

**Senate File 2326 - Reprinted**

SENATE FILE 2326

BY COMMITTEE ON WAYS AND MEANS

(SUCCESSOR TO SF 2050)

(As Amended and Passed by the Senate April 10, 2012)

**A BILL FOR**

1 An Act relating to qualification for and receipt of the wind  
2 energy and renewable energy tax credits.

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

1 Section 1. Section 476B.1, subsection 4, paragraph c, Code  
2 2011, is amended to read as follows:

3 c. Was originally placed in service on or after July 1,  
4 2005, but before July 1, ~~2012~~ 2013.

5 Sec. 2. Section 476B.5, subsection 4, Code Supplement 2011,  
6 is amended to read as follows:

7 4. a. The maximum amount of nameplate generating capacity  
8 of all qualified facilities the board may find eligible under  
9 this chapter shall not exceed fifty megawatts of nameplate  
10 generating capacity.

11 b. If additional capacity becomes available within the  
12 capacity restrictions of paragraph "a" of this subsection, the  
13 amount of available capacity, plus an additional amount of  
14 capacity necessary to render a facility fully operational, if  
15 applicable, may be awarded to the applicant who has awaited  
16 available capacity for the longest period since receiving  
17 approval.

18 Sec. 3. Section 476C.1, subsection 6, paragraph d, Code  
19 Supplement 2011, is amended to read as follows:

20 d. Was initially placed into service on or after July 1,  
21 2005, and before January 1, ~~2015~~ 2020.

22 Sec. 4. Section 476C.3, subsection 4, Code Supplement 2011,  
23 is amended to read as follows:

24 4. a. The maximum amount of nameplate generating capacity  
25 of all wind energy conversion facilities the board may find  
26 eligible under this chapter shall not exceed three hundred  
27 sixty-three megawatts of nameplate generating capacity.

28 Beginning January 1, 2015, through December 31, 2019, this  
29 maximum shall be increased each year by fifteen megawatts over  
30 the maximum in the previous year. Beginning January 1, 2020,  
31 the maximum amount of nameplate generating capacity of all  
32 wind energy conversion facilities the board may find eligible  
33 under this chapter shall not exceed four hundred thirty-eight  
34 megawatts of nameplate generating capacity. Of the maximum  
35 amount of nameplate generating capacity for all wind energy

1 conversion facilities the board may find eligible under this  
2 chapter, five megawatts of nameplate generating capacity shall  
3 be reserved for wind energy conversion facilities located in  
4 small wind innovation zones created under section 476.48.

5     *b.* The maximum amount of energy production capacity  
6 equivalent of all other facilities the board may find eligible  
7 under this chapter shall not exceed a combined output of  
8 fifty-three megawatts of nameplate generating capacity and  
9 one hundred sixty-seven billion British thermal units of  
10 heat for a commercial purpose. Beginning January 1, 2015,  
11 through December 31, 2019, this maximum shall be increased  
12 each year by the energy production capacity equivalent of a  
13 combined output of five megawatts, and the British thermal unit  
14 equivalent, over the maximum in the previous year. Beginning  
15 January 1, 2020, the maximum amount of energy production  
16 capacity equivalent of all other facilities the board may find  
17 eligible under this chapter shall not exceed seventy-eight  
18 megawatts of nameplate generating capacity, and the British  
19 thermal unit equivalent. Of the maximum amount of energy  
20 production capacity equivalent of all other facilities found  
21 eligible under this chapter, no more than ten megawatts of  
22 nameplate generating capacity or energy production capacity  
23 equivalent shall be allocated to any one facility. Of the  
24 maximum amount of energy production capacity equivalent of all  
25 other facilities found eligible under this chapter, fifty-five  
26 billion British thermal units of heat for a commercial purpose  
27 shall be reserved for an eligible facility that is a refuse  
28 conversion facility for processed, engineered fuel from a  
29 multicounty solid waste management planning area. The maximum  
30 amount of energy production capacity the board may find  
31 eligible for a single refuse conversion facility is fifty-five  
32 billion British thermal units of heat for a commercial purpose.  
33 ~~Of the maximum amount of energy production capacity equivalent~~  
34 ~~of all other facilities found eligible under this chapter, an~~  
35 ~~amount equivalent to ten megawatts of nameplate generating~~

~~1 capacity shall be reserved for eligible renewable energy  
2 facilities incorporated within or associated with an ethanol  
3 cogeneration plant engaged in the sale of ethanol to states to  
4 meet a low carbon fuel standard.~~

5 Sec. 5. Section 476C.3, Code Supplement 2011, is amended by  
6 adding the following new subsection:

7 NEW SUBSECTION. 4A. Notwithstanding the definition  
8 of "*eligible renewable energy facility*" in section 476C.1,  
9 subsection 6, unnumbered paragraph 1, of the maximum amount of  
10 energy production capacity equivalent of all other facilities  
11 found eligible pursuant to subsection 4, paragraph "b", an  
12 amount equivalent to ten megawatts of nameplate generating  
13 capacity shall be reserved for natural gas cogeneration  
14 facilities incorporated within or associated with an ethanol  
15 plant to assist the ethanol plant in meeting a low carbon fuel  
16 standard.

17 Sec. 6. Section 476C.5, Code Supplement 2011, is amended to  
18 read as follows:

19 **476C.5 Certificate issuance period.**

20 A producer or purchaser of renewable energy may receive  
21 renewable energy tax credit certificates for a ten-year period  
22 for each eligible renewable energy facility under this chapter.  
23 The ten-year period for issuance of the tax credit certificates  
24 begins with the date the purchaser of renewable energy first  
25 purchases electricity, hydrogen fuel, methane gas or other  
26 biogas used to generate electricity, or heat for commercial  
27 purposes from the eligible renewable energy facility for  
28 which a tax credit is issued under this chapter, or the date  
29 the producer of the renewable energy first uses the energy  
30 produced by the eligible renewable energy facility for on-site  
31 consumption. Renewable energy tax credit certificates shall  
32 not be issued for renewable energy purchased or produced for  
33 on-site consumption after December 31, ~~2024~~ 2029.