

WHEREAS, doubts have arisen concerning the validity and legal sufficiency of the proceedings taken for the organization and operation of the Resale Power Group of Iowa and the acts taken by the Resale Power Group of Iowa and its participating members in entering into, ratifying and confirming the joint agreement and it is deemed advisable and necessary to put such doubts and all others that might arise concerning same forever at rest; NOW THEREFORE,

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

Section 1. That all proceedings heretofore taken in connection with the organization and providing for the operation of the joint undertaking now known and identified as the "Resale Power Group of Iowa" and all acts heretofore taken by said Resale Power Group of Iowa and its members, be and the same are hereby legalized, validated and confirmed, and the documents together are hereby declared to form a valid joint agreement pursuant to chapter three hundred ninety (390) of the Code, as amended; and the Joint Transmission Agreements between the Resale Power Group of Iowa and Iowa Electric Light and Power Company are hereby legalized, validated and confirmed. Further, that the Resale Power Group of Iowa is hereby declared to constitute a legal joint and cooperative undertaking authorized to operate in accordance with the Agreement to Establish the Resale Power Group of Iowa and its by-laws as they now exist and in accordance with provisions of chapter twenty-eight E (28E) of the Code.

Sec. 2. This Act, being deemed of immediate importance, is effective upon enactment.

Approved May 6, 1988

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## CHAPTER 1179

### ENERGY RESOURCE UTILIZATION AND CONSERVATION

*H.F. 2437*

**AN ACT** relating to utilization of energy resources in the state including the implementation of energy conservation measures.

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

Section 1. **NEW SECTION. 93.6 FINDINGS.**

The general assembly finds that the health, welfare, and prosperity of all Iowans require the provisions of adequate, efficient, reliable, environmentally safe, and least-cost energy at prices which accurately reflect the long-term cost of using such energy resources and which are equitable to all Iowans. The goals and objectives of this policy are to ensure the following:

1. **EFFICIENCY.** The provision of reliable energy at the least possible cost to Iowans in such manner that:

a. Physical, human, and financial resources are allocated efficiently.

b. All supply and demand options are considered and evaluated using comparable terms and methods in order to determine how best to meet consumers' demands for energy at the least cost.

2. **ENVIRONMENTAL QUALITY.** The protection of the environment from the adverse external costs of an energy resource utilization so that:

a. Environmental costs of proposed actions having a significant impact on the environment and the environmental impact of the alternatives are identified, documented, and considered in the resource development.

b. The prudently and reasonably incurred costs of environmental controls are recovered.

Sec. 2. Section 93.7, subsection 1, Code 1987, is amended by striking the subsection and inserting in lieu thereof the following:

1. Deliver to the general assembly by January 15, 1990, a plan for the development, management, and efficient utilization of all energy resources in the state. The plan shall evaluate existing energy utilization with regard to energy efficiency and shall evaluate the future energy needs of the state. The plan shall include but is not limited to the following elements:

- a. The historical use and distribution of energy in Iowa.
- b. The growth rate of energy consumption in Iowa.
- c. A projection of Iowa's energy needs at a minimum of ten years into the future.
- d. The impact of meeting Iowa's energy needs on the economy of the state.
- e. The impact of meeting Iowa's energy needs on the environment of the state.
- f. An evaluation of alternative sources and uses of energy.
- g. Legislative recommendations that may be necessary as a basis for a state policy for the development and efficient utilization of energy resources.
- h. An evaluation of the ability of existing laws and regulations surrounding the utilization of energy resources.

The department shall develop the plan with the assistance of, and in consultation with, representatives of the energy industry, economic interests, the public, and other interested parties. The department shall submit a report to the general assembly concerning the status and implementation of the plan on a biennial basis.

Sec. 3. **NEW SECTION. 93.20B IMPLEMENTATION OF ENERGY CONSERVATION MEASURES — STATE BOARD OF REGENTS.**

1. The state board of regents shall cause to be performed comprehensive engineering analyses of facilities under the control of the state board of regents and shall implement the energy conservation measures identified in the analyses which are economically feasible and practical and which do not require more than an aggregate period of six years for the recoupment of the cost of construction of the improvements used to secure the implementation of the energy conservation measure. The comprehensive engineering analyses shall be completed no later than June 30, 1989.

2. The department may, pursuant to section 19.34, reduce the cost of financing for implementation of the energy conservation measures identified, through funds deposited in the state of Iowa facilities improvement corporation established by the department. In order for the state board of regents to receive financing under section 19.34, the department shall require completion of an energy management plan, including an energy audit and a comprehensive engineering analysis.

3. The state board of regents shall annually report on October 1 to the department the status of all energy conservation measures identified in their comprehensive engineering analysis, whether or not the measures have been acquired or implemented, and the results of energy usage analyses of the board's facilities.

Sec. 4. **NEW SECTION. 93.20C IMPLEMENTATION OF ENERGY CONSERVATION MEASURES — STATE DEPARTMENT OF TRANSPORTATION.**

1. The state department of transportation utilizing the services of the state of Iowa facilities improvement corporation shall cause to be performed comprehensive engineering analyses of facilities under the control of the state department of transportation and shall implement the energy conservation measures identified in the analyses which do not require more than an aggregate period of six years for the recoupment of the cost of construction of the improvements used to secure the implementation of the energy conservation measures. The comprehensive engineering analyses shall be completed no later than December 31, 1988.

2. The department may, pursuant to section 19.34, reduce the cost of financing for implementation of the energy conservation measures identified, through funds deposited in the state of Iowa facilities improvement corporation established by the department. In order for the

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: