

House Amendment 3705

Amendment Text

PAG LIN

1 1 Amend [House File 370](#) as follows:
1 2 #1. By striking everything after the enacting
1 3 clause and inserting the following:
1 4 "Section 1. NEW SECTION. 422.11D ALTERNATE
1 5 ENERGY CREDIT.
1 6 1. The taxes imposed under this division, less the
1 7 credits allowed under this division, shall be reduced
1 8 by an alternate energy tax credit. An electric
1 9 utility required to purchase alternate energy pursuant
1 10 to section 476.43 may claim the credit under this
1 11 section. An individual may claim the alternate energy
1 12 tax credit allowed a partnership, subchapter S
1 13 corporation, or estate or trust electing to have the
1 14 income taxed directly to the individual. The amount
1 15 claimed shall be based upon the pro rata share of the
1 16 individual's earnings of a partnership, subchapter S
1 17 corporation, or estate or trust.
1 18 2. The amount of this credit is equal to one-half
1 19 of the amount of the difference in the cost of the
1 20 electricity purchased from an alternate energy
1 21 production facility or small hydro facility pursuant
1 22 to section 476.43 and the cost of the electricity
1 23 which the electric utility would have generated or
1 24 purchased from another source, but for the required
1 25 purchase of alternate energy.
1 26 3. Any credit in excess of the tax liability for
1 27 the tax year may be credited to the tax liability for
1 28 the following five tax years or until depleted,
1 29 whichever is the earlier.
1 30 Sec. 2. Section [422.33](#), Code 1995, is amended by
1 31 adding the following new subsection:
1 32 NEW SUBSECTION. 9. The taxes imposed under this
1 33 division shall be reduced by an alternate energy tax
1 34 credit. An electric utility required to purchase
1 35 alternate energy pursuant to section 476.43 may claim
1 36 an alternate energy tax credit. The amount of the
1 37 credit is equal to one-half of the amount of the
1 38 difference in the cost of the electricity purchased
1 39 from an alternate energy production facility or small
1 40 hydro facility pursuant to section 476.43 and the cost
1 41 of the electricity which the electric utility would
1 42 have generated or purchased from another source, but
1 43 for the required purchase of alternate energy. Any
1 44 credit in excess of the tax liability for the tax year
1 45 may be credited to the tax liability for the following
1 46 five tax years or until depleted, whichever is the
1 47 earlier.
1 48 Sec. 3. This Act, being deemed of immediate
1 49 importance, takes effect upon enactment and applies
1 50 retroactively to January 1, 1995, for tax years
2 1 beginning on or after that date."
2 2 #2. Title page, by striking lines 1 through 3 and
2 3 inserting the following: "An Act providing an
2 4 alternate energy tax credit for required purchases of
2 5 alternate energy and providing effective and
2 6 retroactive applicability dates."
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2 10 [SHOULTZ](#) of Black Hawk

2 11 [HF 370](#).702 76

2 12 js/sc