar energy system that is not
6 fossil-fueled, is exempt from ad valorem taxation in an amount that
7 equals any positive amount obtained by subtracting the true cash value
8 of the property without the solar energy system from the true cash value
9 of the property with the system. As used in this section, the term "solar
10 energy system" does not include heat pumps.

11 **SECTION 2.** This Act applies to assessment years beginning on or
12 after January 1, 1976 but shall not apply to assessment years beginning on
13 or after January 1, 1986.

OREGON LEGISLATIVE ASSEMBLY—1975 REGULAR SESSION

**SENATE AMENDMENTS TO
PRINTED A-ENGROSSED HOUSE BILL 2202**

By COMMITTEE ON REVENUE

May 29

- 1** On page 1 of the printed A-engrossed bill, delete the sponsors and insert
2 "Committee on Revenue".
- 3** On page 2, delete lines 4 through 13 and insert:
- 4** "SECTION 1. Property equipped with a solar energy heating or cooling
5 system is exempt from ad valorem taxation in an amount that equals any
6 positive amount obtained by subtracting the true cash value of the property
7 as if it had a conventional heating or cooling system from the true cash
8 value of the property with the solar heating or cooling system.
- 9** "SECTION 2. This Act applies to assessment years beginning on or
10 after January 1, 1976, but prior to January 1, 1986.".

CHAPTER 111

(S.B. 283)

ALLOWING TAX DEDUCTIONS
FOR SOLAR ENERGY SYSTEMS

An Act

ENTITLED, An Act to provide for a property tax deduction for the utilization of solar energy systems.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

Section 1. For the purpose of this Act, solar heating, solar hot water, or solar cooling devices shall include all controls, tanks, pumps, heat exchangers, and other hardware necessary to effect the installation of a solar heating or cooling system.

Section 2. The owner of real property who attaches solar heating or cooling devices to or a part of any residential improvement used primarily for residential purposes may have deducted annually from the assessed valuation of real property a sum which is equal to the lesser of:

- (1) The remainder of the assessed valuation of the real property with the solar heating or cooling system included, minus the valuation of the real property without the system; or
- (2) Two thousand dollars.

Section 3. The owner of real property employing a solar energy system of heating or cooling who desires to claim the deduction provided in section 1 of this Act shall file a certified statement in duplication with the auditor of the county in which the real property is located. In addition, the owner shall file the statement on forms prescribed by the department of revenue, and the owner shall file the statement between November 1 and December 10 of each year for which he desires to obtain the deduction. Upon verification of the statement by the assessor of the county in which the real property is located, the auditor shall make the deduction.

Section 4. This Act shall expire July 1, 1980.

Approved March 25, 1975.

H.B. No. 546

1 invalid by a final judgment of a court of competent jurisdiction
2 as to any person, the Act is void."

3 Sec. 2. This Article takes effect January 1, 1976.

4 ARTICLE XXI.

5 Section 1. Article 20.04, Title 122A, Taxation—General,
6 Revised Civil Statutes of Texas, 1925, as amended, is amended by
7 adding a Section (CC) to read as follows:

8 "(CC) There are exempted from the taxes imposed by this
9 Chapter the receipts from the sale, lease or rental of, and the
10 storage, use, or other consumption in this State of solar energy
11 devices. A 'solar energy device' is a system or series of
12 mechanisms designed primarily to provide heating or cooling or
13 to produce electrical or mechanical power or both by means of
14 collecting and transferring solar-generated energy and includes
15 mechanical or chemical devices having the capacity for storing
16 solar-generated energy for use in heating or cooling or in the
17 production of power."

18 Sec. 2. Article 12.01, Title 122A, Taxation—General,
19 Revised Civil Statutes of Texas, 1925, as amended, is amended by
20 adding a Section (6) to read as follows:

21 "(6) A corporation may deduct from its taxable capital
22 taxable in this state the amortized cost of a solar energy device
23 acquired by the corporation for the production of energy or for
24 heating or cooling and used in this State by the corporation.
25 The cost may be amortized for any period not less than 60 months
26 in equal monthly amounts beginning on the month the device is

placed into service in this State and extending only during the period that the device is in use in this State. A corporation making a deduction under this Section shall file with the Comptroller an amortization schedule showing the period during which a deduction is to be made and on the request of the Comptroller shall provide proof of the cost of the device and of its operation in this State. A separate deduction may be taken for each device placed in service in this State by the corporation."

Article XXII.

11 Section 1. Section (H), Article 20.04, Title 122A,
12 Taxation--General, Revised Civil Statutes of Texas, 1925, as
13 amended, is amended to read as follows:

"(H) United States; State; Political Subdivision; Religious, Fleemosynary Organizations. There are exempted from the computation of the amount of the taxes imposed by this Chapter, the receipts from the sale, lease or rental of any taxable items to, or the storage, use or other consumption of taxable items by:

19 "(1) The United States, its unincorporated agencies and
20 instrumentalities.

24 "(3) The State of Texas, its unincorporated agencies and
25 instrumentalities.

26 "4) Any county, city, special district or other political

CHAPTER 331

An Act to amend the Code of Virginia by adding a section numbered 9-65.2:1, relating to the creation of a solar energy center in the Science Museum of Virginia.

[H 1809]

Approved MAR 18 1975

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 9-65.2:1 as follows:

§ 9-65.2:1. Solar energy center.—The Virginia Solar Energy Center is hereby created and constituted as part of the Museum. The purposes of the Center are: (i) to serve the people of the Commonwealth as a clearinghouse to gather, maintain and disseminate general and technical information on solar energy and its utilization; (ii) to coordinate programs for solar energy data-gathering in Virginia; (iii) to coordinate efforts and programs on solar energy with other State agencies and institutions, other states and federal agencies; (iv) to promote cooperation among and between Virginia business, industry, agriculture and the public related to the use of solar energy; (v) to develop public education programs on solar energy for use in schools and by the public, and; (vi) to provide assistance in formulating policies on the utilization of solar energy that would be in the best interest of the Commonwealth.

The intent of the General Assembly is to provide an organization for the purposes set out in this act and receive non-State funds for such purposes.

.....
President of the Senate

.....
Speaker of the House of Delegates

Approved:

.....
Governor