

# 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.)

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Senator HERSHMAN