Reprinted
February 1, 2011

SENATE BILL No. 481

DIGEST OF SB 481 (Updated January 31, 2011 2:26 pm - DI 58)

Citations Affected: IC 6-1.1.

Synopsis: Wind power device exemption. Specifies that a wind power device does not qualify for the assessed value deduction if it is owned or operated by: (1) a public utility; or (2) another entity that provides electricity at wholesale or retail for consideration, other than a person who participates in a net metering program offered by an electric utility.

Effective: January 1, 2010 (retroactive).

Hershman, Breaux, Landske

January 13, 2011, read first time and referred to Committee on Tax and Fiscal Policy.
January 25, 2011, amended, reported favorably — Do Pass.
January 31, 2011, read second time, amended, ordered engrossed.

C o p y

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First Regular Session 117th General Assembly (2011)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type.~~

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~*this style type*~~ reconciles conflicts between statutes enacted by the 2010 Regular Session of the General Assembly.

C o p y

SENATE BILL No. 481

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. IC 6-1.1-12-29 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2010 (RETROACTIVE)]: Sec. 29. **(a) This section does not apply to a wind power device that is owned or operated by:**

(1) a public utility (as defined in IC 8-1-2-1(a)); or

(2) another entity that provides electricity at wholesale or retail for consideration, other than a person who participates in a net metering program offered by an electric utility.

This subsection shall be interpreted to clarify and not to change the general assembly's intent with respect to this section.

~~(a)~~ **(b)** For purposes of this section, "wind power device" means a device, such as a windmill or a wind turbine, that is designed to utilize the kinetic energy of moving air to provide mechanical energy or to produce electricity.

~~(b)~~ **(c)** The owner of real property, or a mobile home that is not assessed as real property, that is equipped with a wind power device is entitled to an annual property tax deduction. The amount of the

deduction equals the remainder of (1) the assessed value of the real property or mobile home with the wind power device included, minus (2) the assessed value of the real property or mobile home without the wind power device.

SECTION 2. **An emergency is declared for this act.**

C o p y

COMMITTEE REPORT

Madam President: The Senate Committee on Tax and Fiscal Policy, to which was referred Senate Bill No. 481, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, line 5, delete "IC 8-1-2-1(a))." and insert "**IC 8-1-2-1(a)) or other entity that provides electricity at wholesale or retail for consideration.**".

and when so amended that said bill do pass.

(Reference is to SB 481 as introduced.)

HERSHMAN, Chairperson

Committee Vote: Yeas 11, Nays 0.

SENATE MOTION

Madam President: I move that Senate Bill 481 be amended to read as follows:

Page 1, delete lines 4 through 5.

Page 1, line 6, delete "or retail for consideration." and insert the following:

"**is owned or operated by:**

(1) a public utility (as defined in IC 8-1-2-1(a)); or

(2) another entity that provides electricity at wholesale or retail for consideration, other than a person who participates in a net metering program offered by an electric utility.".

Page 1, line 6, beginning with "This" begin a new line blocked left.

(Reference is to SB 481 as printed January 26, 2011.)

HERSHMAN

C o p y