

PROPOSED AMENDMENT

SB 254 # 2

DIGEST

Biofuel tax credits. Reduces the total amount of credits that may be awarded for the: (1) higher ethanol blend tax credit to \$10,000 (rather than \$10,000,000); and (2) blended biodiesel tax credit to \$10,000 (rather than \$5,000,000); for each state fiscal year. Provides that when the total credits approved for either of those tax credits equal the maximum amount allowable, the department of state revenue (department) may not approve a credit application. Requires the department to post certain information about the higher ethanol blend tax credit and blended biodiesel tax credit on a website used by the department to provide information to the public. Removes language in the higher ethanol blend tax credit allowing that credit to be carried forward. Removes language specifying that the blended biodiesel tax credit is refundable. Expires the higher ethanol blend tax credit and blended biodiesel tax credit December 31, 2027.

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- 1 Page 2, line 15, delete "A taxpayer is entitled to" and insert "**Subject**
2 **to section 12 of this chapter, a taxpayer may claim**".
- 3 Page 2, delete lines 22 through 36, begin a new paragraph and
4 insert:
5 **"Sec. 8. (a) A taxpayer is not entitled to a carryback, carryover,**
6 **or refund of any unused credit.**
- 7 **(b) A taxpayer may not sell, assign, convey, or otherwise**
8 **transfer the credit provided by this chapter."**
- 9 Page 3, delete lines 4 through 7, begin a new paragraph and insert:
10 **"Sec. 10. To receive the credit provided by this chapter, a**
11 **taxpayer must claim the credit on the taxpayer's annual state tax**
12 **return in the manner prescribed by the department. The taxpayer**
13 **shall submit to the department all information that the department**
14 **determines is necessary for the calculation of the credit.**
- 15 **Sec. 11. The department, on a website used by the department**
16 **to provide information to the public, shall provide the following**
17 **information:**
- 18 (1) The application for the credit provided by this chapter.
19 (2) A timeline for receiving the credit provided by this
20 chapter.
21 (3) The total amount of credits awarded under this chapter
22 during the current state fiscal year.

1 **Sec. 12. (a) The total amount of tax credits that may be awarded**
 2 **under this chapter for each state fiscal year may not exceed ten**
 3 **thousand dollars (\$10,000).**

4 **(b) The department shall record the time of filing of each**
 5 **application for the department's approval of a credit and shall**
 6 **approve granting the credit to the taxpayer, if the taxpayer**
 7 **otherwise qualifies for a credit under this chapter, in the**
 8 **chronological order in which the application for the department's**
 9 **approval is filed in the year.**

10 **(c) When the total credits approved under this section equal the**
 11 **maximum amount allowable under this section, the department**
 12 **may not thereafter approve an application for the credit.**

13 **Sec. 13. This chapter expires December 31, 2027."**

14 Page 4, delete lines 22 through 24, begin a new paragraph and
 15 insert:

16 **"Sec. 13. (a) Subject to section 18 of this chapter, a taxpayer**
 17 **may claim a credit against the taxpayer's state tax liability for a**
 18 **taxable year if any of the following apply:"**

19 Page 5, line 25, delete "to carryback" and insert "**to a carryback,**
 20 **carryover, or refund of"**

21 Page 5, delete lines 38 through 42, begin a new paragraph and
 22 insert:

23 **"Sec. 17. The department, on a website used by the department**
 24 **to provide information to the public, shall provide the following**
 25 **information:**

26 **(1) The application for the credit provided by this chapter.**

27 **(2) A timeline for receiving the credit provided by this**
 28 **chapter.**

29 **(3) The total amount of credits awarded under this chapter**
 30 **during the current state fiscal year.**

31 **Sec. 18. (a) The total amount of tax credits that may be awarded**
 32 **under this chapter for each state fiscal year may not exceed ten**
 33 **thousand dollars (\$10,000).**

34 **(b) The department shall record the time of filing of each**
 35 **application for the department's approval of a credit and shall**
 36 **approve granting the credit to the taxpayer, if the taxpayer**
 37 **otherwise qualifies for a credit under this chapter, in the**
 38 **chronological order in which the application for the department's**
 39 **approval is filed in the year.**

40 **(c) When the total credits approved under this section equal the**

1 **maximum amount allowable under this section, the department**
2 **may not thereafter approve an application for the credit."**

3 Page 6, delete lines 1 through 5.

4 Page 6, line 15, delete "January 1, 2032." and insert "**December 31,**
5 **2027."**

(Reference is to SB 254 as introduced.)