

**EIGHTY-FOURTH GENERAL ASSEMBLY  
2012 REGULAR SESSION  
DAILY  
SENATE CLIP SHEET**

APRIL 3, 2012

**HOUSE AMENDMENT TO  
SENATE FILE 2123**

**S-5157**

1 Amend Senate File 2123, as passed by the Senate, as  
2 follows:

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

4 <Section 1. Section 124.201, subsection 4, Code  
5 2011, is amended to read as follows:

6 4. If any new substance is designated as a  
7 controlled substance under federal law and notice of  
8 the designation is given to the board, the board shall  
9 similarly designate as controlled the new substance  
10 under this chapter after the expiration of thirty days  
11 from publication in the Federal Register of a final  
12 order designating a new substance as a controlled  
13 substance, unless within that thirty-day period the  
14 board objects to the new designation. In that case  
15 the board shall publish the reasons for objection  
16 and afford all interested parties an opportunity  
17 to be heard. At the conclusion of the hearing the  
18 board shall announce its decision. Upon publication  
19 of objection to a new substance being designated  
20 as a controlled substance under this chapter by the  
21 board, control under this chapter is stayed until  
22 the board publishes its decision. If a substance  
23 is designated as controlled by the board under this  
24 ~~paragraph~~ subsection the control shall be temporary and  
25 if within sixty days after the next regular session  
26 of the general assembly convenes it has not made the  
27 corresponding changes in this chapter, the temporary  
28 designation of control of the substance by the board  
29 shall be nullified.

30 Sec. \_\_\_\_\_. Section 124.204, subsection 4, paragraph  
31 ai, Code Supplement 2011, is amended by striking the  
32 paragraph and inserting in lieu thereof the following:

33 ai. (1) Salvia divinorum.

34 (2) Salvinorin A.

35 (3) HU-210. [(6aR,10aR)-9-(hydroxymethyl)-6,6-  
36 dimethyl-3-(2-methyloctan-2-yl)

37 6a,7,10,10a-tetrahydrobenzo[c] chromen-1-ol)].

38 (4) HU-211(dexanabinol,

39 (6aS,10aS)-9-(hydroxymethyl)-6,6-  
40 dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]  
41 chromen-1-ol).

42 (5) Unless specifically exempted or unless  
43 listed in another schedule, any material, compound,  
44 mixture, or preparation which contains any quantity of  
45 cannabimimetic agents, or which contains their salts,  
46 isomers, and salts of isomers whenever the existence of  
47 such salts, isomers, and salts of isomers is possible  
48 within the specific chemical designation.

49 (a) The term "cannabimimetic agents" means any  
50 substance that is a cannabinoid receptor type 1 (CB1

**S-5157**

1 receptor) agonist as demonstrated by binding studies  
2 and functional assays within any of the following  
3 structural classes:  
4 (i) 2-(3-hydroxycyclohexyl)phenol with substitution  
5 at the 5-position of the phenolic ring by alkyl or  
6 alkenyl, whether or not substituted on the cyclohexyl  
7 ring to any extent.  
8 (ii) 3-(1-naphthoyl)indole or  
9 3-(1-naphthylmethane)indole by substitution at the  
10 nitrogen atom of the indole ring, whether or not  
11 further substituted on the indole ring to any extent,  
12 whether or not substituted on the naphthoyl or naphthyl  
13 ring to any extent.  
14 (iii) 3-(1-naphthoyl)pyrrole by substitution at  
15 the nitrogen atom of the pyrrole ring, whether or not  
16 further substituted in the pyrrole ring to any extent,  
17 whether or not substituted on the naphthoyl ring to any  
18 extent.  
19 (iv) 1-(1-naphthylmethylene)indene by substitution  
20 of the 3-position of the indene ring, whether or not  
21 further substituted in the indene ring to any extent,  
22 whether or not substituted on the naphthyl ring to any  
23 extent.  
24 (v) 3-phenylacetylindole or 3-benzoylindole by  
25 substitution at the nitrogen atom of the indole ring,  
26 whether or not further substituted in the indole ring  
27 to any extent, whether or not substituted on the phenyl  
28 ring to any extent.  
29 (b) Such terms include:  
30 (i) CP 47,497 and homologues  
31 5-(1,1-dimethylheptyl)-  
32 2-[(1R,3S)-3-hydroxycyclohexyl]phenol.  
33 (ii) JWH-018 and AM678  
34 1-Pentyl-3-(1-naphthoyl)indole.  
35 (iii) JWH-073 1-Butyl-3-(1-naphthoyl)indole.  
36 (iv) JWH-200  
37 [1-[2-(4-morpholinyl)ethyl]-1H-indol-3-yl]-1-  
38 naphthalenyl-methanone.  
39 (v) JWH-19 1-hexyl-3-(1-naphthoyl)indole.  
40 (vi) JWH-81  
41 1-pentyl-3-[1-(4-methoxynaphthoyl)]indole.  
42 (vii) JWH-122  
43 1-pentyl-3-(4-methyl-1-naphthoyl)indole.  
44 (viii) JWH-250 1-pentyl-3-  
45 (2-methoxyphenylacetyl)indole.  
46 (ix) RCS-4 and SR-19  
47 1-pentyl-3-[(4-methoxy)-benzoyl]indole.  
48 (x) RCS-8 and SR 18 1-cyclohexylethyl-3-  
49 (2-methoxyphenylacetyl)indole.  
50 (xi) AM2201

- 1 1-(5-fluoropentyl)-3-(1-naphthoyl)indole.
- 2 (xii) JWH-203
- 3 1-pentyl-3-(2-chlorophenylacetyl)indole.
- 4 (xiii) JWH-398
- 5 1-pentyl-3-(4-chloro-1-naphthoyl)indole.
- 6 (xiv) AM694
- 7 1-(5-fluoropentyl)-3-(2-iodobenzoyl)indole.
- 8 (xv) Cannabicyclohexanol or CP-47,497 C8-homolog
- 9 5-(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol.
- 10 (6) Mitragyna speciosa.
- 11 (7) Mitragynine.
- 12 Sec. \_\_\_\_\_. Section 124.204, subsection 6, Code
- 13 Supplement 2011, is amended by adding the following new
- 14 paragraph:
- 15 NEW PARAGRAPH. i. Any substance, compound,
- 16 mixture or preparation which contains any quantity
- 17 of any synthetic cathinone that is not approved as
- 18 a pharmaceutical, including but not limited to the
- 19 following:
- 20 (1) Mephedrone, also known as
- 21 4-methylmethcathinone, (RS)-2-
- 22 methylamino-1-(4-methylphenyl) propan-1-one.
- 23 (2) 3,4-methylenedioxyprovalerone
- 24 (MDPV)[(1-(1,3-Benzodioxol-5-yl)-2-(1-pyrrolidinyl)-
- 25 1-pentanone].
- 26 (3) Methylone, also known as
- 27 3,4-methylenedioxymethcathinone.
- 28 (4) Naphthylpyrovalerone (naphyrone).
- 29 (5) 4-fluoromethcathinone(flephedrone) or a
- 30 positional isomer of 4-fluoromethcathinone.
- 31 (6) 4-methoxymethcathinone (methedrone;Bk-PMMA).
- 32 (7) Ethcathinone.
- 33 (8) 3,4-methylenedioxyethcathinone(ethylone).
- 34 (9) Beta-keto-N-methyl-3,4-benzodioxolybutanamine
- 35 (butylone).
- 36 (10) N,N-dimethylcathinone(metamfepramone).
- 37 (11) Alpha-pyrrolidinopropiophenone (alpha-PPP).
- 38 (12) 4-methoxy-alpha-pyrrolidinopropiophenone
- 39 (MOPPP).
- 40 (13) 3,4-methylenedioxy-alpha-pyrrolidinopropiophenone
- 41 (MDPPP).
- 42 (14) Alpha-pyrrolidinovalerophenone (alpha-PVP).
- 43 (15) 6,7-dihydro-5H-indeno-
- 44 (5,6-d)-1,3-dioxol-6-amine) (MDAI).
- 45 (16) 3-fluoromethcathinone.
- 46 (17) 4'-Methyl-alpha-pyrrolidinobutiophenone
- 47 (MPBP).
- 48 (18) 2-(2,5-Dimethoxy-4-ethylphenyl)ethanamine
- 49 (2C-E).
- 50 (19) 2-(2,5-Dimethoxy-4-methylphenyl)ethanamine

Page 4

- 1 (2C-D).
- 2 (20) 2-(4-Chloro-2,5-dimethoxyphenyl)ethanamine
- 3 (2C-C).
- 4 (21) 2-(4-Iodo-2,5-dimethoxyphenyl)ethanamine
- 5 (2C-I).
- 6 (22) 2-[4-(Ethylthio)-2,5-dimethoxyphenyl]ethanamine
- 7 (2C-T-2).
- 8 (23) 2-[4-(Isopropylthio)-2,5-dimethoxyphenyl]ethanamine
- 9 (2C-T-4).
- 10 (24) 2-(2,5-Dimethoxyphenyl)ethanamine (2C-H).
- 11 (25) 2-(2,5-Dimethoxy-4-nitrophenyl)ethanamine
- 12 (2C-N).
- 13 (26) 2-(2,5-Dimethoxy-4-(n)-propylphenyl)ethanamine
- 14 (2C-P).>

15 2. Page 1, after line 23 by inserting:  
16 <Sec. \_\_\_\_\_. Section 124.401, subsection 1, paragraph  
17 d, Code Supplement 2011, is amended to read as follows:  
18 d. Violation of this subsection, with respect  
19 to any other controlled substances, counterfeit  
20 substances, or simulated controlled substances  
21 classified in section 124.204, subsection 4,  
22 paragraph "ai", section 124.204, subsection 6,  
23 paragraph "i", or classified in schedule IV or V is  
24 an aggravated misdemeanor. However, violation of  
25 this subsection involving fifty kilograms or less of  
26 marijuana or involving flunitrazepam is a class "D"  
27 felony.>

28 3. Page 1, after line 23 by inserting:  
29 <Sec. \_\_\_\_\_. Section 124.401, subsection 4, Code  
30 Supplement 2011, is amended by adding the following new  
31 paragraphs:  
32 NEW PARAGRAPH. o. Ammonium sulfate.  
33 NEW PARAGRAPH. p. Ammonium nitrate.  
34 NEW PARAGRAPH. q. Sodium hydroxide.>

35 4. Page 1, after line 26 by inserting:  
36 <Sec. \_\_\_\_\_. EFFECTIVE UPON ENACTMENT. The following  
37 provisions of this Act, being deemed of immediate  
38 importance, take effect upon enactment:  
39 1. The section of this Act amending section  
40 124.201, subsection 4.  
41 2. The section of this Act amending section  
42 124.204, subsection 4, paragraph "ai".  
43 3. The section of this Act amending section  
44 124.204, subsection 6.  
45 4. The section of this Act amending section  
46 124.401, subsection 1, paragraph "d".>  
47 5. Title page, line 1, after <schedules,> by  
48 inserting <including possession of certain substances  
49 relating to the manufacture of a controlled substance,>  
50 6. Title page, line 2, by striking <applicable> and

S-5157

Page 5

1 inserting <applicable, and including effective date  
2 provisions>  
3 7. By renumbering as necessary.

RECEIVED FROM THE HOUSE

S-5157 FILED APRIL 2, 2012

HOUSE FILE 561

S-5155

1 Amend House File 561, as amended, passed, and  
2 reprinted by the House, as follows:  
3 1. By striking everything after the enacting clause  
4 and inserting:  
5 <Section 1. Section 476.53, subsection 3, paragraph  
6 a, subparagraph (1), unnumbered paragraph 1, Code 2011,  
7 is amended to read as follows:  
8 Files an application pursuant to section 476A.3 to  
9 construct in Iowa a baseload electric power generating  
10 facility with a nameplate generating capacity equal to  
11 or greater than ~~three hundred~~ twenty-five megawatts or  
12 a combined-cycle electric power generating facility,  
13 or an alternate energy production facility as defined  
14 in section 476.42, or to significantly alter an  
15 existing generating facility. For purposes of this  
16 subparagraph, a significant alteration of an existing  
17 generating facility must, in order to qualify for  
18 establishment of ratemaking principles, fall into one  
19 of the following categories:>  
20 2. Title page, by striking lines 1 and 2 and  
21 inserting <An Act relating to ratemaking principles for  
22 electric generating facilities.>

**By** ROBERT M. HOGG

S-5155 FILED APRIL 2, 2012

HOUSE FILE 561

S-5156

1 Amend House File 561, as amended, passed, and  
2 reprinted by the House, as follows:

3 1. Page 8, after line 26 by inserting:

4 <(f) Limit cost recovery commenced pursuant to  
5 this section for costs incurred prior to completion of  
6 construction of the nuclear generating facility and  
7 commencement of operation to an amount not to exceed  
8 fifty dollars per residential utility customer, and two  
9 hundred dollars per commercial or industrial utility  
10 customer.>

11 2. Page 11, after line 20 by inserting:

12 <6. A utility that files an application pursuant to  
13 section 476A.3 to build a nuclear generating facility  
14 or seeks authority pursuant to a combined construction  
15 and operating license or an early site permit from  
16 the United States nuclear regulatory commission  
17 shall establish a voluntary fund to which utility  
18 customers or other individuals may contribute for  
19 costs associated with the construction of new nuclear  
20 generating facilities.>

**By** ROBERT M. HOGG

S-5156 FILED APRIL 2, 2012

HOUSE FILE 561

S-5158

1 Amend the amendment, S-5090, to House File 561,  
2 as amended, passed, and reprinted by the House, as  
3 follows:

4 1. Page 1, by striking lines 29 through 35.

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

6 <\_\_\_. Page 8, after line 26 by inserting:

7 <(f) Notwithstanding any other provision to the  
8 contrary, cost recovery under the ratemaking principles  
9 established in this section shall be limited to a  
10 revenue increase applied in the same percentage amount  
11 to each customer class and designed to recover, on  
12 an annual basis, not more than five-tenths of one  
13 percent of the electric utility's previous calendar  
14 year revenues attributable to billed base rates in this  
15 state.>>

16 3. By renumbering, redesignating, and correcting  
17 internal references as necessary.

**By** JOE BOLKCOM

S-5158 FILED APRIL 2, 2012



---

**SF 2326** – Renewable Energy Tax Credits (LSB 5686SV)  
Analyst: Jeff Robinson (Phone: 515-281-4614) ([jeff.robinson@legis.state.ia.us](mailto:jeff.robinson@legis.state.ia.us))  
Fiscal Note Version – New

---

**Description**

**Senate File 2326** relates to Iowa's wind energy production tax incentives. The Bill:

- Adds 15 megawatts per year to the 1.5 cent per kilowatt-hour tax credit under [Iowa Code chapter 476C](#) (Renewable Energy Tax Credit), beginning 2015 and ending 2019. This adds a total of 75 megawatts of eligible capacity to the wind 476C tax credit program.
- Adds 5 megawatts per year to the 1.5 cent per kilowatt-hour tax credit for nonwind projects under Iowa Code chapter 476C, beginning 2015 and ending 2019. This adds a total of 25 megawatts of eligible capacity to the nonwind 476C tax credit program.

The Bill is effective July 1, 2012.

**Assumptions**

Iowa Code chapter 476C Future Wind and Nonwind Projects:

- Sufficient demand will exist in calendar years 2015 through 2019 to fully utilize the 100 megawatts of new production authorized.
- The average capacity factor will equal 38.0% for wind projects and 80.0% for nonwind projects.
- Once earned, tax credits will be redeemed:
  - Initial year = 80.0%
  - Second year = 15.0%
  - Third year = 5.0%

**Fiscal Impact**

The 100 megawatts of Iowa Code chapter 476C wind and nonwind energy production capacity added starting calendar year 2015 will reduce net General Fund revenue when tax credits earned through those projects are redeemed. The following table provides the projected additional net General Fund revenue reduction associated with those 100 megawatts.

Est. General Fund Revenue Reductions  
 Tax Credit Redemptions  
 100MW of New 476C Tax Credits  
 Available CY 2015 to CY 2019  
 \$ in Millions

FY 2017	\$ 0.0	FY 2026	\$ 0.0
FY 2018	1.0	FY 2027	6.4
FY 2019	2.2	FY 2028	5.4
FY 2020	3.5	FY 2029	4.1
FY 2021	4.8	FY 2030	2.9
FY 2022	6.1	FY 2031	1.6
FY 2023	6.3	FY 2032	0.3
FY 2024	6.4	FY 2033	0.1
FY 2025	6.4	FY 2034	0.0

Total Fiscal Impact = \$63.9 million

Tax credits earned under Iowa Code Chapter 476C are not refundable, so to the extent the credits are redeemed through individual income tax returns they will impact the calculation of the Local Option Income Surtax for Schools. The statewide average impact will be approximately 3.0% of the net General Fund impact, but only for those credits redeemed on individual income tax returns.

The Iowa Utilities Board has significant duties related to evaluating and approving projects eligible under Iowa Code chapter 476C. This Bill will expand and extend the workload of the Board staff. The Utilities Board estimates that an additional 0.5 FTE position will be necessary once the new projects begin to apply for the additional credits in CY 2015 and salaries, benefits, and support for the position will total approximately \$45,000 per year.

**Sources**

Legislative Services Agency Analysis  
 Iowa Utilities Board  
 Iowa Department of Revenue  
 Natural Resources Defense Council

/s/ Holly M. Lyons

April 2, 2012

---

The fiscal note for this bill was prepared pursuant to **Joint Rule 17**. Data used in developing this fiscal note, including correctional and minority impact information, is available from the Fiscal Services Division of the Legislative Services Agency upon request.

---