

House File 2128

S-5143

- 1 Amend House File 2128, as amended, passed, and reprinted by
- 2 the House, as follows:
- 3 1. Page 1, line 15, by striking <214A.35,> and inserting
- 4 <214A.36,>
- 5 2. Page 1, line 21, by striking <motor fuel> and inserting
- 6 <gasoline>
- 7 3. Page 1, line 23, by striking <motor fuel> and inserting
- 8 <gasoline>
- 9 4. Page 1, line 28, by striking <motor fuel> and inserting
- 10 <gasoline>
- 11 5. Page 1, line 29, by striking <motor fuel> and inserting
- 12 <gasoline>
- 13 6. Page 1, line 30, by striking <motor fuel> and inserting
- 14 <gasoline>
- 15 7. Page 1, line 31, by striking <motor fuel> and inserting
- 16 <gasoline>
- 17 8. Page 2, line 1, by striking <motor fuel> and inserting
- 18 <gasoline>
- 19 9. Page 2, line 4, by striking <motor fuel> and inserting
- 20 <gasoline>
- 21 10. Page 2, lines 27 and 28, by striking <motor fuel> and
- 22 inserting <gasoline>
- 23 11. Page 2, line 30, by striking <motor fuel> and inserting
- 24 <gasoline>
- 25 12. Page 3, line 16, by striking <motor fuel> and inserting
- 26 <gasoline>
- 27 13. Page 4, line 26, before <E-15> by inserting
- 28 <alternative>
- 29 14. Page 4, line 31, before <E-15> by inserting
- 30 <alternative>
- 31 15. Page 5, line 7, before <E-15> by inserting <alternative>
- 32 16. Page 5, line 8, by striking <motor fuel> and inserting
- 33 <gasoline>
- 34 17. Page 5, line 15, by striking <motor fuel> and inserting
- 35 <gasoline>

1 18. Page 5, line 25, by striking <motor fuel> and inserting  
2 <gasoline>

3 19. Page 6, by striking lines 23 and 24 and inserting <event  
4 has occurred. A terminable event occurs on the date that any  
5 of the following apply:>

6 20. Page 7, by striking line 9 and inserting <all gasoline  
7 storage tanks that are>

8 21. Page 7, line 10, after <any> by inserting <number>

9 22. Page 7, line 12, by striking <motor fuel> and inserting  
10 <gasoline>

11 23. Page 7, line 14, by striking <motor fuel> and inserting  
12 <gasoline>

13 24. Page 7, line 16, by striking <motor fuel> and inserting  
14 <gasoline>

15 25. Page 7, line 18, by striking <motor fuel> and inserting  
16 <gasoline>

17 26. Page 7, lines 23 and 24, by striking <may file and  
18 review> and inserting <shall file and analyze>

19 27. Page 7, line 29, by striking <motor fuel> and inserting  
20 <gasoline>

21 28. Page 7, line 33, before <E-15> by inserting  
22 <alternative>

23 29. Page 7, line 34, by striking <motor fuel> and inserting  
24 <gasoline>

25 30. Page 8, by striking lines 6 through 15 and inserting:  
26 <(a) The total estimated cost of improvement which equals  
27 the sum of all of the following:

28 (i) The reasonable cost of assessing the retail motor fuel  
29 site to determine the estimated cost of improving the retail  
30 motor fuel site as described in subparagraph subdivision (ii).

31 (ii) The estimated cost of improving the retail motor fuel  
32 site to comply with the alternative E-15 access standard based  
33 on the department's analysis of the inspection report described  
34 in paragraph "a". The estimated cost of improving the retail  
35 motor fuel site shall only include costs used to calculate the

1 amount of standard financial incentives that could be awarded  
2 by the renewable fuel infrastructure board to a retail dealer  
3 participating in the renewable fuel infrastructure program for  
4 retail motor fuel sites as provided in section 159A.14.>

5 31. Page 8, line 19, after <under> by inserting <tier III  
6 of>

7 32. Page 8, line 22, before <E-15> by inserting  
8 <alternative>

9 33. Page 8, line 27, by striking <is applying for> and  
10 inserting <may apply for, is applying for,>

11 34. Page 9, after line 3 by inserting:

12 <Sec. \_\_\_\_\_. NEW SECTION. 214A.36 Exemption from E-15 access  
13 standard for small retail motor fuel sites — by order issued by  
14 secretary of agriculture.

15 1. *a.* The secretary of agriculture shall issue a small  
16 retail motor fuel site exemption administrative order to a  
17 retail dealer. The administrative order shall exempt the  
18 retail dealer from complying with the E-15 access standard, as  
19 otherwise required in section 214A.32, at a small retail motor  
20 fuel site owned or operated by the retail dealer.

21 *b.* To qualify as a small retail motor fuel site under this  
22 section, all of the following must apply:

23 (1) Prior to January 1, 2023, the retail motor fuel site  
24 included gasoline storage and dispensing infrastructure.

25 (2) The retail motor fuel site's average total gasoline  
26 gallonage was limited to three hundred thousand gallons or less  
27 for the qualifying phase as provided in this section.

28 2. *a.* A retail dealer may apply for an administrative order  
29 as described in subsection 1 by submitting an application to  
30 the department in a manner and according to procedures required  
31 by the department.

32 *b.* The retail dealer must sign the application which shall  
33 include a statement that the retail dealer swears and affirms  
34 that all information in the application completed by the retail  
35 dealer is true and correct.

1 3. a. Upon request by the department of agriculture and  
2 land stewardship, the department of revenue shall certify the  
3 average total gasoline gallonage for the retail motor fuel site  
4 computed for the qualifying phase beginning on January 1, 2020,  
5 and ending on December 31, 2022.

6 b. The computation described in paragraph "a" shall be  
7 based on site-by-site information for the retail motor fuel  
8 site in reports required to be filed for determination periods  
9 by the retail dealer with the department of revenue pursuant  
10 to chapter 452A, subchapter II. However, if the department  
11 of revenue cannot obtain site-by-site information for the  
12 retail motor fuel site from such reports, the department of  
13 revenue may use other methods, including records maintained by  
14 the department of revenue under chapter 422, to compute the  
15 retail motor fuel site's gallonage for all or any part of that  
16 qualifying phase.

17 c. A retail dealer who submits an application under this  
18 section shall waive the confidentiality of information in  
19 the department of revenue's certification identifying the  
20 retail dealer or retail motor fuel site otherwise applicable  
21 under chapter 422 or 452A. The information maintained by the  
22 department of agriculture and land stewardship under this  
23 section is a confidential record under section 22.7 and shall  
24 be used by the department of agriculture and land stewardship  
25 for the limited purposes of evaluating the retail dealer's  
26 application for approval and issuing an administrative order  
27 described in subsection 1. The certification may be used in  
28 a criminal proceeding alleging the retail dealer committed  
29 perjury as described in section 214A.11 when completing the  
30 application. The application shall include a notice of the  
31 waiver. The department of agriculture and land stewardship  
32 shall redact such identifying information in any record  
33 otherwise requiring disclosure by that department under chapter  
34 22.

35 d. The department of revenue, in cooperation with the

1 department of agriculture and land stewardship, may adopt rules  
2 to administer this subsection.

3 4. The department shall publish on its internet site for  
4 each quarter of a calendar year information aggregated from  
5 administrative orders described in subsection 1 that shall be  
6 limited to the following:

7 a. The total number of administrative orders issued.

8 b. The total number of administrative orders in effect.

9 5. a. The secretary of agriculture shall terminate the  
10 administrative order described in subsection 1 if a terminable  
11 event has occurred. A terminable event occurs on the date that  
12 any of the following apply:

13 (1) The failure of a retail dealer to be licensed as  
14 required under section 214.2 to use a commercial weighing and  
15 measuring device when dispensing gasoline at the retail motor  
16 fuel site.

17 (2) The cessation of the retail dealer's business of  
18 advertising for sale or selling gasoline at the retail motor  
19 fuel site.

20 (3) The installation, replacement, or conversion of a  
21 gasoline storage tank located at the retail motor fuel site.

22 b. The department may require that a retail dealer  
23 notify the department that a terminable event as described  
24 in paragraph "a" is planned to occur, is occurring, or has  
25 occurred.

26 6. a. This section shall be implemented on January 1, 2023.

27 b. This subsection is repealed January 2, 2023.>

28 35. Page 9, line 4, by striking <214A.36> and inserting  
29 <214A.37>

30 36. Page 9, line 13, by striking <SUSPENDING OR WAIVING> and  
31 inserting <SUSPENDING, WAIVING, OR EXEMPTING>

32 37. Page 9, after line 29 by inserting:

33 <4. The secretary of agriculture may issue a small retail  
34 motor fuel site exemption administrative order as provided in  
35 section 214A.36, as enacted in this part of this division of

1 this Act, prior to January 1, 2023, if the secretary determines  
2 it is necessary to issue the order prior to that date.>

3 38. Page 9, by striking lines 30 and 31 and inserting:  
4 <Sec. \_\_\_\_\_. ADOPTION OF RULES IMPLEMENTING E-15 ACCESS  
5 STANDARD, E-15 INCOMPATIBLE INFRASTRUCTURE WAIVER ORDER, AND  
6 SMALL RETAIL MOTOR FUEL SITE EXEMPTION ADMINISTRATIVE ORDER.>

7 39. Page 10, after line 6 by inserting:  
8 <3. The department of agriculture and land stewardship  
9 shall adopt rules pursuant to chapter 17A prior to January 1,  
10 2023, as necessary to administer and enforce a small retail  
11 motor fuel site exemption administrative order as provided in  
12 section 214A.36, as enacted in this part of this division of  
13 this Act.>

14 40. Page 10, by striking lines 9 and 10.

15 41. Page 11, line 11, by striking <that is> and inserting  
16 <that includes>

17 42. Page 11, after line 35 by inserting:  
18 <NEW SUBSECTION. 10A. *"Determination period"* means any  
19 twelve-month period beginning on January 1 and ending on  
20 December 31 in which a retail dealer who owns or operates a  
21 retail motor fuel site sells and dispenses gasoline or diesel  
22 fuel from that retail motor fuel site as calculated by the  
23 department of revenue in chapter 452A, subchapter II.>

24 43. Page 12, after line 4 by inserting:  
25 <NEW SUBSECTION. 16A. *"Gasoline dispenser"* means a type  
26 of motor fuel dispenser that is part of gasoline storage and  
27 dispensing infrastructure.

28 NEW SUBSECTION. 16B. *"Gasoline storage and dispensing*  
29 *infrastructure"* or *"gasoline infrastructure"* means motor fuel  
30 storage and dispensing infrastructure used to do any of the  
31 following:

32 a. Store and dispense gasoline, including ethanol blended  
33 gasoline or biobutanol blended gasoline.

34 b. Store, blend, and dispense gasoline, including ethanol  
35 blended gasoline or biobutanol blended gasoline.

1     NEW SUBSECTION. 16C. "*Gasoline storage tank*" means a type  
2 of motor fuel storage tank used to store an accumulation of  
3 gasoline.>

4     44. Page 12, by striking lines 10 through 12 and inserting:  
5     <Sec. \_\_\_\_\_. NEW SECTION. 214A.1A Administration and  
6 enforcement.

7     1. This chapter shall be administered and enforced by the  
8 department which may adopt rules under chapter 17A to carry out  
9 the provisions of this chapter.

10    2. The department may adopt rules necessary to administer  
11 and enforce this chapter in conjunction with chapter 214.>

12    45. Page 12, by striking lines 15 through 29 and inserting:  
13    <1. a. The department shall adopt rules pursuant to chapter  
14 17A for carrying out ~~this chapter~~. The rules may include but  
15 are not limited to specifications establishing departmental  
16 standards relating to motor fuel, ~~including but not limited to~~  
17 ~~renewable fuel such as ethanol blended gasoline, biobutanol~~  
18 ~~blended gasoline, biodiesel, biodiesel blended fuel, fuels and~~  
19 motor fuel components ~~such as an oxygenate.~~

20    b. In the interest of uniformity, the department shall  
21 adopt by reference ~~other~~ in part or in whole, as some of its  
22 departmental standards described in paragraph "a", applicable  
23 specifications relating to tests and standards for motor fuel,  
24 including renewable fuel and motor fuel components, adopted by  
25 ASTM international and applicable requirements established by  
26 the United States environmental protection agency and ~~A.S.T.M.~~  
27 ~~international.~~>

28    46. Page 13, by striking lines 10 through 24.

29    47. Page 13, after line 30 by inserting:

30    <Sec. \_\_\_\_\_. Section 214A.11, subsection 1, Code 2022, is  
31 amended to read as follows:

32    1. Except as otherwise provided in ~~subsection 2~~ subsection  
33 3, a person who violates a provision of ~~this chapter~~ is guilty  
34 of a serious misdemeanor or is subject to an alternative  
35 civil enforcement action under subsection 2. Each day that

1 a continuing violation occurs shall be considered a separate  
2 offense.>

3 48. Page 13, line 31, by striking <subsection 2,>

4 49. Page 13, line 32, by striking <paragraphs> and inserting  
5 <subsection>

6 50. Page 13, line 33, by striking <NEW PARAGRAPH. c.> and  
7 inserting <NEW SUBSECTION. 3. a.>

8 51. Page 14, line 3, by striking <"c"> and inserting <"a">

9 52. Page 14, line 6, by striking <NEW PARAGRAPH. d.> and  
10 inserting <b.>

11 53. Page 14, line 15, by striking <"d"> and inserting <"b">

12 54. Page 14, after line 17 by inserting:

13 <c. (1) A retail dealer who submits an application for a  
14 small retail motor fuel site exemption administrative order  
15 under section 214A.36 that the retail dealer knows is not true  
16 and correct commits perjury as provided in section 720.2.

17 (2) (a) This paragraph "c" shall be implemented on January  
18 1, 2023.

19 (b) This subparagraph is repealed January 2, 2023.>

20 55. Page 15, by striking line 3.

21 56. Page 15, by striking line 9 and inserting:

22 <a. Section 214A.3>

23 57. Page 15, line 28, by striking <214A.36> and inserting  
24 <214A.37>

25 58. Page 16, by striking lines 18 through 22 and inserting  
26 <or "gasoline infrastructure" means the same as defined in  
27 section 214A.1.>

28 59. Page 16, by striking lines 25 and 26 and inserting:  
29 <Sec. \_\_\_\_\_. Section 455G.31, subsection 1, paragraph a, Code  
30 2022, is amended by striking the paragraph.>

31 60. Page 16, line 29, by striking <2-> and inserting <2.>

32 61. Page 16, lines 31 and 32, by striking <E-9 E-10> and  
33 inserting <E-9>

34 62. Page 16, after line 35 by inserting:  
35 <Sec. \_\_\_\_\_. Section 455G.31, subsection 3, Code 2022, is



1 amended by striking the subsection.>

2 63. Page 28, line 21, by striking <motor fuel,> and  
3 inserting <motor fuel or special fuel,>

4 64. Page 28, line 22, by striking <same> and inserting  
5 <applicable>

6 65. Page 28, after line 23 by inserting:

7 <Sec. \_\_\_\_\_. Section 452A.31, subsection 1, Code 2022, is  
8 amended to read as follows:

9 1. A determination period is any twelve-month period  
10 beginning on January 1 and ending on December 31 in which a  
11 retail dealer who owns or operates a retail motor fuel site  
12 sells and dispenses gasoline or diesel fuel from that site as  
13 regulated by the department of agriculture and land stewardship  
14 pursuant to chapters 214 and 214A.>

15 66. By striking page 31, line 23, through page 32, line 2,  
16 and inserting:

17 <c. (1) The retail dealer shall prepare and ~~submit file~~  
18 the report with the department in a manner and according to  
19 procedures required by the department in compliance with  
20 section 452A.61. However, the department may require that the  
21 retail dealer file the report with the department by electronic  
22 transmission. The department may require that retail dealers  
23 report to the department on an annual, quarterly, or monthly  
24 basis. The department, upon application by a retail dealer,  
25 may grant a reasonable extension of time to file the report.

26 (2) If a retail dealer fails to file the report as required  
27 by this section or fails to maintain records required to file  
28 the report the department may impose a civil penalty of not  
29 more than one hundred dollars per occurrence in addition to any  
30 other penalty provided by law. The penalty amount shall be  
31 deposited into the general fund of the state.>

32 67. Page 32, before line 3 by inserting:

33 <Sec. \_\_\_\_\_. Section 452A.33, subsection 1, paragraph d, Code  
34 2022, is amended to read as follows:

35 d. The information included in a report submitted by a

1 retail dealer is deemed to be a trade secret, protected as a  
2 confidential record pursuant to [section 22.7](#). However, upon  
3 request by the department of agriculture and land stewardship  
4 pursuant to section 159A.14 or 214A.36, the department of  
5 revenue shall certify a retail motor fuel site's average total  
6 gasoline gallonage for a qualifying phase as provided in each  
7 of those sections.>

8 68. Page 36, before line 5 by inserting:

9 <PART A  
10 RENEWABLE FUEL INFRASTRUCTURE PROGRAM FOR RETAIL MOTOR FUEL  
11 SITES>

12 69. Page 38, by striking lines 4 through 11 and inserting:

13 <b. The application shall allow the department to determine  
14 all of the following:

15 (1) The tier designation of the retail motor fuel site as  
16 provided in subsection 4B.

17 (2) Whether the retail dealer would be in compliance with  
18 the general E-15 access standard or the alternative E-15 access  
19 standard as provided in section 214A.32 if that standard were  
20 implemented on the date the application was filed.

21 (3) Whether the person is a retail dealer assigned special  
22 status. The department shall assign the person special status  
23 if the person does not comply with the E-15 access standard as  
24 provided in section 214A.32 and the person is ineligible to be  
25 issued an E-15 incompatible infrastructure class 2 waiver order  
26 for that retail motor fuel site as provided in section 214A.35,  
27 subsection 6.>

28 70. Page 38, by striking lines 12 through 24.

29 71. Page 38, line 25, by striking <d.> and inserting <c.>

30 72. Page 38, after line 27 by inserting:

31 <d. An application shall automatically expire if the  
32 application has not been approved or disapproved by the board  
33 as provided in this section within twenty-four months after the  
34 department files the submitted application.

35 e. The infrastructure board shall not delay approving an

1 application or financing agreement to install, replace, or  
2 convert ethanol infrastructure based on its priority status as  
3 provided in subsection 4B.>

4 73. By striking page 38, line 30, through page 39, line 4,  
5 and inserting:

6 <The infrastructure board shall approve ~~cost-share~~ financing  
7 agreements executed entered into by the department and persons  
8 that the infrastructure board determines are eligible as  
9 provided in this section, according to terms and conditions  
10 required by the infrastructure board. ~~The infrastructure board~~  
11 ~~shall determine the amount of the financial incentives to be~~  
12 ~~awarded to a person participating in the program.~~ In order to  
13 be eligible to participate in the program, all of the following  
14 must apply:>

15 74. Page 39, before line 5 by inserting:

16 <Sec. \_\_\_\_\_. Section 159A.14, subsection 3, paragraph b,  
17 subparagraph (4), Code 2022, is amended to read as follows:

18 (4) A statement certifying that the infrastructure shall  
19 only be used to comply with the provisions of this section and  
20 as specified in the ~~cost-share~~ financing agreement, unless  
21 granted a waiver by the infrastructure board pursuant to this  
22 section.

23 Sec. \_\_\_\_\_. Section 159A.14, Code 2022, is amended by adding  
24 the following new subsections:

25 NEW SUBSECTION. 4A. A financing agreement shall be for  
26 a five-year period. The financing agreement shall include  
27 provisions for standard financial incentives or standard  
28 financial incentives and supplemental financial incentives as  
29 provided in this section. The infrastructure board may approve  
30 multiple improvements to the same retail motor fuel site for  
31 the full amount available for both ethanol infrastructure  
32 and biodiesel infrastructure so long as the improvements for  
33 ethanol infrastructure and for biodiesel infrastructure are  
34 made under separate financing statements.

35 a. For the term of a financing agreement to improve a

1 retail motor fuel site by installing, replacing, or converting  
2 ethanol infrastructure, the participating person must use the  
3 ethanol infrastructure to store and dispense, or store, blend,  
4 and dispense, ethanol blended gasoline classified as E-15 or  
5 higher.

6 *b.* For the term of a financing agreement to improve a  
7 retail motor fuel site by installing, replacing, or converting  
8 biodiesel infrastructure, the participating person must use  
9 the biodiesel infrastructure to store and dispense, or store,  
10 blend, and dispense, biodiesel blended fuel classified as B-5  
11 or higher. However, at least for the period beginning April 1  
12 and ending October 31 of each year, the participating person  
13 must use the biodiesel infrastructure to store and dispense, or  
14 store, blend, and dispense, biodiesel blended fuel classified  
15 as B-11 or higher.

16 NEW SUBSECTION. 4B. *a.* The infrastructure board shall  
17 award standard financial incentives to improve a retail motor  
18 fuel site by installing, replacing, or converting ethanol  
19 infrastructure designated by the department as a tier I site  
20 or tier II site. The department's designation shall be based  
21 on all of the following:

22 (1) The total number of retail motor fuel sites that store  
23 and dispense gasoline, or store, blend, and dispense gasoline,  
24 that are owned or operated in this state by the eligible person  
25 on the date of the application.

26 (2) The retail motor fuel site's average total gasoline  
27 gallonage for the qualifying phase that includes the three  
28 calendar years immediately prior to the year that the eligible  
29 person submitted the application.

30 (a) Upon request by the department of agriculture and  
31 land stewardship, the department of revenue shall certify the  
32 average total gasoline gallonage for the retail motor fuel site  
33 computed for the qualifying phase. The computation shall be  
34 based on site-by-site information for the retail motor fuel  
35 site in reports required to be filed for determination periods

1 by the retail dealer with the department of revenue pursuant  
2 to chapter 452A, subchapter II. However, if the department  
3 of revenue cannot obtain site-by-site information for the  
4 retail motor fuel site from such reports, the department of  
5 revenue may use other methods, including records maintained by  
6 the department of revenue under chapter 422, to compute the  
7 retail motor fuel site's gallonage for all or any part of that  
8 qualifying phase.

9 (b) A person who submits an application under this  
10 section shall waive the confidentiality of information in the  
11 department of revenue's certification identifying the person  
12 or retail motor fuel site otherwise applicable under chapter  
13 422 or 452A. The information maintained by the department  
14 of agriculture and land stewardship under this section is a  
15 confidential record under section 22.7 and shall be used by  
16 the department of agriculture and land stewardship and the  
17 infrastructure board for the limited purpose of evaluating  
18 the eligible person's application for approval and entering  
19 into a financing agreement with the participating person.  
20 The application shall include a notice of the waiver. The  
21 department of agriculture and land stewardship or the  
22 infrastructure board shall redact such identifying information  
23 in any record otherwise requiring disclosure by that department  
24 under chapter 22.

25 (c) The department of revenue, in cooperation with the  
26 department of agriculture and land stewardship, may adopt rules  
27 to administer this subparagraph.

28 *b.* (1) For a tier I site, all of the following apply:

29 (a) The eligible person must own or operate a total of ten  
30 or fewer of the retail motor fuel sites described in paragraph  
31 "a" regardless of their designations.

32 (b) The eligible person must not have stored and dispensed  
33 E-15 gasoline at the retail motor fuel site at any time prior  
34 to submitting the application.

35 (c) The retail motor fuel site's average total gasoline

1 gallonage as certified by the department of revenue as provided  
2 in paragraph "a" must not be more than one hundred forty  
3 thousand gallons.

4 (2) The amount of standard financial incentives awarded to  
5 improve the tier I site is ninety percent of the actual cost  
6 of making the improvement or sixty-three thousand nine hundred  
7 dollars, whichever is less.

8 c. (1) For a tier II site, all of the following apply:

9 (a) The eligible person must own or operate a total of ten  
10 or fewer retail motor fuel sites described in paragraph "a"  
11 regardless of their designations.

12 (b) The eligible person must not have stored and dispensed  
13 E-15 gasoline at the retail motor fuel site at any time prior  
14 to submitting the application.

15 (c) The retail motor fuel site's average total gasoline  
16 gallonage as certified by the department of revenue as provided  
17 in paragraph "a" must be more than one hundred forty thousand  
18 gallons but not more than four hundred fifty thousand gallons.

19 (2) The amount of standard financial incentives awarded to  
20 improve the tier II site is seventy-five percent of the actual  
21 cost of making the improvements or fifty-three thousand two  
22 hundred fifty dollars, whichever is less.

23 d. The infrastructure board shall award standard financial  
24 incentives to improve a retail motor fuel site by installing,  
25 replacing, or converting ethanol infrastructure at a tier III  
26 site as designated by the department.

27 (1) Any retail motor fuel site not designated as a tier I  
28 site under paragraph "b" or a tier II site under paragraph "c"  
29 shall be designated as a tier III site.

30 (2) The amount of standard financial incentives awarded to  
31 improve the tier III site is seventy percent of the actual cost  
32 of making the improvement or fifty thousand dollars, whichever  
33 is less.

34 e. The infrastructure board shall establish a system to rank  
35 applications to improve a retail motor fuel site by installing,

1 replacing, or converting ethanol infrastructure according to an  
2 order or priority order as follows:

3 (1) For the first priority, a retail motor fuel site  
4 assigned a special status as provided in subsection 2.

5 (2) For the second priority, a retail motor fuel site that  
6 is a tier I site as provided in this subsection.

7 (3) For the third priority, a retail motor fuel site that is  
8 a tier II site as provided in this subsection.

9 (4) For the fourth priority, a tier III site as provided  
10 in this subsection. Among tier III sites, the infrastructure  
11 board shall prioritize a retail motor fuel site that included  
12 motor fuel storage and dispensing infrastructure used to store  
13 and dispense gasoline prior to January 1, 2023.

14 NEW SUBSECTION. 4C. The amount of standard financial  
15 incentives awarded to an eligible person to improve a retail  
16 motor fuel site by installing, replacing, or converting  
17 biodiesel infrastructure is seventy percent of the actual cost  
18 of making the improvement or fifty thousand dollars, whichever  
19 is less.

20 Sec. \_\_\_\_\_. Section 159A.14, subsection 5, unnumbered  
21 paragraph 1, Code 2022, is amended by striking the unnumbered  
22 paragraph and inserting in lieu thereof the following:

23 The department may provide for dedicated financing to  
24 an eligible person who receives standard financing under  
25 subsection 4B or 4C, subject to all of the following:

26 Sec. \_\_\_\_\_. Section 159A.14, subsection 5, paragraph a, Code  
27 2022, is amended by striking the paragraph and inserting in  
28 lieu thereof the following:

29 a. If the department determines that a participating person  
30 is assigned special status because the participating person is  
31 ineligible to be issued an E-15 incompatible infrastructure  
32 class 2 waiver order for the retail motor fuel site as provided  
33 in subsection 2, the infrastructure board may approve one  
34 or multiple awards of standard financial incentives to make  
35 improvements to that retail motor fuel site subject to all of

1 the following:

2 (1) The total amount of awards shall not be reduced by the  
3 amount of any standard or special financial incentives awarded  
4 to improve the retail motor fuel site under a prior financing  
5 agreement, notwithstanding subsection 4A.

6 (2) The total amount of awards for ethanol infrastructure  
7 under the financing agreement to be entered into by the retail  
8 dealer and department shall not exceed the limitations provided  
9 in subsection 4B.>

10 75. Page 39, line 5, after <subsection 5,> by inserting  
11 <paragraph b,>

12 76. By striking page 39, line 7, through page 41, line 6,  
13 and inserting:

14 <b. In addition to any standard financial incentives awarded  
15 to a participating person under ~~paragraph "a",~~ subsections 4B  
16 and 4C, the participating person may be awarded supplemental  
17 financial incentives to make improvements to a retail motor  
18 fuel site to ~~do any of the following:~~>

19 77. Page 41, by striking lines 24 and 25 and inserting  
20 <incentives under this ~~subparagraph~~ paragraph "b" and standard  
21 financial incentives under ~~paragraph "a"~~ subsection 4B or 4C to  
22 improve the>

23 78. Page 42, after line 4 by inserting:

24 <Sec. \_\_\_\_\_. Section 159A.14, subsection 6, unnumbered  
25 paragraph 1, Code 2022, is amended to read as follows:

26 A participating person shall not use the infrastructure to  
27 store and dispense motor fuel other than the type of renewable  
28 fuel approved by the board in the ~~cost-share~~ financing  
29 agreement, unless one of the following applies:>

30 79. Page 42, after line 16 by inserting:

31 <Sec. \_\_\_\_\_. EFFECTIVE DATE. This part of this division of  
32 this Act takes effect January 1, 2023.

33

#### PART B

34

#### RULEMAKING

35

Sec. \_\_\_\_\_. ADMINISTRATIVE RULES. The department of



1 agriculture and land stewardship shall submit a notice of  
2 intended action to the administrative rules coordinator and  
3 the Iowa administrative code editor pursuant to section 17A.4,  
4 subsection 1, paragraph "a", not later than July 1, 2022, for  
5 the adoption of rules required to implement part A of this  
6 division of this Act.

7 Sec. \_\_\_\_ . EFFECTIVE DATE. This part of this division of  
8 this Act, being deemed of immediate importance, takes effect  
9 upon enactment.>

10 80. By striking page 42, line 17, through page 43, line 3.

11 81. By renumbering as necessary.

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COMMITTEE ON WAYS AND MEANS

DAN DAWSON, CHAIRPERSON