

state department of transportation to receive financing, the department shall require completion of an energy management plan, including an energy audit and a comprehensive engineering analysis.

**Sec. 5. NEW SECTION. 93.20D ANNUAL REPORT.**

The department shall include in the annual report required under section 455A.4 an assessment of the progress achieved by public agencies in implementing energy life cycle cost analyses.

**Sec. 6. Section 470.3, subsection 2, Code 1987, is amended to read as follows:**

2. A public agency or a person preparing a life cycle cost analysis for a public agency shall consider the methods and analytical models in section 6 of the Manual of Procedures for authorized class "A" energy auditors as amended to March 31, 1979 by the engineering research institute at Iowa State University of Science and Technology in preparing a life cycle cost analysis provided by the department of natural resources and available through the state building code commissioner, which are suited to the purpose for which the project is intended. Within sixty days of final selection of a design architect or engineer, a public agency, which is also a state agency under section 19.34, shall notify the state building code commissioner and the department of natural resources of the methodology to be used to perform the life cycle cost analysis on forms provided by the department of natural resources.

**Sec. 7. NEW SECTION. 470.7 LIFE CYCLE COST ANALYSIS — APPROVAL.**

The public agency responsible for the new construction or renovation of a public facility shall submit a copy of the life cycle cost analysis for review by the state building code commissioner who shall consult with the department of natural resources. If the public agency is also a state agency under section 19.34, comments by the department of natural resources or the state building code commissioner, including any recommendation for changes in the analysis, shall, within thirty days of receipt of the analysis, be forwarded in writing to the public agency. If either the department or the commissioner disagrees with any aspects of the life cycle cost analysis, the public agency affected shall timely respond in writing to the state building code commissioner and the department of natural resources. The response shall indicate whether the agency intends to implement the recommendations and, if the agency does not intend to implement them, the public agency shall present its reasons. The reasons may include, but are not limited to, a description of the purpose of the facility or renovation, preservation of historical architectural features, architectural and site considerations, and health and safety concerns.

Approved May 6, 1988

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## CHAPTER 1180

### LEASE-PURCHASE AND DISPOSAL OF PROPERTY BY THE STATE

*H.F. 2464*

**AN ACT** relating to the lease-purchase and disposal of real or personal property by the department of general services and providing a standing appropriation of proceeds previously deposited.

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

Section 1. Section 18.12, Code Supplement 1987, is amended by adding the following new subsection after subsection 9:

**NEW SUBSECTION. 9A.** On behalf of the department, enter into lease-purchase contracts for real or personal property, wherever located within the state, to be used for buildings, facilities, and structures, or for additions or improvements to existing buildings, facilities, and structures, to carry out the provisions of this chapter or for the proper use and benefit of the state and its state agencies on the following terms and conditions:

a. The director shall coordinate the location, design, plans and specifications, construction, and ultimate use of the real or personal property lease-purchased with the state agency for whose benefit and use the property is being obtained and the terms and conditions of the lease-purchase contract with both the state agency for whose benefit and use the property is being obtained and the treasurer of state. Upon awarding the contract for construction of a building or for site development, the director shall have sole authority to administer the contract.

b. The lease-purchase contract may provide for ultimate ownership of the property by the state. Title to all property acquired in this manner shall be taken and held in the name of the state. The state shall be the lessee or contracting party under all lease-purchase contracts entered into pursuant to this chapter. The lease-purchase contract may contain provisions similar to provisions customarily found in lease-purchase contracts between private persons, including, but not limited to, provisions prohibiting the acquisition or use by the lessee of competing property or property in substitution for the lease-purchased property, obligating the lessee to pay costs of operation, maintenance, insurance, and taxes relating to the property, and permitting the lessor to retain a security interest in the property lease-purchased, until title passes to the state, which may be assigned or pledged by the lessor. The director may contract for additional security or liquidity for a lease-purchase contract and may enter into agreements for letters of credit, lines of credit, insurance, or other forms of security with respect to rental and other payments due under a lease-purchase contract. Fees for the costs of additional security or liquidity are a cost of entering into the lease-purchase contract and may be paid from funds annually appropriated by the general assembly to the state agency for which the property is being obtained or from other funds legally available. The lease-purchase contract may include the costs of entering into the lease-purchase contract as a cost of the lease-purchased property. The provision of a lease-purchase contract which provides that a portion of the periodic rental payment be applied as interest is subject to chapter 74A. Other laws relating to interest rates do not apply. Chapter 75 does not apply to lease-purchase contracts entered into pursuant to this chapter. Rental and other costs due under lease-purchase contracts entered into pursuant to this chapter shall be payable from funds annually appropriated by the general assembly to the state agency for which the property is being obtained or from other funds legally available.

c. A lease-purchase contract to which the state is a party is an obligation of a state for purposes of chapters 502 and 682, and is a lawful investment for banks, trust companies, building and loan associations, savings and loan associations, investment companies, insurance companies, insurance associations, executors, guardians, trustees, and other fiduciaries responsible for the investment of funds.

d. The director shall not enter into lease-purchase contracts pursuant to this chapter without prior authorization by a constitutional majority of each house of the general assembly and approval by the governor of the use, location, and maximum cost, not including interest expense, of the real or personal property to be lease-purchased. However, the director shall not enter into a lease-purchase contract for real or personal property which is to be constructed for use as a prison or prison-related facility without prior authorization by a constitutional majority of each house of the general assembly and approval by the governor of the use, location, and maximum cost, not including interest expense, of the real or personal property to be lease-purchased and with the construction in accordance with space needs as established by an independent study of space needs authorized by the general assembly.

e. A contract for acquisition, construction, erection, demolition, alteration, or repair by a private person of real or personal property to be lease-purchased by the director pursuant to this chapter is exempt from section 18.6, subsections 1 and 9, unless the lease-purchase contract is funded in advance by a deposit of the lessor's moneys to be administered by the director under a lease-purchase contract which requires rent payments to commence upon delivery of the lessor's moneys to the lessee.

This subsection provides an alternative and independent method for carrying out projects under this chapter and for entering into lease-purchase contracts in connection therewith, without reference to any other statute, and is not an amendment of or subject to the provision of any other law. No publication of any notice, whether under section 23.12 or otherwise, and no other or further proceedings with respect to the lease-purchase contracts is required except as set forth in this chapter, any provisions of other statutes of the state to the contrary notwithstanding.

For purposes of this subsection and subsection 11, "state agency" means a board, commission, bureau, division, office, department, or branch of state government.

Sec. 2. Section 18.12, Code Supplement 1987, is amended by adding the following new subsection:

**NEW SUBSECTION.** 13. With the authorization of a constitutional majority of each house of the general assembly and approval by the governor, dispose of real property belonging to the state and its state agencies upon terms, conditions, and consideration as the director may recommend. If real estate subject to sale under this subsection has been purchased or acquired from appropriated funds, the proceeds of the sale shall be deposited with the treasurer of state and credited to the general fund of the state or other fund from which appropriated. There is appropriated from that same fund, with the prior approval of the executive council and in cooperation with the director, a sum equal to the proceeds so deposited and credited to the state agency to which the disposed property belonged or by which it was used, for purposes of the state agency.

Sec. 3. Section 18.12, Code Supplement 1987, is amended by adding the following new subsection:

**NEW SUBSECTION.** 14. Subject to the selection procedures of section 12.30, employ financial consultants, banks, insurers, underwriters, accountants, attorneys, and other advisors or consultants necessary to implement the provisions of subsection 9A.

Approved May 7, 1988

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## CHAPTER 1181

### DOG LICENSING

*H.F. 2462*

**AN ACT** relating to the licensing of dogs, subjecting violators to a penalty, and providing an effective date.

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

Section 1. Section 351.1, Code 1987, is amended to read as follows:

#### 351.1 ANNUAL LICENSE.

The owners of all dogs ~~six~~ four months old or over, except dogs kept in state or federally licensed kennels and not allowed to run at large, shall annually obtain a license ~~therefor~~, as ~~herein provided~~ in this chapter.