

476B.4 Limitations.

1. *a.* The wind energy production tax credit shall not be allowed for any kilowatt-hour of electricity produced on wind energy conversion property for which the owner has claimed or otherwise received for that property the benefit of special valuation under section 427B.26 or section 441.21, subsection 8, or the exemption from retail sales tax under section 422.45, subsection 48, Code Supplement 2003,* or section 423.3, subsection 54, as applicable.

b. The disallowance of the tax credit pursuant to paragraph "*a*" does not apply to an owner of a qualified facility that owns, directly or indirectly, in the aggregate, a total annual turbine nameplate capacity of all such property of less than one megawatt. A qualified facility under this paragraph shall not be owned by more than one person.

2. The wind energy production tax credit shall not be allowed for any kilowatt-hour of electricity that is sold to a related person. For purpose of this subsection, persons shall be treated as related to each other if such persons would be treated as a single employer under the regulations prescribed under section 52(b) of the Internal Revenue Code. In the case of a corporation that is a member of an affiliated group of corporations filing a consolidated return, such corporation shall be treated as selling electricity to an unrelated person if such electricity is sold to such a person by another member of such group.

2004 Acts, ch 1175, §412, 418

*Section 422.45, Code Supplement 2003, repealed effective July 1, 2004; 2003 Acts, 1st Ex, ch 2, § 151, 205

Section takes effect May 17, 2004, and applies retroactively to taxable years beginning on or after January 1, 2004; 2004 Acts, ch 1175, § 418