

CHAPTER 54
JOB SERVICE ATTORNEY FEES
S.F. 63

AN ACT relating to the approval of attorney fees by the department of job service.

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

Section 1. Section 96.15, subsection 2, Code 1985, is amended to read as follows:

2. **LIMITATION OF FEES.** ~~No An individual claiming benefits shall not be charged fees of any kind in any proceeding under this chapter by the department or its representatives or by any a court or any an officer thereof of the court. Any An individual claiming benefits in any a proceeding before the department, or an appeal tribunal, or a court may be represented by counsel or other duly authorized agent; but no such counsel or agent shall either charge or receive for such services more than an amount approved by the department. Any A person who violates any provisions a provision of this subsection shall, for each such offense, be is guilty of a serious misdemeanor for each violation.~~

Approved April 29, 1985

CHAPTER 55
STATE ENERGY CONSERVATION LEASES
S.F. 303

AN ACT relating to the lease by state agencies of real and personal properties and facilities for use as or in connection with any energy conservation measure.

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

Section 1. **NEW SECTION. 19.34 ENERGY CONSERVATION LEASE-PURCHASE.**

1. As used in this section:

a. "Energy conservation measure" means installation or modification of an installation in a building which is primarily intended to reduce energy consumption or allow the use of an alternative energy source, which may contain integral control and measurement devices.

b. "State agency" means a board, department, commission or authority of or acting on behalf of the state having the power to enter into contracts with or without the approval of the executive council to acquire property in its own name or in the name of the state. "State

agency" does not mean the general assembly, the courts, the governor or a political subdivision of the state.

2. a. A state agency may, with the approval of the executive council, lease as lessee real and personal properties and facilities for use as or in connection with any energy conservation measure for which it may so acquire real and personal properties and facilities, upon the terms, conditions and considerations the official or officials having the authority with or without the approval of the executive council to commit the state agency to acquire real and personal property and facilities deem in the best interests of the state agency. A lease may include provisions for ultimate ownership by the state or by the state agency and may obligate the state agency to pay costs of maintenance, operation, insurance and taxes. The state agency shall pay the rentals and the additional costs from the annual appropriations for the state agency by the general assembly or from other funds legally available. The lessor of the properties or facilities may retain a security interest in them until title passes to the state or state agency. The security interest may be assigned or pledged by the lessor. In connection with the lease, the state agency may contract for a letter of credit, insurance or other security enhancement obligation with respect to its rental and other obligations and pay the cost from annual appropriations for such state agency by the general assembly or from other funds legally available. The security enhancement arrangement may contain customary terms and provisions, including reimbursement and acceleration if appropriate. This section is a complete and independent authorization and procedure for a state agency, with the approval of the executive council, to enter into a lease and related security enhancement arrangements and this section is not a qualification of any other powers which a state agency may possess, including those under chapter 262, and the authorization and powers granted under this section are not subject to the terms or requirements of any other provision of the Code.

b. Before a state agency seeks approval of the executive council for leasing real or personal properties or facilities for use as or in connection with any energy conservation measure, the state agency shall have a comprehensive engineering analysis done on a building in which it seeks to improve the energy efficiency by an engineering firm approved by the energy policy council through a competitive selection process and the engineering firm is subject to approval of the executive council. Provisions of this section shall only apply to energy conservation measures identified in the comprehensive engineering analysis.

c. Before the executive council gives its approval for a state agency to lease real and personal properties or facilities for use as or in connection with any energy conservation measure, the executive council shall in conjunction with the energy policy council and after review of the engineering analysis submitted by the state agency make a determination that the properties or facilities will result in energy cost savings to the state in an amount that results in the state recovering the cost of the properties or facilities within six years after the initial acquisition of the properties or facilities.

Sec. 2. This Act, being deemed of immediate importance, shall take effect from and after its publication in the Ames Daily Tribune, a newspaper published in Ames, Iowa, and in the Waterloo Courier Cedar Falls Record, a newspaper published in Waterloo, Iowa.

Approved April 29, 1985

I hereby certify that the foregoing Act was published in the Ames Daily Tribune, Ames, Iowa on May 3, 1985 and in the Waterloo Courier Cedar Falls Record, Waterloo, Iowa, on May 6, 1985.

MARY JANE ODELL, *Secretary of State*