

**CHAPTER 1167**  
**SCHOOL ENERGY MANAGEMENT**  
*H.F. 2387*

**AN ACT** relating to energy management by school districts and merged area schools, requiring periodic energy audits, providing financial and technical assistance for energy conservation for school districts and merged area schools.

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

**Section 1. NEW SECTION. 279.44 ENERGY AUDITS.**

Between July 1, 1986 and June 30, 1991, and on a staggered annual basis each five years thereafter, the board of directors of each school district shall file with the energy policy council, on forms prescribed by the energy policy council, the results of an energy audit of the buildings owned and leased by the school district. The energy audit shall be conducted under rules adopted by the energy policy council pursuant to chapter 17A. The energy policy council may waive the requirement for the initial and subsequent energy audits for school districts that submit evidence that energy audits were conducted prior to January 1, 1987 and energy consumption for the district is at an adjusted statewide average or below.

This section takes effect only if funds have been made available to a school district or area school to pay the costs of the energy audit.

**Sec. 2. NEW SECTION. 93.19 ENERGY BANK PROGRAM.**

The energy bank program is established by the energy policy council. The energy bank program consists of the following forms of assistance for school districts and merged area schools:

1. Providing moneys from the petroleum overcharge fund for conducting energy audits under section 279.44.
2. Providing loans, leases, and other methods of alternative financing from the energy loan fund established in section 93.20 for school districts and area schools to implement energy conservation measures.
3. Serving as a source of technical support for energy conservation management.
4. Providing assistance for obtaining insurance on the energy savings expected to be realized from the implementation of energy conservation measures.

For the purpose of this section and section 93.20, "energy conservation measure" means construction, rehabilitation, acquisition, or modification of an installation in a building which is intended to reduce energy consumption, or energy costs, or both, or allow the use of an alternative energy source, which may contain integral control and measurement devices.

**Sec. 3. NEW SECTION. 93.20 ENERGY LOAN FUND.**

An energy loan fund is established in the office of the treasurer of state to be administered by the energy policy council. The energy policy council may make loans to school districts and area schools for implementation of energy conservation measures identified in a comprehensive engineering analysis. Loans shall not be made for energy conservation measures that require more than an average of six years for the school district as an entity to recoup the actual or projected cost of construction and acquisition of the improvements; cost of the engineering analysis, plans, and specifications; and cost of the surety bonds securing the operation of the energy conservation measure. For a school district or merged area school to receive a loan from the fund, the energy policy council shall require completion of an energy management plan including an energy audit and a comprehensive engineering analysis. The energy policy council shall approve loans made under this section.

School districts shall repay the loans from moneys in either their general fund or schoolhouse fund. Area schools shall repay the loans from their general fund.

The energy policy council may accept gifts, federal funds, state appropriations, and other moneys for deposit in the energy loan fund.

For the purpose of this section, "loans" means loans, leases, or alternative financing arrangements.

Sec. 4. Section 93.15, Code 1985, is amended to read as follows:

**93.15 PETROLEUM OVERCHARGE FUND.**

There is created as a separate account in the state treasury a petroleum overcharge fund. Notwithstanding section 453.7, interest and earnings on investments from the funds in the petroleum overcharge fund shall be credited to the petroleum overcharge fund. The state of Iowa acting on behalf of itself, its citizens, and its political subdivisions accepts any funds awarded or allocated to it, its citizens, and political subdivisions as a result of petroleum overcharge cases. The funds shall be deposited in the petroleum overcharge fund and shall be expended only upon appropriation of the general assembly for programs which will benefit citizens who may have suffered economic penalties resulting from the alleged petroleum overcharges. However, petroleum overcharge case funds received pursuant to claims filed on behalf of the state, its institutions, departments, agencies, or any political subdivision shall be deposited in the general fund of the state to be disbursed directly to the appropriate claimants in accordance with federal guidelines and subject to the approval of the attorney general and the executive council. Attorneys' fees and expenses incurred by the state to obtain these funds to be deposited in the petroleum overcharge fund shall be paid by the state comptroller from the petroleum overcharge fund subject to the approval of the attorney general and the executive council.

Moneys in the fund may also be used for payments to school districts and area schools for the cost of energy audits under section 279.44.

Approved May 2, 1986

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## CHAPTER 1168

### HEALTH CARE FACILITY LICENSING PENALTIES

*H.F. 2423*

**AN ACT** relating to the monetary penalties for violation of the health care facilities' licensing law.

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

Section 1. Section 135C.36, subsection 1, Code 1985, is amended to read as follows:

1. A Class I violation is one which presents an imminent danger or a substantial probability of resultant death or physical harm to the residents of the facility in which the violation occurs. A physical condition or one or more practices in a facility may constitute a Class I violation. A Class I violation shall be abated or eliminated immediately unless the department determines that a stated period of time, specified in the citation issued under section 135C.40, is required to correct the violation. A licensee ~~shall be~~ is subject to a penalty of not less than ~~five hundred two thousand~~ nor more than ~~five ten~~ thousand dollars for each Class I violation for which the licensee's facility is cited.

Approved May 2, 1986