

Senate File 516

H-1713

1 Amend Senate File 516, as passed by the Senate, as
2 follows:

3 1. By striking everything after the enacting clause
4 and inserting:

5 <Section 1. NEW SECTION. 422.11Y Energy system tax
6 credits.

7 1. The taxes imposed under this division, less the
8 credits allowed under section 422.12, shall be reduced
9 by an energy system tax credit equal to the sum of the
10 following:

11 a. Twenty-five percent of the federal residential
12 energy efficient property credit related to solar
13 energy and wind energy systems provided in section
14 25D of the Internal Revenue Code, not to exceed three
15 thousand dollars.

16 b. Twenty-five percent of the federal energy
17 credit related to solar energy and wind energy systems
18 provided in section 48 of the Internal Revenue Code,
19 not to exceed fifteen thousand dollars.

20 2. Any credit in excess of tax liability is
21 refundable. In lieu of claiming a refund, the
22 taxpayer may elect to have the overpayment shown on the
23 taxpayer's final, completed return credited to the tax
24 liability for the following tax year.

25 3. a. An individual may claim the tax credit
26 allowed a partnership, limited liability company, S
27 corporation, estate, or trust electing to have the
28 income taxed directly to the individual. The amount
29 claimed by the individual shall be based upon the
30 pro rata share of the individual's earnings of the
31 partnership, limited liability company, S corporation,
32 estate, or trust.

33 b. A taxpayer who is eligible to claim a credit
34 under this section shall not be eligible to claim a
35 wind energy production tax credit under chapter 476B or
36 a renewable energy tax credit under chapter 476C.

37 4. The cumulative value of tax credits claimed
38 annually by applicants pursuant to this section shall
39 not exceed ten million dollars.

40 5. On or before January 1, annually, the department
41 shall submit a written report to the governor and the
42 general assembly regarding the number and value of
43 tax credits claimed under this section, and any other
44 information the department may deem meaningful and
45 appropriate.

46 Sec. 2. Section 422.33, Code 2011, is amended by
47 adding the following new subsection:

48 NEW SUBSECTION. 29. a. The taxes imposed under
49 this division shall be reduced by an energy system tax
50 credit equal to twenty-five percent of the federal

1 energy credit related to solar energy and wind energy
2 systems provided in section 48 of the Internal Revenue
3 Code, not to exceed fifteen thousand dollars.

4 *b.* The taxpayer may claim the credit pursuant to
5 this subsection according to the same requirements,
6 conditions, and limitations as provided pursuant to
7 section 422.11Y.

8 Sec. 3. Section 476B.4, Code 2011, is amended to
9 read as follows:

10 **476B.4 Limitation.**

11 1. The wind energy production tax credit shall not
12 be allowed for any kilowatt-hour of electricity that
13 is sold to a related person. For purposes of this
14 section, persons shall be treated as related to each
15 other if such persons would be treated as a single
16 employer under the regulations prescribed under section
17 52(b) of the Internal Revenue Code. In the case of a
18 corporation that is a member of an affiliated group
19 of corporations filing a consolidated return, such
20 corporation shall be treated as selling electricity to
21 an unrelated person if such electricity is sold to such
22 a person by another member of such group.

23 2. A taxpayer who is eligible to claim a wind
24 energy production tax credit under this chapter shall
25 not be eligible to claim an energy system tax credit
26 under section 422.11Y or 422.33.

27 Sec. 4. Section 476C.2, Code 2011, is amended by
28 adding the following new subsection:

29 **NEW SUBSECTION.** 3. A taxpayer who is eligible to
30 claim a renewable energy tax credit under this chapter
31 shall not be eligible to claim an energy system tax
32 credit under section 422.11Y or 422.33.

33 Sec. 5. **EFFECTIVE UPON ENACTMENT.** This Act, being
34 deemed of immediate importance, takes effect upon
35 enactment.

36 Sec. 6. **RETROACTIVE APPLICABILITY.** This Act
37 applies retroactively to tax years beginning on or
38 after January 1, 2011.>

39 2. Title page, striking lines 1 through 3, and
40 inserting <An Act providing for specified energy
41 system tax credits, and including effective date and
42 retroactive>

COMMITTEE ON WAYS AND MEANS
SANDS of Louisa, Chairperson