

- (a) (i) A representative from government at the level or levels corresponding to the community development organization's area of operation.
  - (b) (ii) A representative from a private sector lending institution.
  - (c) (iii) A representative of a community organization in the area.
  - (d) (iv) A representative of business in the area.
  - (e) (v) A representative of private citizens in the community, area, or region.
- b. (2) "New construction" means new buildings or structures and includes new buildings or structures which are constructed as additions to existing buildings or structures. "New construction" also includes reconstruction or renovation of an existing building or structure which constitutes complete replacement of an existing building or structure or refitting of an existing building or structure, if the reconstruction or renovation of the existing building or structure is required due to economic obsolescence, if the reconstruction or renovation is necessary to implement recognized industry standards for the manufacturing or processing of products, and the reconstruction or renovation is required in order to competitively manufacture or process products or for community development organizations, not-for-profit cooperative associations under chapter 499, or for-profit entities to market a building or structure as a speculative shell building, which determination must receive prior approval from the city council of the city or county board of supervisors of the county.
- e. (3) "Speculative shell building" means a building or structure owned and constructed or reconstructed by a community development organization, a not-for-profit cooperative association under chapter 499, or a for-profit entity without a tenant or buyer for the purpose of attracting an employer or user which will complete the building to the employer's or user's specification for manufacturing, processing, or warehousing the employer's or user's product line.

Sec. 2. EFFECTIVE AND APPLICABILITY DATES. This Act, being deemed of immediate importance, takes effect upon enactment and applies retroactively to January 1, 2007, for projects approved by a city council or board of supervisors prior to that date. Claims for exemption for the 2007 or 2008 or 2009 assessment year shall be filed with the appropriate governing body on or before October 1, 2008.

Approved May 7, 2008

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## CHAPTER 1144

### ENERGY INDEPENDENCE INITIATIVES — MISCELLANEOUS CHANGES

S.F. 2422

**AN ACT** relating to energy independence initiatives, specifying procedures applicable to Iowa power fund applications, authorizing allocations from the fund, directing that specified payments, repayments, or recaptures made to or received by the board shall be deposited in the fund, authorizing increased allocations for administrative costs, authorizing repayment of audit expenses to the auditor of state, and providing an effective date and applicability provision.

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

Section 1. Section 11.5B, Code 2007, is amended by adding the following new subsection:  
**NEW SUBSECTION.** 15. Office of energy independence.

Sec. 2. Section 22.7, Code Supplement 2007, is amended by adding the following new subsection:

NEW SUBSECTION. 60. Information possessed by the office of energy independence, the Iowa power fund board, or the due diligence committee associated with the office and the board, relating to a prospective applicant with which the office, board, or committee is currently negotiating, or an award recipient, shall only be released as provided in section 469.6, subsection 6.

Sec. 3. Section 455B.851, subsection 7, Code Supplement 2007, is amended to read as follows:

7. After consideration of a full range of policies and strategies, including the cost-effectiveness of the strategies, the council shall develop multiple scenarios designed to reduce statewide greenhouse gas emissions including one scenario that would reduce such emissions by fifty percent by 2050. The council shall also develop short-term, medium-term, and long-term scenarios designed to reduce statewide greenhouse gas emissions and shall consider the cost-effectiveness of the scenarios. The council shall establish a baseline year for purposes of calculating reductions in statewide greenhouse gas emissions. The council shall take nuclear power into consideration as part of its discussion of greenhouse gas reductions, and shall incorporate that consideration into its proposal. The council shall submit ~~the~~ an initial proposal to the governor and the general assembly by January 1, 2008, ~~and shall submit an updated proposal by January 1, 2009.~~

Sec. 4. Section 469.4, subsection 2, Code Supplement 2007, is amended to read as follows:

2. The plan shall provide cost-effective options and strategies for reducing the state's consumption of energy, dependence on foreign sources of energy, use of fossil fuels, and greenhouse gas emissions. The options and strategies developed in the plan shall provide for achieving energy independence from foreign sources of energy by the year 2025. The plan shall include a review of a range of energy sources including nuclear power.

Sec. 5. Section 469.6, subsection 5, paragraph d, Code Supplement 2007, is amended to read as follows:

d. ~~Direct moneys from the fund to be used to purchase private or public technical assistance needed to conduct due diligence activities and to develop an Iowa energy independence plan and to address all technical, financial, and management processes associated with applications to the extent not financed by the applicant. Such moneys shall also be used to research, develop, produce, and initiate implementation of the energy independence plan. Other than applicant financing, if agreed to by an applicant and the due diligence committee, an application fee shall not be imposed. Payments received in the form of applicant financing pursuant to this paragraph shall be deposited in the fund and utilized exclusively for the purposes for which the payments were received.~~

Sec. 6. Section 469.6, Code Supplement 2007, is amended by adding the following new subsection:

NEW SUBSECTION. 6. a. In establishing guidelines, procedures, and policies for the awarding of financial assistance, the board shall give due regard to the confidentiality of certain information disclosed during the financial assistance application process and the contract administration process.

b. All information contained in an application for financial assistance submitted to the board shall remain confidential while the board is reviewing the application, processing requests for confidentiality, negotiating with the applicant, and preparing the application for consideration by the board. The board may release certain information in an application for financial assistance to a third party for technical review. If the board releases such information to a third party, the board shall ensure that the third party protects such information from public disclosure. After the board has considered a request for confidentiality, any information not deemed confidential by the board shall be made publicly available. Any information

deemed confidential by the board shall also be kept confidential by the office and board during and following administration of a contract executed pursuant to a successful application.

c. The board shall consider the written request of an applicant or award recipient to keep confidential certain details of an application, a contract, or the materials submitted in support of an application or a contract. If the request includes a sufficient explanation as to why the public disclosure of such details would give an unfair advantage to competitors, the board shall keep such details confidential. If the board elects to keep certain details confidential, the board shall release only the nonconfidential details in response to a request for records pursuant to chapter 22. If confidential details are withheld from a request for records pursuant to chapter 22, the board shall release an explanation of why the information was deemed confidential and a summary of the nature of the information withheld and the reasons for withholding it. In considering requests for confidential treatment, the board shall narrowly construe the provisions of this subsection in order to appropriately balance an applicant's need for confidentiality against the public's right to information about the board's activities.

d. If a request for confidentiality is denied by the board, an applicant may withdraw an application and any supporting materials, and the board shall not retain any copies of the application or supporting materials. Upon notice that an application has been withdrawn, the board shall not release a copy in response to a request for records pursuant to chapter 22.

e. The board shall adopt by rule a process for considering requests to keep information confidential pursuant to this subsection. The board may adopt emergency rules pursuant to chapter 17A to implement this subsection. The rules shall include criteria for guiding the board's decisions about the confidential treatment of applicant information. The criteria may include, but are not limited to the following:

- (1) The nature and extent of competition in the applicant's industry sector.
- (2) The likelihood of adverse financial impact to the applicant if the information were to be released.
- (3) The risk that the applicant would locate in another state if the request is denied.
- (4) Any other factor the board reasonably considers relevant.

Sec. 7. Section 469.9, subsection 4, Code Supplement 2007, is amended by adding the following new paragraph:

NEW PARAGRAPH. e. Payments of interest, repayments of moneys loaned, payments of royalties, recaptures of grants or loans, and any other payments made pursuant to an agreement approved by the board pursuant to this chapter shall be deposited in the fund.

Sec. 8. Section 469.10, subsection 1, Code Supplement 2007, is amended to read as follows:

1. There is appropriated from the general fund of the state to the office of energy independence for each fiscal year of the fiscal period beginning July 1, 2008, and ending June 30, 2011, the sum of twenty-five million dollars to be used for awarding grants and making loans from the Iowa power fund, and for all other purposes specified in and consistent with this subchapter.

Sec. 9. Section 469.10, subsection 2, Code Supplement 2007, is amended to read as follows:

2. Of the moneys appropriated to the office and deposited in the fund, the office shall utilize up to ~~one and five-tenths~~ three and five-tenths percent of the amount appropriated from the fund for a fiscal year for administrative costs. From the funds available for administrative costs, the office shall not employ more than four full-time equivalent positions.

Sec. 10. Section 469.10, Code Supplement 2007, is amended by adding the following new subsection:

NEW SUBSECTION. 3A. Of the moneys appropriated to the office and deposited in the fund, the board may make allocations for the purchase of private or public technical assistance needed to conduct due diligence activities and to address all technical, financial, and management processes associated with applications to the extent not financed by the applicant. Such

moneys shall also be used to research, develop, produce, and initiate implementation of the energy independence plan.

Sec. 11. 2007 Iowa Acts, chapter 209, section 2, is amended to read as follows:

SEC. 2. IOWA POWER FUND. There is appropriated from the general fund of the state to the office of energy independence, if enacted by 2007 Iowa Acts, House File 918,<sup>1</sup> or its successor, for the fiscal year beginning July 1, 2006, and ending June 30, 2007, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For deposit in the Iowa power fund, if enacted by 2007 Iowa Acts, House File 918,<sup>2</sup> or its successor, to be used for awarding grants and making loans from the Iowa power fund, and for all other purposes specified in and consistent with the provisions of House File 918,<sup>3</sup> or its successor:

..... \$ 24,670,000

1. Of the moneys appropriated to the office and deposited in the fund, the office shall utilize up to one and five-tenths percent of the amount appropriated from the fund for administrative purposes.

2. Of the moneys appropriated to the office and deposited in the fund, there shall be allocated two million five hundred thousand dollars to the department of economic development for deposit into the workforce training and economic development funds of the community colleges created pursuant to section 260C.18A. Of the funds so deposited into the workforce training and economic development funds of the community colleges, two million five hundred thousand dollars shall be used each year in the development and expansion of energy industry areas and for the department's north American industrial classification system for targeted industry areas established pursuant to section 260C.18A.

2A. Of the moneys appropriated to the office and deposited in the fund, the board may allocate moneys for the purchase of private or public technical assistance needed to conduct due diligence activities and to address all technical, financial, and management processes associated with applications to the extent not financed by the applicant. Such moneys shall also be used to research, develop, produce, and initiate implementation of the energy independence plan.

3. Notwithstanding section 8.33, amounts appropriated pursuant to this section shall not revert but shall remain available for the purposes designated for the following fiscal year. Notwithstanding section 12C.7, subsection 2, interest or earnings on moneys in the funds shall be credited to the fund.

Sec. 12. APPLICABILITY. The section of this Act amending section 22.7, relating to an exception to the open records law, and enacting section 469.6, subsection 6, relating to board determination of confidentiality upon a request for records pursuant to chapter 22, shall apply to requests in relation to applications that are in process on the effective date of this Act.

Sec. 13. EFFECTIVE DATE. This Act, being deemed of immediate importance, takes effect upon enactment.

Approved May 7, 2008

<sup>1</sup> 2007 Iowa Acts, chapter 168

<sup>2</sup> 2007 Iowa Acts, chapter 168

<sup>3</sup> 2007 Iowa Acts, chapter 168