

Reprinted

APR 11 1988

Place On Calendar

HOUSE FILE 2470
BY COMMITTEE ON JUDICIARY
AND LAW ENFORCEMENT

(Formerly House Study Bill 833)

Passed House, Date 4/12/88 (p. 1790) Passed Senate, Date 4/15/88 (p. 1629)
Vote: Ayes 95 Nays 0 Vote: Ayes 48 Nays 0
Approved May 6, 1988

A BILL FOR

1 An Act to legalize and validate the proceedings for the
2 organization and operation of the Resale Power Group of Iowa
3 and declaring it to be legally established and declaring each
4 and all of its acts to have been legally taken and declaring
5 each and all of the actions taken by the Resale Power Group of
6 Iowa and by the City of Burt, City of Dike, City of Dysart,
7 City of Long Grove, City of Maquoketa, City of Marathon, City
8 of Panora, City of Preston, City of Sibley, City of Stanhope,
9 City of State Center, City of Tipton, City of West Liberty,
10 City of Whittemore, City of Anita, City of Hopkinton, City of
11 Grand Junction, City of Ogden, City of Story City, City of
12 Traer, City of Vinton, the Amana Society Service Company,
13 Amana, and the Board of Directors of the Farmers Electric
14 Cooperative, Kalona, all in Iowa, in entering into, ratifying
15 and confirming an agreement between the Resale Power Group of
16 Iowa and its members dated November 3, 1987 and a certain
17 joint transmission agreement dated November 3, 1987, to have
18 been legally taken.

19 WHEREAS, proceedings have been taken for the organization of
20 the Resale Power Group of Iowa under the provisions of chapter
21 twenty-eight E (28E) of the Code for the purpose of the purchase,
22 generation, transmission, sale and interchange of electric energy
23 for its members, the establishment of programs for the safety and

1 technical training of employees of its members and to render
2 service relative to the solution of problems relating to rates
3 for electric energy and related items; and

4 WHEREAS, a copy of the Agreement to Establish the Resale Power
5 Group of Iowa was filed with the Secretary of State of the State
6 on August 8, 1986, has been recorded with the appropriate county
7 recorders and the following public and private agencies operating
8 electric utilities are current members in good standing of the
9 organization: the City of Burt, City of Dike, City of Dysart,
10 City of Long Grove, City of Maquoketa, City of Marathon, City of
11 Panora, City of Preston, City of Sibley, City of Stanhope, City
12 of State Center, City of Tipton, City of West Liberty, City of
13 Whittemore, City of Anita, City of Hopkinton, City of Grand
14 Junction, City of Ogden, City of Story City, City of Traer, City
15 of Vinton, the Amana Society Service Company, Amana, and the
16 Board of Directors of the Farmers Electric Cooperative, Kalona,
17 all in Iowa; and

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18 WHEREAS, the Resale Power Group of Iowa did on November 3,
19 1987, enter into an agreement with its participating members,
20 which agreement relates to and forms a part of a certain joint
21 transmission agreement (referred to as the "Joint Transmission
22 Agreements"); and

23 WHEREAS, the Resale Power Group of Iowa has, on behalf of its
24 participating members, entered into a Joint Transmission
25 Agreement, dated November 3, 1987, with Iowa Electric Light and
26 Power Company for the purpose of obtaining undivided ownership in
27 certain transmission facilities thereby obtaining electric energy
28 at reduced costs delivered through such jointly owned
29 transmission facilities; and

30 WHEREAS, the Resale Power Group of Iowa and all participating
31 members have taken action pursuant to chapters three hundred
32 ninety (390) and twenty-three (23) of the Code as amended, to
33 ratify and confirm the Joint Transmission Agreements pursuant to
34 chapter three hundred ninety (390) of the Code, as amended; and

35 WHEREAS, the aforementioned documents together now purport to

36 form a joint agreement pursuant to chapter three hundred ninety
37 (390) of the Code, as amended; and

38 WHEREAS, the aforementioned documents are a cooperative effort
39 between public and private utilities within the state which will
40 result in lower cost power to consumers of electric power; and

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

48 THEREFORE,

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

HOUSE FILE 2470

H-6393

1 Amend House File 2470, as follows:

2 1. Page 1, by inserting after line 17 the
3 following:

4 "Sec. ____ . This Act, being deemed of immediate
5 importance, is effective upon enactment."

6 2. By renumbering as necessary.

By TABOR of Jackson

H-6393 FILED APRIL 12, 1988

ADOPTED (p. 1790)

TL5B 8451HV 72

mj/sc/14

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

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EXPLANATION

19 This bill legalizes actions of the cities of Burt, Dike,
20 Dysart, Long Grove, Maquoketa, Marathon, Panora, Preston,
21 Sibley, Stanhope, State Center, Tipton, West Liberty,
22 Whittemore, Anita, Hopkinton, Grand Junction, Ogden, Story
23 City, Traer, Vinton and the Amana Society Service Company,
24 Amana, and the Farmers Electric Cooperative of Kalona, in
25 contracting pursuant to chapter 390 of the Iowa Code for the
26 joint transmission of electric power. The bill is effective
27 upon enactment.

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SUCCESSOR TO HSB 833 (LSB 8451HC)

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SIMILAR TO LSB 8448SC

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LSB 8451HV 72

mj/sc/14.1

See Judiciary to Date 4/15 (y. 1988)

HOUSE FILE 2470
BY COMMITTEE ON JUDICIARY
AND LAW ENFORCEMENT

(As Amended and Passed by the House April 12, 1988)

Passed House, Date 4/12/88 (y.) Passed Senate, Date 4/15/88 (y. 1988)
Vote: Ayes _____ Nays _____ Vote: Ayes 28 Nays 0
Approved May 6, 1988

A BILL FOR

1 An Act to legalize and validate the proceedings for the
2 organization and operation of the Resale Power Group of Iowa
3 and declaring it to be legally established and declaring each
4 and all of its acts to have been legally taken and declaring
5 each and all of the actions taken by the Resale Power Group of
6 Iowa and by the City of Burt, City of Dike, City of Dysart,
7 City of Long Grove, City of Maquoketa, City of Marathon, City
8 of Panora, City of Preston, City of Sibley, City of Stanhope,
9 City of State Center, City of Tipton, City of West Liberty,
10 City of Whittemore, City of Anita, City of Hopkinton, City of
11 Grand Junction, City of Ogden, City of Story City, City of
12 Traer, City of Vinton, the Amana Society Service Company,
13 Amana, and the Board of Directors of the Farmers Electric
14 Cooperative, Kalona, all in Iowa, in entering into, ratifying
15 and confirming an agreement between the Resale Power Group of
16 Iowa and its members dated November 3, 1987 and a certain
17 joint transmission agreement dated November 3, 1987, to have
18 been legally taken.
19 WHEREAS, proceedings have been taken for the organization of
20 the Resale Power Group of Iowa under the provisions of chapter
21 twenty-eight E (28E) of the Code for the purpose of the purchase,

1 generation, transmission, sale and interchange of electric energy
2 for its members, the establishment of programs for the safety and
3 technical training of employees of its members and to render
4 service relative to the solution of problems relating to rates
5 for electric energy and related items; and

6 WHEREAS, a copy of the Agreement to Establish the Resale Power
7 Group of Iowa was filed with the Secretary of State of the State
8 on August 8, 1986, has been recorded with the appropriate county
9 recorders and the following public and private agencies operating
10 electric utilities are current members in good standing of the
11 organization: the City of Burt, City of Dike, City of Dysart,
12 City of Long Grove, City of Maquoketa, City of Marathon, City of
13 Panora, City of Preston, City of Sibley, City of Stanhope, City
14 of State Center, City of Tipton, City of West Liberty, City of
15 Whittemore, City of Anita, City of Hopkinton, City of Grand
16 Junction, City of Ogden, City of Story City, City of Traer, City
17 of Vinton, the Amana Society Service Company, Amana, and the
18 Board of Directors of the Farmers Electric Cooperative, Kalona,
19 all in Iowa; and

20 WHEREAS, the Resale Power Group of Iowa did on November 3,
21 1987, enter into an agreement with its participating members,
22 which agreement relates to and forms a part of a certain joint
23 transmission agreement (referred to as the "Joint Transmission
24 Agreements"); and

25 WHEREAS, the Resale Power Group of Iowa has, on behalf of its
26 participating members, entered into a Joint Transmission
27 Agreement, dated November 3, 1987, with Iowa Electric Light and
28 Power Company for the purpose of obtaining undivided ownership in
29 certain transmission facilities thereby obtaining electric energy
30 at reduced costs delivered through such jointly owned
31 transmission facilities; and

32 WHEREAS, the Resale Power Group of Iowa and all participating
33 members have taken action pursuant to chapters three hundred
34 ninety (390) and twenty-three (23) of the Code as amended, to
35 ratify and confirm the Joint Transmission Agreements pursuant to

36 chapter three hundred ninety (390) of the Code, as amended; and
37 WHEREAS, the aforementioned documents together now purport to
38 form a joint agreement pursuant to chapter three hundred ninety
39 (390) of the Code, as amended; and

40 WHEREAS, the aforementioned documents are a cooperative effort
41 between public and private utilities within the state which will
42 result in lower cost power to consumers of electric power; and

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

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

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

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

20 SUCCESSOR TO HSB 833 (LSB 8451HC)
21 SIMILAR TO LSB 8448SC

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HOUSE FILE 2470

AN ACT

TO LEGALIZE AND VALIDATE THE PROCEEDINGS FOR THE ORGANIZATION AND OPERATION OF THE RESALE POWER GROUP OF IOWA AND DECLARING IT TO BE LEGALLY ESTABLISHED AND DECLARING EACH AND ALL OF ITS ACTS TO HAVE BEEN LEGALLY TAKEN AND DECLARING EACH AND ALL OF THE ACTIONS TAKEN BY THE RESALE POWER GROUP OF IOWA AND BY THE CITY OF BURT, CITY OF DIKE, CITY OF DYSART, CITY OF LONG GROVE, CITY OF MAQUOKETA, CITY OF MARATHON, CITY OF PANORA, CITY OF PRESTON, CITY OF SIBLEY, CITY OF STANHOPE, CITY OF STATE CENTER, CITY OF TIPTON, CITY OF WEST LIBERTY, CITY OF WHITTEMORE, CITY OF ANITA, CITY OF HOPKINTON, CITY OF GRAND JUNCTION, CITY OF OGDEN, CITY OF STORY CITY, CITY OF TRAER, CITY OF VINTON, THE AMANA SOCIETY SERVICE COMPANY, AMANA, AND THE BOARD OF DIRECTORS OF THE FARMERS ELECTRIC COOPERATIVE, KALONA, ALL IN IOWA, IN ENTERING INTO, RATIFYING AND CONFIRMING AN AGREEMENT BETWEEN THE RESALE POWER GROUP OF IOWA AND ITS MEMBERS DATED NOVEMBER 3, 1987 AND A CERTAIN JOINT TRANSMISSION AGREEMENT DATED NOVEMBER 3, 1987, TO HAVE BEEN LEGALLY TAKEN.

WHEREAS, proceedings have been taken for the organization of the Resale Power Group of Iowa under the provisions of chapter twenty-eight E (28E) of the Code for the purpose of the purchase, generation, transmission, sale and interchange

of electric energy for its members, the establishment of programs for the safety and technical training of employees of its members and to render service relative to the solution of problems relating to rates for electric energy and related items; and

WHEREAS, a copy of the Agreement to Establish the Resale Power Group of Iowa was filed with the Secretary of State of the State on August 8, 1986, has been recorded with the appropriate county recorders and the following public and private agencies operating electric utilities are current members in good standing of the organization: the City of Burt, City of Dike, City of Dysart, City of Long Grove, City of Maquoketa, City of Marathon, City of Panora, City of Preston, City of Sibley, City of Stanhope, City of State Center, City of Tipton, City of West Liberty, City of Whittemore, City of Anita, City of Hopkinton, City of Grand Junction, City of Ogden, City of Story City, City of Traer, City of Vinton, the Amana Society Service Company, Amana, and the Board of Directors of the Farmers Electric Cooperative, Kalona, all in Iowa; and

WHEREAS, the Resale Power Group of Iowa did on November 3, 1987, enter into an agreement with its participating members, which agreement relates to and forms a part of a certain joint transmission agreement (referred to as the "Joint Transmission Agreements"); and

WHEREAS, the Resale Power Group of Iowa has, on behalf of its participating members, entered into a Joint Transmission Agreement, dated November 3, 1987, with Iowa Electric Light and Power Company for the purpose of obtaining undivided ownership in certain transmission facilities thereby obtaining electric energy at reduced costs delivered through such jointly owned transmission facilities; and

WHEREAS, the Resale Power Group of Iowa and all participating members have taken action pursuant to chapters three hundred ninety (390) and twenty-three (23) of the Code

as amended, to ratify and confirm the Joint Transmission Agreements pursuant to chapter three hundred ninety (390) of the Code, as amended; and

WHEREAS, the aforementioned documents together now purport to form a joint agreement pursuant to chapter three hundred ninety (390) of the Code, as amended; and

WHEREAS, the aforementioned documents are a cooperative effort between public and private utilities within the state which will result in lower cost power to consumers of electric power; and

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.

DONALD D. AVENSON
Speaker of the House

JO ANN ZIMMERMAN
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 2470, Seventy-second General Assembly.

Approved May 6, 1988

JOSEPH O'HERN
Chief Clerk of the House

TERRY E. BRANSTAD
Governor