

SENATE MOTION

MADAM PRESIDENT:

I move that Engrossed House Bill 1722 be amended to read as follows:

1 Page 3, between lines 33 and 34, begin a new paragraph and insert:
2 "SECTION 4. IC 6-3.1-29-20.5 IS ADDED TO THE INDIANA
3 CODE AS A NEW SECTION TO READ AS FOLLOWS
4 [EFFECTIVE UPON PASSAGE]: **Sec. 20.5. (a) Subject to subsection**
5 **(c), part or all of the credit to which a taxpayer is entitled under**
6 **section 15 of this chapter may be assigned by the taxpayer to one**
7 **(1) or more utilities that have entered into a contract that:**
8 **(1) is approved by the Indiana utility regulatory commission;**
9 **(2) provides for the purchase electricity or substitute natural**
10 **gas (as defined in IC 8-1-2-42.1) by the utility from the**
11 **taxpayer; and**
12 **(3) expressly allows the assignment of tax credits under this**
13 **section.**
14 **A tax credit assigned to a utility under this section must be applied**
15 **against the utility's state tax liability in the order set forth in**
16 **section 14(b) of this chapter.**
17 **(b) Notwithstanding section 16 of this chapter, any part of a**
18 **taxpayer's credit under section 15 of this chapter that is assigned**
19 **by the taxpayer under this section must be taken in twenty (20)**
20 **annual installments, beginning with the year in which the taxpayer**
21 **places into service an integrated coal gasification powerplant or a**
22 **fluidized bed combustion technology.**
23 **(c) The part of a taxpayer's credit under section 15 of this**
24 **chapter that may be assigned by the taxpayer with respect to any**
25 **one (1) taxable year is subject to the following:**
26 **(1) The total amount of the taxpayer's credit under section 15**
27 **of this chapter that may be assigned by the taxpayer with**
28 **respect to the taxable year may not exceed the product of:**
29 **(A) the total credit amount to which the taxpayer is**
30 **entitled under section 15 of this chapter, divided by twenty**
31 **(20); multiplied by**

- 1 **(B) the percentage of Indiana coal used in the taxpayer's**
- 2 **integrated coal gasification powerplant or fluidized bed**
- 3 **combustion technology in the taxable year for which the**
- 4 **annual installment of the credit is allowed.**
- 5 **(2) The part of the amount determined under subdivision (1)**
- 6 **that may be assigned to any one (1) utility with respect to the**
- 7 **taxable year may not exceed the greater of:**
- 8 **(A) the utility's total state tax liability for the taxable year,**
- 9 **multiplied by twenty-five percent (25%); or**
- 10 **(B) the utility's total utility receipts tax liability for the**
- 11 **taxable year.**
- 12 **(d) Any part of the taxpayer's credit under section 15 of this**
- 13 **chapter that is assigned to one (1) or more utilities by a taxpayer**
- 14 **under this section with respect to a taxable year may not be**
- 15 **claimed by the taxpayer or the taxpayer's shareholders, partners,**
- 16 **or members. However, any part of the credit to which the taxpayer**
- 17 **is entitled under section 15 of this chapter and that is not assigned**
- 18 **by the taxpayer with respect to the taxable year may be taken and**
- 19 **applied by the taxpayer, or the taxpayer's shareholders, partners,**
- 20 **or members, in accordance with sections 16 and 20 of this**
- 21 **chapter."**
- 22 Renumber all SECTIONS consecutively.
- (Reference is to EHB 1722 as printed March 16, 2007.)

Senator HERSHMAN