

Senate Amendment 5389

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1 1 Amend Senate File 517, as amended, passed, and
1 2 reprinted by the Senate, as follows:
1 3 #1. By striking everything after the enacting
1 4 clause and inserting the following:
1 5 <Section 1. Section 8.60, subsection 15, Code
1 6 2007, is amended by striking the subsection.
1 7 Sec. 2. Section 12.28, subsection 6, Code 2007, is
1 8 amended to read as follows:
1 9 6. The maximum principal amount of financing
1 10 agreements which the treasurer of state can enter into
1 11 shall be one million dollars per state agency in a
1 12 fiscal year, subject to the requirements of section
1 13 8.46. For the fiscal year, the treasurer of state
1 14 shall not enter into more than one million dollars of
1 15 financing agreements per state agency, not considering
1 16 interest expense. However, the treasurer of state may
1 17 enter into financing agreements in excess of the one
1 18 million dollar per agency per fiscal year limit if a
1 19 constitutional majority of each house of the general
1 20 assembly, or the legislative council if the general
1 21 assembly is not in session, and the governor,
1 22 authorize the treasurer of state to enter into
1 23 additional financing agreements above the one million
1 24 dollar authorization contained in this section. The
1 25 treasurer of state shall not enter into a financing
1 26 agreement for real or personal property which is to be
1 27 constructed for use as a prison or prison-related
1 28 facility without prior authorization by a
1 29 constitutional majority of each house of the general
1 30 assembly and approval by the governor of the use,
1 31 location, and maximum cost, not including interest
1 32 expense, of the real or personal property to be
1 33 financed. However, financing agreements for an energy
1 34 conservation measure, as defined in section 7D.34, for
1 35 an energy management improvement, as defined in
1 36 section 473.19, or for costs associated with projects
1 37 under section 473.13A, are exempt from the provisions
1 38 of this subsection, but are subject to the
1 39 requirements of section 7D.34 ~~or 473.20A~~. In
1 40 addition, financing agreements funded through the
1 41 materials and equipment revolving fund established in
1 42 section 307.47 are exempt from the provisions of this
1 43 subsection.
1 44 Sec. 3. Section 103A.3, Code 2007, is amended by
1 45 adding the following new subsection:
1 46 NEW SUBSECTION. 23. "Sustainable design" means
1 47 construction design intended to minimize negative
1 48 environmental impacts and to promote the health and
1 49 comfort of building occupants including but not
1 50 limited to measures to reduce consumption of
2 1 nonrenewable resources, minimize waste, and create
2 2 healthy, productive environments.
2 3 Sec. 4. Section 103A.7, subsection 6, Code 2007,
2 4 is amended to read as follows:
2 5 6. The conservation of energy through thermal ~~and~~
~~2 6 lighting~~ efficiency standards for buildings intended
2 7 for human occupancy ~~or use and which are heated or~~
2 8 cooled and lighting efficiency standards for buildings
2 9 intended for human occupancy which are lighted.
2 10 Sec. 5. Section 103A.7, Code 2007, is amended by
2 11 adding the following new subsection:
2 12 NEW SUBSECTION. 7. Standards for sustainable
2 13 design, also known and referred to as green building
2 14 standards.
2 15 Sec. 6. Section 103A.8, subsections 7 and 8, Code
2 16 2007, are amended to read as follows:
2 17 7. Limit the application of thermal efficiency
2 18 standards for energy conservation to ~~new~~ construction
2 19 ~~of buildings which will incorporate a heating or~~
~~2 20 cooling system~~ are heated or cooled. Air exchange
2 21 fans designed to provide ventilation shall not be
2 22 considered a cooling system. The commissioner shall
2 23 exempt any ~~new~~ construction from any thermal
2 24 efficiency ~~standards~~ standard for energy conservation

2 25 if the commissioner determines that the standards are
2 26 ~~standard is unreasonable as they apply it would apply~~
2 27 to a particular building or class of buildings
2 28 ~~including farm buildings for livestock use. No~~
2 29 ~~standard adopted by the commissioner for energy~~
2 30 ~~conservation in construction shall be interpreted to~~
2 31 ~~require the replacement or modification of any~~
2 32 ~~existing equipment or feature solely to ensure~~
2 33 ~~compliance with requirements for energy conservation~~
2 34 ~~in construction.~~ Lighting efficiency standards shall
2 35 recognize variations in lighting intensities required
2 36 for the various tasks performed within the building.
2 37 The commissioner shall consult with the department of
2 38 natural resources regarding standards for energy
2 39 conservation prior to the adoption of the standards.
2 40 However, the standards shall be consistent with
2 41 section 103A.8A.

2 42 8. Facilitate the development and use of ~~solar~~
2 43 ~~renewable~~ energy.

2 44 Sec. 7. Section 103A.8A, Code 2007, is amended to
2 45 read as follows:

2 46 103A.8A ENERGY CONSERVATION REQUIREMENTS.

2 47 The state building code commissioner shall adopt as
2 48 a part of the state building code a requirement that
2 49 new single-family or two-family residential
2 50 construction shall comply with energy conservation
3 1 requirements. The requirements adopted by the
3 2 commissioner shall be based upon a nationally
3 3 recognized standard or code for energy conservation.
3 4 The requirements shall only apply to single-family or
3 5 two-family residential construction commenced after
3 6 the adoption of the requirements. ~~This chapter shall~~
~~3 7 not be construed to prohibit a governmental~~
~~3 8 subdivision from adopting or enacting a minimum energy~~
~~3 9 standard which is substantially in accordance and~~
~~3 10 consistent with energy codes and standards developed~~
~~3 11 by a nationally recognized organization in effect on~~
~~3 12 or after July 1, 2002. A governmental subdivision~~
~~3 13 that adopts or enacts a minimum energy standard which~~
~~3 14 is substantially in accordance and consistent with~~
~~3 15 energy codes and standards developed by a nationally~~
~~3 16 recognized organization shall adopt or enact any~~
~~3 17 update or revision to the energy codes and standards.~~
3 18 Notwithstanding any other provision of this chapter to
3 19 the contrary, the energy conservation requirements
3 20 adopted by the commissioner and approved by the
3 21 council shall apply to new single-family or two-family
3 22 residential construction commenced on or after July 1,
3 23 2008, and shall supersede and replace any minimum
3 24 requirements for energy conservation adopted or
3 25 enacted by the governmental subdivision prior to that
3 26 date applicable to such construction. The state
3 27 building code commissioner may provide training to
3 28 builders, contractors, and other interested persons on
3 29 the adopted energy conservation requirements.

3 30 Sec. 8. NEW SECTION. 103A.8B SUSTAINABLE DESIGN
3 31 OR GREEN BUILDING STANDARDS.

3 32 The commissioner, after consulting with and
3 33 receiving recommendations from the department of
3 34 natural resources and the office of energy
3 35 independence, shall adopt rules pursuant to chapter
3 36 17A specifying standards and requirements for
3 37 sustainable design and construction based upon or
3 38 incorporating nationally recognized ratings,
3 39 certifications, or classification systems, and
3 40 procedures relating to documentation of compliance.
3 41 The standards and requirements shall be incorporated
3 42 into the state building code established in section
3 43 103A.7, but in lieu of general applicability shall
3 44 apply to construction projects only if such
3 45 applicability is expressly authorized by statute, or
3 46 as established by another state agency by rule.

3 47 Sec. 9. Section 103A.10, subsection 4, paragraphs
3 48 a and b, Code Supplement 2007, are amended to read as
3 49 follows:

3 50 a. Provisions of the state building code
4 1 establishing thermal efficiency energy conservation
4 2 standards shall be applicable to all ~~new~~ construction
4 3 ~~owned by the state, an agency of the state or a~~
~~4 4 political subdivision of the state, to all new~~
~~4 5 construction located in a governmental subdivision~~

~~4 6 which has adopted either the state building code or a
4 7 local building code or compilation of requirements for
4 8 building construction and to all other new
4 9 construction in the state which will contain more than
4 10 one hundred thousand cubic feet of enclosed space that
4 11 is heated or cooled. The commissioner shall provide
4 12 appropriate exceptions for construction where the
4 13 application of an energy conservation requirement
4 14 adopted pursuant to this chapter would be impractical.~~

4 15 b. Provisions of the state building code
4 16 establishing lighting efficiency standards shall be
4 17 applicable to all ~~new construction owned by the state,
4 18 an agency of the state or a political subdivision of
4 19 the state and to all new construction, in the state,
4 20 of buildings which are open to the general public
4 21 during normal business hours and to new and
4 22 replacement lighting in existing buildings.~~

4 23 Sec. 10. Section 103A.10, subsection 5, Code
4 24 Supplement 2007, is amended by striking the subsection
4 25 and inserting in lieu thereof the following:

4 26 5. Notwithstanding any other provision of this
4 27 chapter to the contrary, the energy conservation
4 28 requirements adopted by the commissioner and approved
4 29 by the council shall apply to all new construction
4 30 commenced on or after July 1, 2008, and shall
4 31 supersede and replace any minimum requirements for
4 32 energy conservation adopted or enacted by the
4 33 governmental subdivision prior to that date and
4 34 applicable to such construction.

4 35 Sec. 11. Section 103A.10A, subsections 1 and 2,
4 36 Code Supplement 2007, are amended to read as follows:

4 37 1. ~~Beginning on January 1, 2007, all All newly
4 38 constructed buildings or structures subject to the
4 39 state building code, excluding including any addition,
4 40 but excluding any renovation, or repair of a building
4 41 or structure, whether existing prior to January 1,
4 42 2007, or thereafter, that are owned by the state or an
4 43 agency of the state, except as provided in subsection
4 44 2, shall be subject to a plan review and inspection by
4 45 the commissioner or an independent building inspector
4 46 appointed by the commissioner. A fee shall be
4 47 assessed for the cost of plan review and the cost of
4 48 inspection. The commissioner may inspect an existing
4 49 building that is undergoing renovation or remodeling
4 50 to enforce the energy conservation requirements
5 1 established under this chapter.~~

5 2 2. ~~Beginning on July 1, 2007, all All newly
5 3 constructed buildings, excluding including any
5 4 addition, but excluding any renovation, or repair of a
5 5 building, whether existing prior to July 1, 2007, or
5 6 thereafter, that are owned by the state board of
5 7 regents shall be subject to a plan review and
5 8 inspection by the commissioner or the commissioner's
5 9 staff or assistant. The commissioner and the state
5 10 board of regents shall develop a plan to implement the
5 11 requirements of this subsection, including funding
5 12 recommendations related to plan review and inspection,
5 13 by March 1, 2007. The commissioner may inspect an
5 14 existing building that is undergoing renovation or
5 15 remodeling to enforce the energy conservation
5 16 requirements established under this chapter. The
5 17 commissioner and the state board of regents shall
5 18 develop a plan to implement this provision.~~

5 19 Sec. 12. Section 103A.19, subsection 1, Code
5 20 Supplement 2007, is amended to read as follows:

5 21 1. The examination and approval or disapproval of
5 22 plans and specifications, the issuance and revocation
5 23 of building permits, licenses, certificates, and
5 24 similar documents, the inspection of buildings or
5 25 structures, and the administration and enforcement of
5 26 building regulations shall be the responsibility of
5 27 the governmental subdivisions of the state and shall
5 28 be administered and enforced in the manner prescribed
5 29 by local law or ordinance. All provisions of law
5 30 relating to the administration and enforcement of
5 31 local building regulations in any governmental
5 32 subdivision shall be applicable to the administration
5 33 and enforcement of the state building code in the
5 34 governmental subdivision. An application made to a
5 35 local building department or to a state agency for
5 36 permission to construct a building or structure

5 37 pursuant to the provisions of the state building code
5 38 shall, in addition to any other requirement, be signed
5 39 by the owner or the owner's authorized agent, and
5 40 shall contain the address of the owner, and a
5 41 statement that the application is made for permission
5 42 to construct in accordance with the provisions of the
5 43 code. The application shall also specifically include
5 44 a statement that the construction will be in
5 45 accordance with all applicable energy conservation
5 46 requirements.

5 47 Sec. 13. Section 103A.22, subsection 1, Code 2007,
5 48 is amended to read as follows:

5 49 1. Nothing in this chapter shall be construed as
5 50 prohibiting any governmental subdivision from adopting
6 1 or enacting any building regulations relating to any
6 2 building or structure within its limits, but a
6 3 governmental subdivision in which the state building
6 4 code has been accepted and is applicable shall not
6 5 have the power to supersede, void, or repeal or make
6 6 more restrictive any of the provisions of this chapter
6 7 or of the rules adopted by the commissioner. This
6 8 subsection shall not apply to energy conservation

6 9 requirements adopted by the commissioner and approved
6 10 by the council pursuant to section 103A.8A or 103A.10.

6 11 Sec. 14. Section 216A.102, subsection 2, paragraph
6 12 b, Code 2007, is amended by striking the paragraph.

6 13 Sec. 15. Section 266.39C, subsection 3, Code 2007,
6 14 is amended to read as follows:

6 15 3. Iowa state university of science and technology
6 16 shall employ a director for the center, who shall be
6 17 appointed by the president of Iowa state university of
6 18 science and technology. The director of the center
6 19 shall employ necessary research and support staff.
6 20 The director and staff shall be employees of Iowa
6 21 state university of science and technology. ~~No more~~

~~6 22 than seven hundred thousand dollars of the funds made~~
~~6 23 available by appropriation from state revenues in any~~
~~6 24 one year shall be expended by the center for the~~
~~6 25 salaries and benefits of the employees of the center,~~
~~6 26 including the salary and benefits of the director.~~
~~6 27 The limit on expenditures for salaries and benefits~~
~~6 28 shall be adjusted annually by a percentage equal to~~
~~6 29 the average percentage salary adjustment approved~~
~~6 30 annually by the state board of regents for~~

~~6 31 professional and scientific employees at Iowa state~~
~~6 32 university of science and technology. The remainder~~
~~6 33 of the funds appropriated from state funds Funds~~
6 34 appropriated to the center shall be used to sponsor
6 35 research grants and projects submitted on a
6 36 competitive basis by Iowa colleges and universities
6 37 and private nonprofit agencies and foundations, and
6 38 for the salaries and benefits of the employees of the
6 39 center. The center may also solicit additional grants
6 40 and funding from public and private nonprofit agencies
6 41 and foundations.

6 42 Sec. 16. Section 388.9, subsection 2, Code 2007,
6 43 is amended by adding the following new unnumbered
6 44 paragraph:

6 45 NEW UNNUMBERED PARAGRAPH. For purposes of this
6 46 subsection, "proprietary information" includes
6 47 customer records that if disclosed would harm the
6 48 competitive position of a customer; or information
6 49 required by a noncustomer contracting party to be kept
6 50 confidential pursuant to a nondisclosure agreement
7 1 which relates to electric transmission planning and
7 2 construction, critical energy infrastructure, an
7 3 ownership interest or acquisition of an ownership
7 4 interest in an electric generating facility, or other
7 5 information made confidential by law or rule.

7 6 Sec. 17. Section 455E.11, subsection 2, paragraph
7 7 e, Code 2007, is amended by striking the paragraph.

7 8 Sec. 18. Section 473.1, Code 2007, is amended by
7 9 adding the following new subsections:

7 10 NEW SUBSECTION. 0A. "Alternative and renewable
7 11 energy" means the same as in section 469.31.

7 12 NEW SUBSECTION. 4A. "Renewable fuel" means the
7 13 same as in section 469.31.

7 14 Sec. 19. Section 473.1, subsection 5, Code 2007,
7 15 is amended to read as follows:

7 16 5. "Supplier" means any person engaged in the
7 17 business of selling, importing, storing, or generating

7 18 energy sources, alternative and renewable energy, or
7 19 renewable fuel in Iowa.

7 20 Sec. 20. Section 473.2, subsection 1, paragraph a,
7 21 Code 2007, is amended to read as follows:

7 22 a. Physical, human, natural, and financial
7 23 resources are allocated efficiently.

7 24 Sec. 21. Section 473.3, Code 2007, is amended to
7 25 read as follows:

7 26 473.3 ENERGY EFFICIENCY RESOURCE MANAGEMENT GOAL.

7 27 1. The goal of this state is to ~~more~~ efficiently
7 28 utilize energy resources, ~~especially those that are~~
7 29 ~~nonrenewable or that have negative environmental~~
7 30 ~~impacts, in order~~ to enhance the economy of the state
7 31 ~~and to decrease by decreasing~~ the state's dependence
7 32 on nonrenewable energy resources from outside the
7 33 state and by reducing the amount of energy used. This
7 34 goal is to be implemented through the development of
7 35 policies and programs that promote energy efficiency,
7 36 and energy conservation, and alternative and renewable
7 37 energy use by all Iowans, through the development and
7 38 enhancement of an energy efficiency and alternative
7 39 and renewable energy industry, through the ~~development~~
7 40 ~~of indigenous commercialization of~~ energy resources
7 41 and technologies that are economically and
7 42 environmentally viable, and through the development
7 43 and implementation of effective public information and
7 44 education programs.

7 45 2. State government shall be a model and testing
7 46 ground for the use of energy efficiency, energy
7 47 conservation, and alternative and renewable energy
7 48 systems.

7 49 Sec. 22. Section 473.7, subsections 2 and 3, Code
7 50 Supplement 2007, are amended by striking the

8 1 subsections.
8 2 Sec. 23. Section 473.7, subsections 4, 5, 11, 12,
8 3 and 14, Code Supplement 2007, are amended to read as
8 4 follows:

8 5 4. a. ~~Establish a central depository within the~~
8 6 ~~state for energy data. The central depository shall~~
8 7 ~~be located at or accessible through a library which is~~
8 8 ~~a member of an interlibrary loan program to facilitate~~
8 9 ~~access to the data and information contained in the~~
8 10 ~~central depository. The department shall collect and~~
8 11 ~~analyze data necessary to forecast to use in~~
8 12 ~~forecasting future energy demands in demand and supply~~
8 13 ~~for the state. The department may require a A~~
8 14 supplier is required to provide information pertaining
8 15 to the supply, storage, distribution, and sale of
8 16 energy sources in this state when requested by the
8 17 department. The information ~~shall be furnished on a~~
8 18 ~~periodic basis~~, shall be of a nature which directly
8 19 relates to the supply, storage, distribution, and sale
8 20 of energy sources, and shall not include any records,
8 21 documents, books, or other data which relate to the
8 22 financial position of the supplier. ~~Provided the The~~
8 23 department, prior to requiring any supplier to furnish
8 24 it with such information, shall make every reasonable
8 25 effort to determine if ~~the same such information is~~
8 26 available from any other governmental source. If it
8 27 finds such information is available, the department
8 28 shall not require submission of the ~~same information~~
8 29 from a supplier. Notwithstanding the provisions of
8 30 chapter 22, information and reports obtained under
8 31 this section shall be confidential except when used
8 32 for statistical purposes without identifying a
8 33 specific supplier and when release of the information
8 34 will not give an advantage to competitors and serves a
8 35 public purpose. The department shall use this data to
8 36 conduct energy forecasts ~~which shall be included in~~
8 37 ~~the biennial update required by this section.~~

8 38 b. The department may subpoena witnesses,
8 39 administer oaths, and require the production of
8 40 records, books, and documents for examination in order
8 41 to obtain information required to be submitted under
8 42 this section. In case of failure or refusal on the
8 43 part of any person to comply with a subpoena issued by
8 44 the department, or in case of the refusal of any
8 45 witness to testify as to any matter regarding which
8 46 the witness may be interrogated under this chapter,
8 47 the district court, upon the application of the
8 48 department, may order the person to show cause why the

8 49 person should not be held in contempt for failure to
8 50 testify or comply with a subpoena, and may order the
9 1 person to produce the records, books, and documents
9 2 for examination, and to give testimony. The courts
9 3 may punish for contempt as in the case of disobedience
9 4 to a like subpoena issued by the court, or for refusal
9 5 to testify.

9 6 5. Develop, recommend, and implement with
9 7 appropriate agencies public and professional education
9 8 and communication programs in energy efficiency,
9 9 energy conservation, and conversion to ~~alternative~~
~~9 10 sources of energy alternative and renewable energy.~~

~~9 11 11. Develop, in coordination with the office of~~
~~9 12 energy independence, a program to annually give public~~
~~9 13 recognition to innovative methods of energy~~
~~9 14 conservation, energy management, and alternative and~~
~~9 15 renewable energy production.~~

~~9 16 12. Administer and coordinate, in coordination~~
~~9 17 with the office of energy independence, federal funds~~
~~9 18 for energy conservation, energy management, and~~
~~9 19 alternative and renewable energy programs including,~~
~~9 20 but not limited to, the institutional conservation~~
~~9 21 program, state energy conservation program, and energy~~
~~9 22 extension service program, and related programs which~~
~~9 23 provide energy management and conservation assistance~~
~~9 24 to schools, hospitals, health care facilities,~~
~~9 25 communities, and the general public.~~

~~9 26 14. Perform Provide information from monthly fuel~~
~~9 27 surveys which establish a statistical average of motor~~
~~9 28 fuel prices for various motor fuels provided~~
~~9 29 throughout the state. Additionally, the department~~
~~9 30 shall perform provide statewide monthly fuel surveys~~
~~9 31 in cities with populations of over fifty thousand~~
~~9 32 survey information which establish a statistical~~
~~9 33 average of motor fuel prices for various motor fuels~~
~~9 34 provided in those individual cities both metropolitan~~
~~9 35 and rural areas of the state. The survey results~~
~~9 36 shall be publicized in a monthly press release issued~~
~~9 37 by the department.~~

9 38 Sec. 24. Section 473.15, Code 2007, is amended to
9 39 read as follows:

9 40 473.15 ANNUAL REPORT.

~~9 41 The department shall include in the complete an~~
~~9 42 annual report required under section 455A.4 an~~
~~9 43 assessment of to assess the progress achieved by~~
~~9 44 public agencies of state agencies in implementing~~
~~9 45 energy management improvements, alternative and~~
~~9 46 renewable energy systems, and life cycle cost analyses~~
~~9 47 under chapter 470, and on the use of renewable fuels.~~
~~9 48 The department shall work with state agencies and with~~
~~9 49 any entity, agency, or organization with which they~~
~~9 50 are associated or involved in such implementation, to~~
~~10 1 use available information to minimize the cost of~~
~~10 2 preparing the report. The department shall also~~
~~10 3 provide an assessment of the economic and~~
~~10 4 environmental impact of the progress made by state~~
~~10 5 agencies related to energy management and alternative~~
~~10 6 and renewable energy, along with recommendations on~~
~~10 7 technological opportunities and policies necessary for~~
~~10 8 continued improvement in these areas.~~

10 9 Sec. 25. Section 473.19, Code 2007, is amended to
10 10 read as follows:

10 11 473.19 ENERGY BANK PROGRAM.

10 12 1. The energy bank program is established by the
10 13 department. The energy bank program consists of the
10 14 following forms of assistance for the state, state
10 15 agencies, political subdivisions of the state, school
10 16 districts, area education agencies, community
10 17 colleges, and nonprofit organizations:

10 18 ~~1. a. Promoting program availability.~~

10 19 ~~b. Developing or identifying guidelines and model~~
~~10 20 energy techniques for the completion of energy~~
~~10 21 analyses for state agencies, political subdivisions of~~
~~10 22 the state, school districts, area education agencies,~~
~~10 23 community colleges, and nonprofit organizations.~~

~~10 24 c. Providing moneys from the petroleum overcharge~~
~~10 25 fund technical assistance for conducting or evaluating~~
~~10 26 energy audits analyses for school districts under~~
~~10 27 section 279.44, for conducting comprehensive~~
~~10 28 engineering analyses for school districts and for~~
~~10 29 conducting energy audits and comprehensive engineering~~

~~10 30 analyses for state agencies, and political~~
~~10 31 subdivisions of the state agencies, political~~
~~10 32 subdivisions of the state, school districts, area~~
~~10 33 education agencies, community colleges, and nonprofit~~
~~10 34 organizations.~~
10 35 ~~2- d. Providing or facilitating loans, leases,~~
10 36 ~~and other methods of alternative financing from under~~
10 37 ~~the energy loan fund established in section 473.20 and~~
~~10 38 section 473.20A program for the state, state agencies,~~
10 39 ~~political subdivisions of the state, school districts,~~
10 40 ~~area education agencies, community colleges, and~~
10 41 ~~nonprofit organizations to implement energy~~
10 42 ~~conservation measures management improvements or~~
10 43 ~~energy analyses.~~
~~10 44 3. Serving as a source of technical support for~~
~~10 45 energy conservation management.~~
10 46 ~~4- e. Providing assistance for obtaining~~
10 47 ~~insurance on the energy savings expected to be~~
10 48 ~~realized from the implementation of energy~~
10 49 ~~conservation measures management improvements.~~
10 50 ~~5- f. Providing Facilitating self-liquidating~~
11 1 ~~financing for the state, state agencies, political~~
11 2 ~~subdivisions of the state, school districts, area~~
11 3 ~~education agencies, community colleges, and nonprofit~~
11 4 ~~organizations pursuant to section 473.20A.~~
11 5 ~~g. Assisting the treasurer of state with financing~~
11 6 ~~agreements entered into by the treasurer of state on~~
11 7 ~~behalf of state agencies to finance energy management~~
11 8 ~~improvements pursuant to section 12.28.~~
11 9 ~~2. For the purpose of this section, section~~
11 10 ~~473.20, and section 473.20A, "energy conservation~~
~~11 11 measure" management improvement" means construction,~~
11 12 ~~rehabilitation, acquisition, or modification of an~~
11 13 ~~installation in a facility or vehicle which is~~
11 14 ~~intended to reduce energy consumption, or energy~~
11 15 ~~costs, or both, or allow the use of an alternative~~
~~11 16 energy source, which may contain integral alternative~~
11 17 ~~and renewable energy. "Energy management improvement"~~
11 18 ~~may include control and measurement devices.~~
11 19 ~~"Nonprofit organization" means an organization exempt~~
11 20 ~~from federal income taxation under section 501(c)(3)~~
11 21 ~~of the Internal Revenue Code.~~
11 22 ~~3. The department shall submit a report by January~~
11 23 ~~1 annually to the governor and the general assembly~~
11 24 ~~detailing services provided and assistance rendered~~
11 25 ~~pursuant to the energy bank program and pursuant to~~
11 26 ~~sections 473.20 and 473.20A, and receipts and~~
11 27 ~~disbursements in relation to the energy bank fund~~
11 28 ~~created in section 473.19A.~~
11 29 ~~4. Moneys awarded or allocated to the state, its~~
11 30 ~~citizens, or its political subdivisions as a result of~~
11 31 ~~the federal court decisions and United States~~
11 32 ~~department of energy settlements resulting from~~
11 33 ~~alleged violations of federal petroleum pricing~~
11 34 ~~regulations attributable to or contained within the~~
11 35 ~~Stripper Well fund shall be allocated to and remain~~
11 36 ~~under the control of the department for utilization~~
11 37 ~~for energy program-related staff support purposes.~~
11 38 ~~Sec. 26. NEW SECTION. 473.19A ENERGY BANK FUND.~~
11 39 ~~1. The energy bank fund is created within the~~
11 40 ~~state treasury under the control of the department, in~~
11 41 ~~collaboration with the office of energy independence~~
11 42 ~~established in section 469.2. The fund shall be used~~
11 43 ~~for the operational expenses and administrative costs~~
11 44 ~~incurred by the department in facilitating and~~
11 45 ~~administering the energy bank program established in~~
11 46 ~~section 473.19.~~
11 47 ~~2. The energy bank fund shall consist of amounts~~
11 48 ~~deposited into the fund or allocated from the~~
11 49 ~~following sources:~~
11 50 ~~a. Any moneys awarded or allocated to the state,~~
12 1 ~~its citizens, or its political subdivisions as a~~
12 2 ~~result of the federal court decisions and United~~
12 3 ~~States department of energy settlements resulting from~~
12 4 ~~alleged violations of federal petroleum pricing~~
12 5 ~~regulations attributable to or contained within the~~
12 6 ~~Exxon fund. Amounts remaining in the oil overcharge~~
12 7 ~~account established in section 455E.11, subsection 2,~~
12 8 ~~paragraph "e", and the energy conservation trust~~
12 9 ~~established in section 473.11, as of June 30, 2008,~~
12 10 ~~shall be deposited into the energy bank fund pursuant~~

12 11 to this paragraph, notwithstanding section 8.60,
12 12 subsection 15.

12 13 b. (1) Moneys received in the form of fees
12 14 imposed upon the state, state agencies, political
12 15 subdivisions of the state, school districts, area
12 16 education agencies, community colleges, and nonprofit
12 17 organizations for services performed or assistance
12 18 rendered pursuant to the energy bank program. Fees
12 19 imposed pursuant to this paragraph shall be
12 20 established by the department in an amount
12 21 corresponding to the operational expenses or
12 22 administrative costs incurred by the department in
12 23 performing services or providing assistance authorized
12 24 pursuant to the energy bank program, as follows:

12 25 (a) For a building of up to twenty-five thousand
12 26 square feet, two thousand five hundred dollars.
12 27 (b) For a building in excess of twenty-five
12 28 thousand square feet, an additional eight cents per
12 29 square foot.

12 30 (c) A building that houses more energy intensive
12 31 functions may be subject to a higher fee than the fees
12 32 specified in subparagraphs (a) and (b) as determined
12 33 by the department.

12 34 (2) Any fees imposed shall be retained by the
12 35 department and are appropriated to the department for
12 36 purposes of providing the services or assistance under
12 37 the program.

12 38 c. Moneys appropriated by the general assembly and
12 39 any other moneys, including grants and gifts from
12 40 government and nonprofit organizations, available to
12 41 and obtained or accepted by the department for
12 42 placement in the fund.

12 43 d. Moneys contained in the intermodal revolving
12 44 loan fund administered by the department of
12 45 transportation for the fiscal year beginning July 1,
12 46 2019, and succeeding fiscal years.

12 47 e. Moneys in the fund are not subject to section
12 48 8.33. Notwithstanding section 12C.7, interest or
12 49 earnings on moneys in the fund shall be credited to
12 50 the fund.

13 1 3. The energy bank fund shall be limited to a
13 2 maximum of one million dollars. Amounts in excess of
13 3 this maximum limitation shall be transferred to and
13 4 deposited in the rebuild Iowa infrastructure fund
13 5 created in section 8.57, subsection 6.

13 6 Sec. 27. Section 473.20, unnumbered paragraph 1,
13 7 Code 2007, is amended to read as follows:

13 8 An energy loan ~~fund program~~ is established in the
~~13 9 office of the treasurer of state to and shall be~~
13 10 administered by the department.

13 11 Sec. 28. Section 473.20, subsections 1, 5, and 6,
13 12 Code 2007, are amended to read as follows:

13 13 1. ~~The department may make loans to the state,~~
~~13 14 state agencies, facilitate the loan process for~~
13 15 political subdivisions of the state, school districts,
13 16 area education agencies, community colleges, and
13 17 nonprofit organizations for implementation of energy
13 18 ~~conservation measures management improvements~~
13 19 identified in a ~~comprehensive engineering an energy~~
13 20 analysis. Loans shall be ~~made facilitated~~ for all
13 21 cost-effective energy management improvements. For
13 22 ~~the state, state agencies,~~ political subdivisions of
13 23 the state, school districts, area education agencies,
13 24 community colleges, and nonprofit organizations to
13 25 receive a loan ~~from the fund assistance under the~~
~~13 26 program,~~ the department shall require completion of an
13 27 energy management plan including an energy ~~audit and a~~
~~13 28 comprehensive engineering analysis.~~ The department
13 29 shall approve loans ~~made facilitated~~ under this
13 30 section.

13 31 5. ~~The state, state agencies, political~~ Political
13 32 subdivisions of the state, school districts, area
13 33 education agencies, and community colleges shall
13 34 design and construct the most energy cost-effective
13 35 facilities feasible and ~~shall use the financing made~~
~~13 36 available may use financing facilitated~~ by the
13 37 department to cover the incremental costs above
13 38 minimum building code energy efficiency standards of
13 39 purchasing energy efficient devices and materials
13 40 unless other lower cost financing is available. As
13 41 used in this section, "facility" means a structure

13 42 that is heated or cooled by a mechanical or electrical
13 43 system, or any system of physical operation that
13 44 consumes energy to carry out a process.

13 45 6. The department shall not require the state,
13 46 state agencies, political subdivisions of the state,
13 47 school districts, area education agencies, and
13 48 community colleges to implement a specific energy
13 49 ~~conservation measure management improvement identified~~
13 50 ~~in a comprehensive engineering an energy analysis if~~
14 1 the entity which prepared the analysis demonstrates to
14 2 the department that the facility which is the subject
14 3 of the energy ~~conservation measure management~~
14 4 ~~improvement~~ is unlikely to be used or operated for the
14 5 full period of the expected ~~savings~~ payback of all
14 6 ~~costs associated with implementing the energy~~
14 7 ~~conservation measure management improvement, including~~
14 8 ~~without limitation, any fees or charges of the~~
14 9 ~~department, engineering firms, financial advisors,~~
14 10 ~~attorneys, and other third parties, and all financing~~
14 11 ~~costs including interest, if financed.~~

14 12 Sec. 29. Section 473.20, subsection 3, Code 2007,
14 13 is amended by striking the subsection.

14 14 Sec. 30. Section 473.20A, Code 2007, is amended to
14 15 read as follows:

14 16 473.20A SELF=LIQUIDATING FINANCING.

14 17 1. The department of natural resources may ~~enter~~
14 18 ~~into facilitate~~ financing agreements ~~that may be~~
14 19 ~~entered into with the state, state agencies, political~~
14 20 ~~subdivisions of the state, school districts, area~~
14 21 ~~education agencies, community colleges, or nonprofit~~
14 22 ~~organizations in order to provide the financing to pay~~
14 23 ~~finance the costs of furnishing energy conservation~~
14 24 ~~measures management improvements on a self-liquidating~~
14 25 ~~basis.~~ The provisions of section 473.20 defining
14 26 eligible energy ~~conservation measures and the method~~
14 27 ~~of repayment of the loans management improvements~~
14 28 apply to financings under this section.

14 29 The financing agreement may contain provisions,
14 30 including interest, term, and obligations to make
14 31 payments on the financing agreement beyond the current
14 32 budget year, as may be ~~agreed upon between the~~
14 33 ~~department of natural resources and the state, state~~
14 34 ~~agencies, acceptable to~~ political subdivisions of the
14 35 state, school districts, area education agencies,
14 36 community colleges, or nonprofit organizations.

14 37 2. For the purpose of funding its obligation to
14 38 ~~furnish moneys under the financing agreements, or to~~
14 39 ~~fund the energy loan fund created in section 473.20,~~
14 40 ~~the treasurer of state, with the assistance of the~~
14 41 ~~department of natural resources, or the treasurer of~~
14 42 ~~state's duly authorized agents or representatives, may~~
14 43 ~~incur indebtedness or enter into master lease~~
14 44 ~~agreements or other financing arrangements to borrow~~
14 45 ~~to accomplish energy conservation measures, or the~~
14 46 ~~department of natural resources may enter into master~~
14 47 ~~lease agreements or other financing arrangements to~~
14 48 ~~permit the state, state agencies, political~~
14 49 ~~subdivisions of the state, school districts, area~~
14 50 ~~education agencies, community colleges, or nonprofit~~
15 1 ~~organizations to borrow sufficient funds to accomplish~~
15 2 ~~the energy conservation measure. The obligations may~~
15 3 ~~be in such form, for such term, bearing such interest~~
15 4 ~~and containing such provisions as the department of~~
15 5 ~~natural resources, with the assistance of the~~
15 6 ~~treasurer of state, deems necessary or appropriate.~~
15 7 ~~Funds remaining after the payment of all obligations~~
15 8 ~~have been redeemed shall be paid into the energy loan~~
15 9 ~~fund. The department shall assist the treasurer of~~
15 10 ~~state with financing agreements entered into by the~~
15 11 ~~treasurer of state on behalf of state agencies~~
15 12 ~~pursuant to section 12.28 to finance energy management~~
15 13 ~~improvements being implemented by state agencies.~~

15 14 3. 2. The state, state agencies, political
15 15 Political subdivisions of the state, school districts,
15 16 area education agencies, community colleges, and
15 17 nonprofit organizations may enter into financing
15 18 agreements and issue obligations necessary to carry
15 19 out the provisions of the chapter. Chapter 75 shall
15 20 not be applicable.

15 21 Sec. 31. Section 476.46, subsection 2, paragraph
15 22 d, subparagraph (2), Code 2007, is amended to read as

15 23 follows:
15 24 (2) A facility shall be eligible for no more than
15 25 ~~two hundred fifty thousand~~ one million dollars in
15 26 loans outstanding at any time under this program.
15 27 Sec. 32. Sections 473.11, 473.13, 473.16, 473.17,
15 28 473.42, and 473.44, Code 2007, are repealed.
15 29 Sec. 33. EFFECTIVE DATE. This Act, being deemed
15 30 of immediate importance, takes effect upon enactment.>
15 31 #2. Title page, by striking lines 1 through 3 and
15 32 inserting the following: <An Act relating to the
15 33 development, management, and efficient use of energy
15 34 resources, making energy-related modifications to the
15 35 state building code, setting fees, making
15 36 appropriations, and providing an effective date.>
15 37 #3. By renumbering as necessary.
15 38 SF 517.H
15 39 rn/jg/25