

House Amendment 8543

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1 1 Amend House File 2794 as follows:
1 2 #1. Page 34, by inserting after line 11 the
1 3 following:
1 4 <Sec. _____. Section 476B.6, subsection 5, Code
1 5 Supplement 2005, is amended by striking the subsection
1 6 and inserting in lieu thereof the following:
1 7 5. A tax credit certificate may be filed pursuant
1 8 to any of the following, to the extent applicable:
1 9 a. If the tax credit application is filed by a
1 10 partnership, limited liability company, S corporation,
1 11 estate, trust, or other reporting entity all of the
1 12 income of which is taxed directly to its equity
1 13 holders or beneficiaries, for the taxes imposed under
1 14 chapter 422, division II or III, the tax credit
1 15 certificate shall be issued directly to equity holders
1 16 or beneficiaries of the applicant in proportion to
1 17 their pro rata share of the income of such entity.
1 18 The applicant shall, in the application made under
1 19 this section, identify its equity holders or
1 20 beneficiaries, and the percentage of such entity's
1 21 income that is allocable to each equity holder or
1 22 beneficiary.
1 23 b. If the tax credit applicant under this section
1 24 is eligible to receive renewable electricity
1 25 production credits authorized under section 45 of the
1 26 Internal Revenue Code, as amended, and the tax credit
1 27 applicant is a partnership, limited liability company,
1 28 S corporation, estate, trust, or other reporting
1 29 entity all of the income of which is taxed directly to
1 30 its equity holders or beneficiaries, for the taxes
1 31 imposed under chapter 422, division II or III, the tax
1 32 credit certificate may be issued to a partner if the
1 33 business is a partnership, a shareholder if the
1 34 business is an S corporation, or a member if the
1 35 business is a limited liability company in the amounts
1 36 designated by the eligible partnership, S corporation,
1 37 or limited liability company. In absence of such
1 38 designation, the credits under this section shall flow
1 39 through to the partners, shareholders, or members in
1 40 accordance with their pro rata share of the income of
1 41 the entity.
1 42 The applicant shall, in the application made under
1 43 this section, identify the holders or beneficiaries
1 44 that are to receive the tax credit certificates and
1 45 the percentage of the tax credit that is allocable to
1 46 each holder or beneficiary.
1 47 c. If an applicant under this section is eligible
1 48 to receive renewable electricity production credits
1 49 authorized under section 45 of the Internal Revenue
1 50 Code, as amended, and the tax credit applicant is a
2 1 partnership, limited liability company, S corporation,
2 2 estate, trust, or other reporting entity all of the
2 3 income of which is taxed directly to its equity
2 4 holders or beneficiaries, for the taxes imposed under
2 5 chapter 422, division II or III, the tax credit
2 6 certificates and all future rights to the tax credit
2 7 in this section may be distributed to an equity holder
2 8 or beneficiary as a liquidating distribution or
2 9 portion thereof, of a holder or beneficiary's interest
2 10 in the applicant entity.
2 11 The applicant shall, in the application made under
2 12 this section, designate the percentage of the tax
2 13 credit allocable to the liquidating equity holder or
2 14 beneficiary that is to receive the current and future
2 15 tax credit certificates under this section.
2 16 d. If the tax credit application is filed by a
2 17 partnership, limited liability company, S corporation,
2 18 estate, trust, or other reporting entity, all of whose
2 19 income is taxed directly to its equity holders or
2 20 beneficiaries for the taxes imposed under chapter 422,
2 21 division V, or under chapter 432, the tax credit
2 22 certificate shall be issued directly to the
2 23 partnership, limited liability company, S corporation,
2 24 estate, trust, or other reporting entity.>

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