

**EIGHTY-EIGHTH GENERAL ASSEMBLY
2020 REGULAR SESSION
DAILY
HOUSE CLIP SHEET
February 25, 2020**

Clip Sheet Summary

Displays all amendments, fiscal notes, and conference committee reports for previous day.

Bill	Amendment	Action	Sponsor
HF 2192	H-8035		FRY of Clarke
HF 2340	H-8034		STECKMAN of Cerro Gordo, et al
HF 2375	H-8032		MEYER of Webster
HF 2513	H-8031		WHEELER of Sioux
HF 2536	H-8030		COMMITTEE ON JUDICIARY, et al
SF 583	H-8033		COMMITTEE ON COMMERCE, et al

Fiscal Notes

[HF 2436](#) — [Theft, Enhanced Penalties](#) (LSB5075HV)

HOUSE FILE 2192

H-8035

1 Amend the amendment, H-8028, to House File 2192 as follows:

2 1. Page 1, line 3, by striking <real-time> and inserting

3 <real-time interactive>

By FRY of Clarke

H-8035 FILED FEBRUARY 25, 2020

HOUSE FILE 2340

H-8034

1 Amend House File 2340 as follows:

2 1. Page 1, before line 1 by inserting:

3 <Section 1. Section 12D.1, subsection 2, paragraph k, Code
4 2020, is amended to read as follows:

5 *k. "Qualified education expenses" means the same as*
6 *"qualified higher education expenses" as defined in section*
7 *529(e)(3) of the Internal Revenue Code, as amended by Pub. L.*
8 *No. 115-97, and shall include elementary and secondary school*
9 *expenses for tuition described in section 529(c)(7) of the*
10 *Internal Revenue Code, subject to the limitations imposed by*
11 *section 529(e)(3)(A) of the Internal Revenue Code. "Qualified*
12 *education expenses" includes amounts paid as principal or*
13 *interest on behalf of a beneficiary or a sibling of the*
14 *beneficiary on any qualified education loan as defined in*
15 *section 221(d) of the Internal Revenue Code.*

16 Sec. _____. Section 422.7, subsection 32, paragraph c,
17 subparagraph (1), Code 2020, is amended by adding the following
18 new subparagraph division:

19 NEW SUBPARAGRAPH DIVISION. (d) Qualified education loan
20 repayments.>

21 2. Page 1, after line 16 by inserting:

22 <Sec. _____. Section 422.7, subsection 32, paragraph c,
23 subparagraph (2), Code 2020, is amended by adding the following
24 new subparagraph divisions:

25 NEW SUBPARAGRAPH DIVISION. (d) *"Qualified education loan*
26 *repayments" means amounts paid as principal or interest on*
27 *behalf of the beneficiary or a sibling of the beneficiary on*
28 *any qualified education loan as defined in section 221(d) of*
29 *the Internal Revenue Code, not to exceed ten thousand dollars*
30 *in the aggregate for the beneficiary or a sibling of the*
31 *beneficiary, respectively.*

32 NEW SUBPARAGRAPH DIVISION. (e) *"Sibling" means an*
33 *individual who bears a relationship to the designated*
34 *beneficiary which is described in section 152(d)(2)(B) of the*
35 *Internal Revenue Code.>*

H-8034 (Continued)

- 1 3. Title page, by striking lines 1 through 3 and inserting
- 2 <An Act relating to the use of Iowa educational savings plan
- 3 trust funds, and>
- 4 4. By renumbering as necessary.

By STECKMAN of Cerro Gordo
STAED of Linn

H-8034 FILED FEBRUARY 25, 2020

HOUSE FILE 2375

H-8032

1 Amend House File 2375 as follows:

2 1. Page 3, after line 34 by inserting:

3 <(f) A member of a public transit system, as defined in
4 section 324A.1, performing official duties while in a vehicle
5 that is not in motion.>

6 2. Page 5, after line 32 by inserting:

7 <(g) A member of a public transit system, as defined in
8 section 324A.1, performing official duties while in a vehicle
9 that is not in motion.>

By MEYER of Webster

H-8032 FILED FEBRUARY 25, 2020

HOUSE FILE 2513

H-8031

1 Amend House File 2513 as follows:

2 1. Page 1, line 6, by striking <thirty-five> and inserting

3 <~~thirty-five~~>

By WHEELER of Sioux

H-8031 FILED FEBRUARY 25, 2020

HOUSE FILE 2536

H-8030

- 1 Amend House File 2536 as follows:
- 2 1. By striking page 102, line 23, through page 103, line 2.
- 3 2. Page 136, line 22, by striking <section> and inserting
- 4 <sections>
- 5 3. By renumbering as necessary.

By COMMITTEE ON JUDICIARY

HOLT of Crawford, Chairperson

H-8030 FILED FEBRUARY 25, 2020

H-8033

1 Amend Senate File 583, as amended, passed, and reprinted by
2 the Senate, as follows:

3 1. By striking everything after the enacting clause and
4 inserting:

5 <Section 1. NEW SECTION. 476.49 Billing methods for
6 distributed generation customers.

7 1. *Definitions.* For purposes of this section, unless the
8 context otherwise requires:

9 a. *"Alternate energy production facility"* means the same as
10 defined in section 476.42.

11 b. *"Distributed generation customer"* means a person
12 other than a public utility that interconnects an eligible
13 distributed generation facility to an electric distribution
14 system.

15 c. *"Distributed generation facility"* means the same as
16 defined in section 476.58, subsection 1, paragraph "b",
17 subparagraph (2) or (3).

18 d. *"Electric utility"* means a public utility that furnishes
19 electricity to the public for compensation that is required to
20 be rate-regulated under this chapter.

21 e. *"Eligible distributed generation facility"* means a
22 distributed generation facility that elects a billing method
23 pursuant to subsection 3, and to which all of the following
24 apply:

25 (1) The facility is located behind a customer's electricity
26 meter.

27 (2) The facility is interconnected to the electric utility
28 distribution system.

29 (3) The facility has an aggregate nameplate capacity less
30 than or equal to one megawatt alternating current.

31 (4) The facility has a capability to produce no more than
32 one hundred ten percent of the customer's annual electricity
33 usage.

34 (5) The facility's generating capacity and associated
35 energy is intended to serve only the on-site electric

1 requirements of the customer.

2 *f. "Inflow-outflow billing"* means a billing method for
3 an eligible distributed generation facility whereby the net
4 metering interval is measured hourly or subhourly, and a
5 distributed generation customer makes payment and is credited
6 as provided in subsection 3, paragraph "b".

7 *g. "Net billing"* means a billing method for an eligible
8 distributed generation facility whereby the net metering
9 interval is equal to a monthly billing period, and a
10 distributed generation customer makes payment and is credited
11 as provided in subsection 3, paragraph "a".

12 *h. "Net metering"* means a single meter monitoring only
13 the net amount of electricity delivered to and exported by an
14 eligible distributed generation facility, which electricity
15 offsets electricity that would otherwise be purchased by a
16 distributed generation customer from the electric utility.

17 *i. "Statewide distributed generation penetration"* means
18 the aggregate nameplate capacity of all eligible distributed
19 generation facilities of electric utilities as a percentage of
20 the aggregate peak demand of all electric utilities.

21 2. *Publication of data.* The board shall collect data on
22 the nameplate capacity of eligible distributed generation
23 facilities, calculate the statewide distributed generation
24 penetration percentage, and publish the data and penetration
25 rate on an annual basis on the board's internet site.

26 3. *Billing methods.* An electric utility shall file either a
27 net billing or an inflow-outflow billing tariff with the board
28 to govern the billing and crediting of eligible distributed
29 generation facilities interconnected with the electric
30 distribution system of an electric utility as follows:

31 *a. (1)* An electric utility choosing to utilize the net
32 billing method shall file a tariff with the board whereby a
33 distributed generation customer pays all applicable charges,
34 including applicable rider charges approved by the board and
35 applied to non-net metering customers, for the electricity

1 delivered to the customer over the net metering interval.
2 A distributed generation customer shall be credited in
3 kilowatt-hours for energy exported to the electric utility over
4 the net metering interval. A distributed generation customer
5 may use the kilowatt-hour credits to offset kilowatt-hours
6 in future billing periods. The offset shall include any
7 applicable volumetric rider charges approved by the board and
8 applied to non-net metering customers.

9 (2) Any excess kilowatt-hours remaining at the end of
10 a twelve-month period shall be cashed out at the electric
11 utility's avoided cost rate with the funds from the cash out
12 divided evenly between the customer and the electric utility's
13 low-income home energy assistance program. The distributed
14 generation customer shall choose either a January or April cash
15 out date at the time of interconnection.

16 (3) Net billing shall not be limited in any way based on a
17 customer's peak demand.

18 (4) Net billing shall not include any fees or charges that
19 are not charged to customers in the same rate class that are
20 not net billing customers.

21 *b.* (1) An electric utility choosing to utilize the
22 inflow-outflow billing method shall file a tariff with the
23 board whereby a distributed generation customer pays all
24 applicable charges, including applicable rider charges approved
25 by the board and applied to non-net metering customers, for
26 the electricity delivered by the electric utility over the net
27 metering interval. The distributed generation customer is
28 credited in dollars at the outflow purchase rate for energy
29 exported to the utility over the net metering interval. The
30 distributed generation customer may use the dollar credits to
31 offset any applicable volumetric charges, including applicable
32 rider charges, billed on a kilowatt-hour basis.

33 (2) The electric utility shall select an hourly or subhourly
34 metering interval that balances the benefits of accurately
35 measuring power flows in each direction with the cost of

1 collecting, storing, and processing meter data.

2 (3) Inflow-outflow billing shall not include any fees or
3 charges that are not charged to customers in the same rate
4 class that are not inflow-outflow customers.

5 (4) Prior to the board's approval of a value of solar
6 methodology and rate, the outflow purchase rate for an eligible
7 distributed generation facility shall be the applicable retail
8 volumetric rate, including applicable rider charges approved
9 by the board and applied to non-net metered customers. The
10 outflow purchase rate for any distributed generation facility
11 will continue to be the applicable retail volumetric rate
12 for a term of twenty years. Any change in ownership of such
13 eligible facility, or adoption and use by the electric utility
14 of a value-of-solar rate pursuant to subsection 4, shall not
15 impact the outflow purchase rate for the distributed generation
16 facility during the twenty-year term.

17 4. *Value of solar methodology.* If the board is petitioned
18 by an electric utility after July 1, 2027, or when the
19 statewide distributed generation penetration rate is equal to
20 five percent, whichever is earlier, the board shall initiate
21 a proceeding to develop a value of solar methodology and
22 rate for eligible distributed generation facilities. The
23 value of solar rate shall be determined through the use of a
24 methodology that calculates the benefits and costs an eligible
25 distributed generation facility provides to, or imposes on,
26 the electric system. The value of solar methodology shall
27 be applied independently to each electric utility. When the
28 board determines the value of solar methodology, it shall
29 determine if there is a need for separate methodologies for
30 other distributed generation technologies or if it can account
31 for the values of other technologies with modifications to the
32 value of solar methodology.

33 a. In establishing the methodology, the board shall initiate
34 a formal proceeding. The value of solar methodology shall be
35 determined through a study conducted by an independent third

1 party and overseen by the board. Interested parties shall have
2 the opportunity to comment and offer testimony on any proposed
3 value of solar methodology before it is adopted by the board.

4 *b.* The benefits and costs in a value of solar methodology
5 shall include all of the following factors as appropriate and
6 supported by known and measurable evidence:

- 7 (1) The cost of energy and fuel.
- 8 (2) Generation capacity and reserves.
- 9 (3) Transmission capacity and charges.
- 10 (4) Distribution capacity.
- 11 (5) Transmission and distribution line losses.
- 12 (6) Fixed and variable costs associated with plant
13 operations and maintenance.
- 14 (7) Environmental compliance costs.
- 15 (8) Integration costs.
- 16 (9) Grid support services.
- 17 (10) Other factors, based on known and measurable evidence
18 of the cost or benefit of solar operations to the electric
19 utility's electric system.

20 *c.* Upon approval of the value of solar methodology, the
21 outflow purchase rate shall be limited to either a five
22 percent increase or decrease from the previous outflow purchase
23 rate. The value of solar rate shall be recomputed annually
24 and reflected in the outflow purchase rate, limited to a
25 five percent increase or decrease from the previous outflow
26 purchase rate. If the utility switches from a net billing
27 method to an inflow-outflow billing method after the value of
28 solar methodology is approved, then the previous purchase rate
29 shall be the applicable retail volumetric rate including all
30 applicable rider charges approved by the board.

31 *d.* The board shall consider, review, and update as
32 appropriate the value of solar methodology at least every three
33 years after completion of the initial methodology.

34 *e.* After the board has approved a value of solar methodology
35 and rate, the outflow purchase rate shall be set using the

1 value of solar methodology. The outflow purchase rate for such
2 a facility will be fixed for a term of twenty years regardless
3 of any subsequent changes in the electric utility's outflow
4 purchase rate or changes in ownership of such facility.

5 5. *Forfeiture of outflow purchase credits.* Any outflow
6 purchase credits remaining at the end of an annual period
7 shall be forfeited to the rider used by the electric utility
8 pursuant to subsection 7. The distributed generation customer
9 shall choose either a January or April date at the time of
10 interconnection for the purposes of determining the annual
11 period.

12 6. *Proposal of separate rate classes.* An electric utility
13 shall not propose treating distributed generation customers
14 as a separate rate class in a general rate case prior to the
15 board's approval of a value of solar methodology or prior to
16 July 1, 2027, whichever is earlier. If an electric utility
17 chooses to propose a separate rate class for distributed
18 generation customers in a future proceeding, such a proposal
19 shall be approved or disapproved in accordance with section
20 476.6 and accompanying rules.

21 7. *Riders.* An electric utility shall be allowed to recover
22 the amounts credited to an eligible distributed generation
23 customer for outflow purchases pursuant to a rider. To the
24 extent an electric utility does not have such a rider, the
25 board shall allow an electric utility to establish a rider to
26 recover such amounts. For purposes of this subsection, "rider"
27 includes a fuel or energy adjustment clause.

28 8. *Preexisting tariff.* Any customer utilizing a net billing
29 tariff approved by the board on or before the availability
30 of inflow-outflow billing may continue to receive electric
31 service pursuant to the preexisting tariff for the remaining
32 duration of the contract regardless of any subsequent changes
33 in ownership of such facility.

34 9. *Use of funds collected through alternate energy purchase*
35 *programs.* An electric utility may use funds collected pursuant

H-8033 (Continued)

1 to section 476.47 to offset any amounts that would otherwise be
2 recovered through a rider resulting from outflow purchases of
3 excess energy produced by an eligible distributed generation
4 facility.

5 10. *Reasonableness of net billing and inflow-outflow*
6 *billing.* When the statewide net metering penetration level
7 reaches ten percent, the board shall determine whether the
8 net billing and inflow-outflow billing methods are still
9 reasonable and shall make recommendations to the general
10 assembly. Regardless of the board's recommendations, existing
11 facilities shall continue to be eligible for the net billing
12 or inflow-outflow billing tariff in place at the time of
13 installation and for twenty years of operation thereafter.>

14 2. Title page, by striking lines 1 and 2 and inserting
15 <An Act relating to billing methods that may be utilized in
16 connection with distributed generation facilities.>

By COMMITTEE ON COMMERCE

CARLSON of Muscatine, Chairperson

H-8033 FILED FEBRUARY 25, 2020



[HF 2436](#) – Theft, Enhanced Penalties (LSB5075HV)
Staff Contact: Laura Book (515.205.9275) laura.book@legis.iowa.gov
Fiscal Note Version – New

Description

[House File 2436](#) prohibits a sentencing court in cases involving theft from deferring the judgment or deferring the sentence if the defendant was a public employee or public official at the time of the offense and the amount of money taken by the public employee or public official in connection with the offense exceeded \$10,000.

[House File 2436](#) also prohibits a sentencing court from suspending the sentence of a defendant if the defendant was a public employee or a public official at the time of the offense, and the amount of money taken by the public employee or public official in connection with the offense exceeded \$10,000, unless the defendant establishes, by clear and convincing evidence, and the sentencing court finds and states specifically on the record that mitigating circumstances exist warranting a departure from the otherwise mandatory minimum term of incarceration.

Background

Under current law, the theft of property exceeding \$10,000 in value is defined as first degree theft. Theft in the first degree is a Class C felony. A person convicted of a Class C felony shall be confined for no more than five years, and in addition shall be sentenced to a fine of at least \$750 but not more than \$7,500.

Assumptions

- The following will not change over the projection period: charge, conviction, and sentencing patterns and trends; prisoner length of stay; revocation rates; plea bargaining; and other criminal justice system policies and practices.
- A lag effect of six months is assumed from the effective date of this Bill to the date of first entry of affected offenders into the correctional system.
- Marginal costs for county jails cannot be estimated due to a lack of data. For purposes of this analysis, the marginal cost for county jails is assumed to be \$50 per day.

Correctional Impact

[House File 2436](#) is not estimated to have a correctional impact due to the rarity of crimes involving public employees of public officials. Refer to the Legislative Services Agency (LSA) memo addressed to the General Assembly, [Cost Estimates Used for Correctional Impact Statements](#), dated January 16, 2020, for information related to the correctional system.

Minority Impact

[House File 2436](#) is not estimated to have a minority impact due to the rarity of crimes of this nature. Refer to the LSA memo addressed to the General Assembly, [Minority Impact Statement](#), dated January 15, 2020, for information related to minorities in the criminal justice system.

Fiscal Impact

[House File 2436](#) is estimated to have minimal to no fiscal impact due to the rarity of crimes of this nature. The average State cost for a Class C felony ranges from \$11,600 to \$19,400 per

offender. This estimate includes operating costs incurred by the Judicial Branch, the State Public Defender, and the Department of Corrections (DOC) for one conviction. The cost would be incurred across multiple fiscal years for prison and parole supervision.

Sources

Criminal and Juvenile Justice Planning Division, Department of Human Rights
Department of Corrections

/s/ Holly M. Lyons

February 24, 2020

Doc ID 1130744

The fiscal note for this Bill was prepared pursuant to [Joint Rule 17](#) and the Iowa Code. Data used in developing this fiscal note is available from the Fiscal Services Division of the Legislative Services Agency upon request.

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