

**House File 2151 - Introduced**

HOUSE FILE 2151  
BY KELLEY

**A BILL FOR**

1 An Act modifying provisions applicable to the formation and  
2 operation of electric power agencies.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 28F.1, unnumbered paragraphs 3 and 4,  
2 Code 2009, are amended by striking the unnumbered paragraphs.

3 Sec. 2. Section 28F.2, subsection 1, Code 2009, is amended  
4 to read as follows:

5 1. "*Electric power agency*" means an entity financing or  
6 acquiring electric power facilities pursuant to this chapter  
7 or chapter 28E ~~or 476A~~.

8 Sec. 3. Section 390.1, subsections 3 and 10, Code 2009, are  
9 amended to read as follows:

10 3. "*City utility*" has the same meaning provided in section  
11 362.2, subsection 6, and includes a "*combined utility system*",  
12 as defined in section 384.80, which operates facilities for the  
13 generation or transmission of electric energy and an electric  
14 power agency, as defined in section 476A.20.

15 10. "*Participant*" means a city, electric  
16 ~~co-operative~~ cooperative or privately owned utility company, or  
17 an electric power agency, as defined in section 476A.20, which  
18 is a party to a joint agreement.

19 Sec. 4. Section 476A.20, subsections 1 and 2, Code 2009, are  
20 amended to read as follows:

21 1. "*Electric power agency*" means an entity ~~as defined in~~  
22 ~~section 28F.2~~ financing or acquiring electric power facilities  
23 pursuant to this subchapter or chapters 28E or 28F.

24 2. "*Facility*", "*joint facility*", "*electric power facility*",  
25 or "project" means an electric power generating plant, or  
26 transmission line or system, as defined in section 476A.1, or a  
27 joint facility, as defined in section 390.1, subsection 7.

28 Sec. 5. Section 476A.20, Code 2009, is amended by adding the  
29 following new subsection:

30 NEW SUBSECTION. 2A. "*Joint agreement*" means an agreement  
31 of participants in connection with the acquisition, planning,  
32 financing, operation, and maintenance of a joint facility,  
33 consisting of one or more documents, and entitled joint  
34 agreement, agreement, contract, or otherwise.

35 Sec. 6. Section 476A.21, Code 2009, is amended to read as

1 follows:

2 **476A.21 Electric power agency — general authority.**

3 1. In addition to other powers conferred upon an electric  
4 power agency by chapter 28F or other applicable law, an  
5 electric power agency may enter into and carry out joint  
6 agreements with other participants for the acquisition of  
7 ownership of a joint facility and for the planning, financing,  
8 operation, and maintenance of the joint facility, as provided  
9 in this subchapter.

10 2. An electric power agency may be organized as a nonprofit  
11 corporation, limited liability company, or as a separate  
12 administrative or legal entity pursuant to chapter 28E. When  
13 the electric power agency is comprised solely of cities or  
14 solely of cities and other political subdivisions, the electric  
15 power agency shall, for the purposes of exercising the powers  
16 conferred in this subchapter, be a political subdivision of the  
17 state of Iowa with the name under which it was organized.

18 EXPLANATION

19 This bill modifies provisions applicable to the formation  
20 and operation of electric power agencies. Such agencies are  
21 authorized pursuant to Code chapters 28F and 476A, subchapter  
22 II, to enter into joint agreements with other agencies or  
23 entities for the financing, acquisition, and operation of  
24 projects for the generation and transmission of electric  
25 energy.

26 The bill deletes provisions currently contained in Code  
27 chapter 28F requiring voter approval for a city to join another  
28 entity to finance electric power facilities and prohibiting  
29 submission of the same or similar proposal to the voters sooner  
30 than one year from the date of the election at which the  
31 proposal was defeated.

32 The bill also modifies the definition of "electric power  
33 agency" in Code section 28F.2, subsection 1, to eliminate a  
34 circular reference to the same definition in Code section  
35 476A.20, subsection 1, and adds references to the definition of

1 electric power agency in Code section 476A.20, subsection 1, to  
2 the definitions of city utility and participant in Code section  
3 390.1, subsections 3 and 10, with regard to the formation and  
4 operation of joint electrical utilities.

5 The bill expands the definition of "facility" contained in  
6 Code chapter 476A.20, subsection 2, to also refer to a joint  
7 facility, electric power facility, or project, and to include  
8 a joint facility as defined in Code section 390.1, subsection  
9 7. That definition refers to all property necessary or useful  
10 for generating, purchasing, obtaining by exchange or otherwise  
11 acquiring, or transmitting electric power and energy, which  
12 is owned and operated pursuant to a joint agreement. The  
13 bill also defines "joint agreement" to mean an agreement of  
14 participants to acquire, plan, finance, operate, and maintain  
15 a joint facility, consisting of one or more documents, and  
16 entitled joint agreement, agreement, contract, or otherwise.

17 Additionally, the bill provides that an electric power  
18 agency may be organized under Code chapter 476A as a nonprofit  
19 corporation, limited liability company, or as a separate  
20 administrative or legal entity pursuant to Code chapter 28E.  
21 When the electric power agency is comprised solely of cities  
22 or solely of cities and other political subdivisions, the bill  
23 specifies that the electric power agency shall be a political  
24 subdivision of the state of Iowa for purposes of exercising the  
25 powers conferred in Code chapter 476A, subchapter II.