

PREVAILED	Roll Call No. _____
FAILED	Ayes _____
WITHDRAWN	Noes _____
RULED OUT OF ORDER	

HOUSE MOTION _____

MR. SPEAKER:

I move that Engrossed Senate Bill 344 be amended to read as follows:

- 1 Page 46, between lines 35 and 36, begin a new paragraph and insert:
2 "SECTION 19. IC 6-3.1-29-19, AS AMENDED BY
3 P.L.182-2009(ss), SECTION 203, IS AMENDED TO READ AS
4 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 19. (a) The corporation
5 shall enter into an agreement with an applicant that is awarded a credit
6 under this chapter. The agreement must include all the following:
7 (1) A detailed description of the project that is the subject of the
8 agreement.
9 (2) The first taxable year for which the credit may be claimed.
10 (3) The maximum tax credit amount that will be allowed for each
11 taxable year.
12 (4) A requirement that the taxpayer shall maintain operations at
13 the project location for at least ten (10) years during the term that
14 the tax credit is available.
15 (5) If the facility is an integrated coal gasification powerplant, a
16 requirement that the taxpayer shall pay an average wage to its
17 employees at the integrated coal gasification powerplant, other
18 than highly compensated employees, in each taxable year that a
19 tax credit is available, that equals at least one hundred twenty-five
20 percent (125%) of the average county wage in the county in which
21 the integrated coal gasification powerplant is located.
22 (6) For a project involving a qualified investment in an integrated
23 coal gasification powerplant, a requirement that the taxpayer will
24 maintain at the location where the qualified investment is made,

1 during the term of the tax credit, a total payroll that is at least
 2 equal to the payroll that existed on the date that the taxpayer
 3 placed the integrated coal gasification powerplant into service.

4 (7) A requirement that:

5 (A) one hundred percent (100%) of the coal used:

6 (i) at the integrated coal gasification powerplant, for a
 7 project involving a qualified investment in an integrated
 8 coal gasification powerplant; or

9 (ii) as fuel in a fluidized bed combustion unit, in a project
 10 involving a qualified investment in a fluidized bed
 11 combustion technology, if the unit is dedicated primarily to
 12 serving Indiana retail electric utility consumers;

13 must be Indiana coal, unless the applicant wishes to assign the
 14 tax credit as allowed under section 20.5(c) of this chapter or
 15 elects to receive a refundable tax credit under section 20.7 of
 16 this chapter and the applicant certifies to the corporation that
 17 partial use of other coal is necessary to result in lower rates for
 18 Indiana retail utility customers; or

19 (B) seventy-five percent (75%) of the coal used as fuel in a
 20 fluidized bed combustion unit must be Indiana coal, in a
 21 project involving a qualified investment in a fluidized bed
 22 combustion technology, if the unit is not dedicated primarily
 23 to serving Indiana retail electric utility consumers.

24 (8) A requirement that the taxpayer obtain from the commission
 25 a determination under IC 8-1-8.5-2 that public convenience and
 26 necessity require, or will require:

27 (A) the construction of the taxpayer's integrated coal
 28 gasification powerplant, in the case of a project involving a
 29 qualified investment in an integrated coal gasification
 30 powerplant; or

31 (B) the installation of the taxpayer's fluidized bed combustion
 32 unit, in the case of a project involving a qualified investment
 33 in a fluidized bed combustion technology.

34 **(9) A requirement that at least ninety percent (90%) of the**
 35 **employees of the taxpayer at the integrated coal gasification**
 36 **powerplant or fluidized bed combustion unit be residents of**
 37 **Indiana.**

38 (b) A taxpayer must comply with the terms of the agreement
 39 described in subsection (a) to receive an annual installment of the tax
 40 credit awarded under this chapter. The corporation shall annually
 41 determine whether the taxpayer is in compliance with the agreement.
 42 If the corporation determines that the taxpayer is in compliance, the

- 1 corporation shall issue a certificate of compliance to the taxpayer.".
- 2 Renumber all SECTIONS consecutively.
(Reference is to ESB 344 as printed February 24, 2012.)

Representative Riecken