

Senate Engrossed  
**FILED**  
**KEN BENNETT**  
**SECRETARY OF STATE**

State of Arizona  
Senate  
Forty-ninth Legislature  
First Regular Session  
2009

CHAPTER 96

## **SENATE BILL 1403**

AN ACT

AMENDING TITLE 41, CHAPTER 10, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 41-1511; AMENDING SECTIONS 42-2003, 42-12001 AND 42-12006, ARIZONA REVISED STATUTES; AMENDING TITLE 42, CHAPTER 12, ARTICLE 2, ARIZONA REVISED STATUTES, BY ADDING SECTION 42-12057; AMENDING SECTION 42-15006, ARIZONA REVISED STATUTES; REPEALING SECTION 43-222, ARIZONA REVISED STATUTES; AMENDING TITLE 43, CHAPTER 2, ARTICLE 2, ARIZONA REVISED STATUTES, BY ADDING A NEW SECTION 43-222; AMENDING SECTIONS 43-1074, 43-1077 AND 43-1079, ARIZONA REVISED STATUTES; AMENDING TITLE 43, CHAPTER 10, ARTICLE 5, ARIZONA REVISED STATUTES, BY ADDING SECTION 43-1083.01; AMENDING SECTION 43-1161, ARIZONA REVISED STATUTES; AMENDING TITLE 43, CHAPTER 11, ARTICLE 6, ARIZONA REVISED STATUTES, BY ADDING SECTION 43-1164.01; AMENDING SECTIONS 43-1165 AND 43-1167, ARIZONA REVISED STATUTES; PROVIDING FOR THE DELAYED REPEAL OF SECTIONS 41-1511, 43-1083.01 AND 43-1164.01, ARIZONA REVISED STATUTES; RELATING TO RENEWABLE ENERGY TAX INCENTIVES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 41, chapter 10, article 1, Arizona Revised Statutes,  
3 is amended by adding section 41-1511, to read:

4 41-1511. Renewable energy tax incentives; qualification

5 A. TAX INCENTIVES ARE ALLOWED FOR EXPANDING OR LOCATING QUALIFIED  
6 RENEWABLE ENERGY OPERATIONS IN THIS STATE, INCLUDING INCOME TAX CREDITS  
7 PURSUANT TO SECTIONS 43-1083.01 AND 43-1164.01 AND PROPERTY TAX  
8 CLASSIFICATION PURSUANT TO SECTION 42-12006, PARAGRAPH 9.

9 B. TO BE ELIGIBLE FOR THE TAX INCENTIVES, A RENEWABLE ENERGY BUSINESS  
10 MUST APPLY TO THE DEPARTMENT OF COMMERCE, ON A FORM PRESCRIBED BY THE  
11 DEPARTMENT, FOR CERTIFICATION OF THE BUSINESS AS QUALIFYING FOR THE  
12 INCENTIVES. THE APPLICATION MUST INCLUDE:

13 1. THE APPLICANT'S NAME, ADDRESS, TELEPHONE NUMBER AND FEDERAL  
14 TAXPAYER IDENTIFICATION NUMBER OR NUMBERS.

15 2. THE NAME, ADDRESS, TELEPHONE NUMBER AND E-MAIL ADDRESS OF A CONTACT  
16 PERSON FOR THE APPLICANT.

17 3. THE ADDRESS OF THE SITE WHERE THE QUALIFYING FACILITY WILL BE  
18 LOCATED.

19 4. A DETAILED DESCRIPTION OF THE QUALIFYING FACILITY AND FIXED CAPITAL  
20 ASSETS.

21 5. AN ESTIMATE OF THE CAPITAL INVESTMENT AND NUMBER OF EMPLOYMENT  
22 POSITIONS AT THE QUALIFYING FACILITY, INCLUDING:

23 (a) A SCHEDULE OF QUALIFYING INVESTMENTS.

24 (b) A LIST OF EMPLOYMENT POSITIONS, THE ESTIMATED NUMBER OF EMPLOYEES  
25 TO BE HIRED FOR THE POSITIONS EACH YEAR DURING THE FIRST FIVE YEARS OF  
26 OPERATION AND THE ANNUAL WAGES FOR EACH POSITION, CALCULATED WITHOUT  
27 EMPLOYEE-RELATED BENEFITS.

28 6. A NONREFUNDABLE PROCESSING FEE IN AN AMOUNT ESTABLISHED BY RULE.

29 7. OTHER INFORMATION AS REQUIRED BY THE DEPARTMENT TO DETERMINE  
30 ELIGIBILITY FOR THE TAX INCENTIVES, AND THE AMOUNT OF INCOME TAX CREDITS, AS  
31 PRESCRIBED BY THIS SECTION.

32 8. AN AFFIRMATION, SIGNED BY AN AUTHORIZED EXECUTIVE REPRESENTING THE  
33 BUSINESS, THAT THE APPLICANT:

34 (a) AGREES TO FURNISH RECORDS OF EXPENDITURES FOR QUALIFYING  
35 INVESTMENTS TO THE DEPARTMENT OF COMMERCE ON REQUEST.

36 (b) WILL CONTINUE IN BUSINESS AT THE QUALIFYING FACILITY FOR TEN FULL  
37 CALENDAR YEARS AFTER POSTAPPROVAL FOR A TAX INCENTIVE, OTHER THAN FOR REASONS  
38 BEYOND THE CONTROL OF THE APPLICANT.

39 (c) AGREES TO FURNISH TO THE DEPARTMENT OF COMMERCE ON REQUEST  
40 INFORMATION REGARDING THE AMOUNT OF TAX BENEFITS CLAIMED EACH YEAR.

41 (d) AUTHORIZES THE DEPARTMENT OF REVENUE TO PROVIDE TAX INFORMATION TO  
42 THE DEPARTMENT OF COMMERCE PURSUANT TO SECTION 42-2003 FOR THE PURPOSE OF  
43 DETERMINING ANY INCONSISTENCY IN INFORMATION FURNISHED BY THE APPLICANT.

1 (e) CONSENTS TO THE DISCLOSURE BY THE DEPARTMENT OF COMMERCE OF THE  
2 AMOUNT OF TAX BENEFITS RECEIVED EACH YEAR IN COMPOSITE FORM, WITHOUT SPECIFIC  
3 IDENTIFICATION OF ANY TAXPAYER.

4 (f) AGREES TO ALLOW SITE VISITS AND AUDITS TO VERIFY THE APPLICANT'S  
5 CONTINUING QUALIFICATION AND THE ACCURACY OF INFORMATION SUBMITTED TO THE  
6 DEPARTMENT OF COMMERCE.

7 (g) CONSENTS TO THE ADJUSTMENT OR RECAPTURE OF ANY AMOUNT OF INCOME  
8 TAX CREDIT DUE TO NONCOMPLIANCE WITH THIS SECTION.

9 9. LETTERS OF GOOD STANDING FROM THE DEPARTMENT OF REVENUE AND THE  
10 COUNTY ASSESSOR OF THE COUNTY IN WHICH THE PROJECT IS LOCATED STATING THAT  
11 THE APPLICANT IS IN GOOD STANDING AND IS NOT DELINQUENT IN THE PAYMENT OF  
12 TAXES.

13 C. TO BE ELIGIBLE FOR THE TAX INCENTIVES, THE APPLICANT MUST MAKE NEW  
14 CAPITAL INVESTMENT IN THIS STATE IN A MANUFACTURING FACILITY OR HEADQUARTERS  
15 FACILITY OR ANY COMBINATION OF QUALIFYING FACILITIES, AS FOLLOWS:

16 1. THE APPLICANT MAY QUALIFY FOR INCOME TAX CREDITS PURSUANT TO  
17 SECTION 43-1083.01 OR 43-1164.01, AS APPLICABLE, IF:

18 (a) AT LEAST FIFTY-ONE PER CENT OF THE NET NEW FULL-TIME EMPLOYMENT  
19 POSITIONS AT THE FACILITY PAY A WAGE THAT EQUALS OR EXCEEDS ONE HUNDRED  
20 TWENTY-FIVE PER CENT OF THE MEDIAN ANNUAL WAGE IN THIS STATE, AS DETERMINED  
21 BY THE MOST RECENT ANNUAL DEPARTMENT OF COMMERCE OCCUPATIONAL WAGE AND  
22 EMPLOYMENT ESTIMATES.

23 (b) ALL NET NEW FULL-TIME EMPLOYMENT POSITIONS INCLUDE HEALTH  
24 INSURANCE COVERAGE FOR THE EMPLOYEES FOR WHICH THE APPLICANT PAYS AT LEAST  
25 EIGHTY PER CENT OF THE PREMIUM OR MEMBERSHIP COST, OR AN EQUIVALENT  
26 PERCENTAGE OF THE COST FOR ALTERNATIVE HEALTH BENEFIT MODELS THAT OFFER  
27 STANDARD COMPREHENSIVE COVERAGE.

28 2. THE FIXED CAPITAL ASSETS SHALL BE CLASSIFIED AS CLASS SIX FOR THE  
29 PURPOSES OF PROPERTY TAXATION PURSUANT TO SECTION 42-12006, PARAGRAPH 9 IF  
30 THE QUALIFYING INVESTMENT AMOUNTS TO AT LEAST TWENTY-FIVE MILLION DOLLARS.  
31 IF AT LEAST FIFTY-ONE PER CENT OF THE NET NEW FULL-TIME EMPLOYMENT POSITIONS  
32 AT THE QUALIFYING FACILITY PAY A WAGE THAT EQUALS:

33 (a) AT LEAST ONE HUNDRED TWENTY-FIVE, BUT LESS THAN TWO HUNDRED, PER  
34 CENT OF THE MEDIAN ANNUAL WAGE IN THIS STATE, AS DETERMINED BY THE MOST  
35 RECENT ANNUAL DEPARTMENT OF COMMERCE OCCUPATIONAL WAGE AND EMPLOYMENT  
36 ESTIMATES, THE PROPERTY MAY BE CLASSIFIED AS CLASS SIX FOR TEN TAX YEARS.

37 (b) AT LEAST TWO HUNDRED PER CENT OF THE MEDIAN ANNUAL WAGE IN THIS  
38 STATE, AS DETERMINED BY THE MOST RECENT ANNUAL DEPARTMENT OF COMMERCE  
39 OCCUPATIONAL WAGE AND EMPLOYMENT ESTIMATES, THE PROPERTY MAY BE CLASSIFIED AS  
40 CLASS SIX FOR FIFTEEN TAX YEARS.

41 D. FINAL ELIGIBILITY FOR THE TAX INCENTIVES IS SUBJECT TO ANY  
42 ADDITIONAL REQUIREMENTS PRESCRIBED BY SECTIONS 42-12006, 43-1083.01 AND  
43 43-1164.01, AS APPLICABLE.

44 E. AN APPLICANT MAY SEPARATELY APPLY AND QUALIFY WITH RESPECT TO  
45 INVESTMENTS FOR:

- 1           1. FACILITIES IN SEPARATE LOCATIONS.
- 2           2. SEPARATE EXPANSIONS OF A FACILITY.
- 3           F. TO DETERMINE THE AMOUNT OF INCOME TAX CREDIT TO BE PREAPPROVED TO A
- 4 QUALIFYING APPLICANT, THE DEPARTMENT SHALL USE ONE OF THE FOLLOWING
- 5 COMPUTATIONS:
- 6           1. TEN PER CENT OF THE AMOUNT THE APPLICANT HAS PROJECTED IN TOTAL
- 7 QUALIFYING INVESTMENT IN FACILITIES MEETING THE FOLLOWING MINIMUM EMPLOYMENT
- 8 REQUIREMENTS:
- 9           (a) FOR RENEWABLE ENERGY MANUFACTURING OPERATIONS, AT LEAST ONE AND
- 10 ONE-HALF NEW FULL-TIME EMPLOYMENT POSITIONS PROJECTED BY THE APPLICANT FOR
- 11 EACH FIVE HUNDRED THOUSAND DOLLAR INCREMENT OF CAPITAL INVESTMENT.
- 12           (b) FOR RENEWABLE ENERGY BUSINESS HEADQUARTERS, AT LEAST ONE NEW
- 13 FULL-TIME EMPLOYMENT POSITION PROJECTED BY THE APPLICANT FOR EACH TWO HUNDRED
- 14 THOUSAND DOLLAR INCREMENT OF CAPITAL INVESTMENT.
- 15           2. FOR OTHER QUALIFYING RENEWABLE ENERGY INVESTMENT, TEN PER CENT OF
- 16 THE AMOUNT COMPUTED AS FOLLOWS:
- 17           (a) FIVE HUNDRED THOUSAND DOLLARS FOR EACH ONE AND ONE-HALF NEW
- 18 FULL-TIME EMPLOYMENT POSITIONS PROJECTED BY THE APPLICANT IN NEW RENEWABLE
- 19 ENERGY MANUFACTURING OPERATIONS.
- 20           (b) TWO HUNDRED THOUSAND DOLLARS FOR EACH NEW FULL-TIME EMPLOYMENT
- 21 POSITION PROJECTED BY THE APPLICANT AT A NEW RENEWABLE ENERGY BUSINESS
- 22 HEADQUARTERS.
- 23           G. BEGINNING WITH INCOME TAX CREDITS ALLOCATED FOR 2010, AN APPROVED
- 24 INCOME TAX CREDIT:
- 25           1. OFFSETS INCOME TAX LIABILITY FOR ANY TAXABLE YEAR WITHIN THE
- 26 TAXPAYER'S APPLICABLE CARRYFORWARD PERIOD PURSUANT TO SECTION 43-1083.01 OR
- 27 43-1164.01.
- 28           2. MUST BE CLAIMED ON A TIMELY FILED ORIGINAL INCOME TAX RETURN,
- 29 INCLUDING EXTENSIONS.
- 30           3. MUST BE CLAIMED IN FIVE EQUAL INSTALLMENTS AS PROVIDED IN SECTION
- 31 43-1083.01 OR 43-1164.01.
- 32           H. THE DEPARTMENT SHALL ESTABLISH A PROCESS FOR QUALIFYING AND
- 33 PREAPPROVING APPLICANTS FOR THE TAX INCENTIVES. THE DEPARTMENT SHALL NOT
- 34 PREAPPROVE AN APPLICANT AS QUALIFYING FOR TAX INCENTIVES UNDER THIS SECTION
- 35 AFTER DECEMBER 31, 2014. PREAPPROVAL IS BASED ON:
- 36           1. PRIORITY PLACEMENT ESTABLISHED BY THE DATE THAT THE APPLICANT FILES
- 37 ITS INITIAL APPLICATION WITH THE DEPARTMENT.
- 38           2. THE AVAILABILITY OF INCOME TAX CREDIT CAPACITY UNDER THE DOLLAR
- 39 LIMIT PRESCRIBED BY SUBSECTION J OF THIS SECTION.
- 40           I. WITHIN THIRTY DAYS AFTER RECEIVING A COMPLETE AND CORRECT
- 41 APPLICATION, THE DEPARTMENT SHALL REVIEW THE APPLICATION TO DETERMINE WHETHER
- 42 THE APPLICANT SATISFIES ALL OF THE CRITERIA PRESCRIBED BY THIS SECTION AND
- 43 EITHER PREAPPROVE THE PROJECT AS QUALIFYING FOR THE PURPOSES OF THE TAX
- 44 INCENTIVES OR PROVIDE REASONS FOR ITS DENIAL. THE DEPARTMENT OF COMMERCE

1 SHALL SEND COPIES OF THE PREAPPROVAL TO THE DEPARTMENT OF REVENUE AND THE  
2 APPLICABLE COUNTY ASSESSOR.

3 J. THE DEPARTMENT SHALL NOT PREAPPROVE INCOME TAX CREDITS EXCEEDING  
4 SEVENTY MILLION DOLLARS IN ANY CALENDAR YEAR, EXCEPT AS PROVIDED BY THIS  
5 SUBSECTION AND SUBSECTION K OF THIS SECTION. A PREAPPROVED AMOUNT APPLIES  
6 AGAINST THE DOLLAR LIMIT FOR THE YEAR IN WHICH THE APPLICATION WAS SUBMITTED  
7 REGARDLESS OF WHETHER THE INITIAL PREAPPROVAL PERIOD EXTENDS INTO THE  
8 FOLLOWING YEAR OR YEARS. IF, AT THE END OF ANY YEAR, AN UNUSED BALANCE  
9 OCCURS UNDER THE DOLLAR LIMIT PRESCRIBED BY THIS SUBSECTION:

10 1. THE BALANCE SHALL BE ALLOCATED TO RENEWABLE ENERGY BUSINESSES THAT  
11 SUCCESSFULLY APPEAL THE DENIAL OF APPROVAL UNDER THIS SECTION. ANY AMOUNT OF  
12 INCOME TAX CREDITS DUE TO SUCCESSFUL APPEALS THAT ARE NOT PAID FROM AN UNUSED  
13 BALANCE AT THE END OF ANY YEAR SHALL BE PAID AGAINST THE DOLLAR LIMIT IN THE  
14 FOLLOWING YEAR.

15 2. ANY REMAINING UNUSED BALANCE SHALL BE REALLOCATED FOR THE PURPOSES  
16 OF THIS SECTION IN THE FOLLOWING YEAR.

17 K. THE DEPARTMENT SHALL REALLOCATE THE AMOUNT OF INCOME TAX CREDITS  
18 THAT ARE VOLUNTARILY RELINQUISHED UNDER SUBSECTION L OF THIS SECTION, THAT  
19 LAPSE UNDER SUBSECTION M OF THIS SECTION OR THAT LAPSE UNDER SUBSECTION O OF  
20 THIS SECTION. THE REALLOCATION SHALL BE TO OTHER RENEWABLE ENERGY BUSINESSES  
21 THAT APPLIED IN THE ORIGINAL CREDIT YEAR BASED ON PRIORITY PLACEMENT. ONCE  
22 REALLOCATED, THE AMOUNT OF THE CREDIT APPLIES AGAINST THE DOLLAR LIMIT OF THE  
23 ORIGINAL CREDIT YEAR REGARDLESS OF THE YEAR IN WHICH THE REALLOCATION OCCURS.

24 L. A TAXPAYER MAY VOLUNTARILY RELINQUISH UNUSED CREDIT AMOUNTS.

25 M. PREAPPROVAL UNDER THIS SECTION LAPSES, THE APPLICATION IS VOID AND  
26 THE AMOUNT OF THE PREAPPROVED INCOME TAX CREDITS DO NOT APPLY AGAINST THE  
27 DOLLAR LIMIT PRESCRIBED BY SUBSECTION J OF THIS SECTION IF, WITHIN TWELVE  
28 MONTHS AFTER PREAPPROVAL, THE RENEWABLE ENERGY BUSINESS FAILS TO PROVIDE TO  
29 THE DEPARTMENT DOCUMENTATION OF ITS EXPENDITURE OF TWO HUNDRED FIFTY THOUSAND  
30 DOLLARS IN QUALIFYING INVESTMENT OR, IF THE PERIOD OVER WHICH THE QUALIFYING  
31 INVESTMENT WILL BE MADE EXCEEDS TWELVE MONTHS, DOCUMENTATION OF ADDITIONAL  
32 EXPENDITURES AS REQUIRED IN THIS SUBSECTION FOR EACH TWELVE MONTH PERIOD.

33 N. BEGINNING IN 2010, AFTER OCTOBER 31 OF EACH YEAR, IF THE DEPARTMENT  
34 HAS PREAPPROVED THE MAXIMUM CALENDAR YEAR INCOME TAX CREDIT AMOUNT PURSUANT  
35 TO SUBSECTION J OF THIS SECTION, THE DEPARTMENT MAY ACCEPT INITIAL  
36 APPLICATIONS FOR THE NEXT CALENDAR YEAR, BUT THE PREAPPROVAL OF ANY  
37 APPLICATION PURSUANT TO THIS SUBSECTION SHALL NOT BE EFFECTIVE BEFORE THE  
38 FIRST BUSINESS DAY OF THE FOLLOWING CALENDAR YEAR.

39 O. WHEN THE FACILITY BEGINS OPERATIONS, A RENEWABLE ENERGY BUSINESS  
40 THAT WAS PREAPPROVED FOR INCOME TAX CREDITS UNDER THIS SECTION SHALL APPLY TO  
41 THE DEPARTMENT IN WRITING FOR POSTAPPROVAL OF THE CREDITS, SUBMIT  
42 DOCUMENTATION CERTIFYING THE TOTAL AMOUNT AND DATES OF THE QUALIFYING  
43 INVESTMENTS AND IDENTIFYING THE FIXED CAPITAL ASSETS ASSOCIATED WITH THE  
44 FACILITY INCURRED FROM THE DATE OF PREAPPROVAL. FROM AND AFTER DECEMBER 31,  
45 2009, THE DEPARTMENT SHALL PROVIDE POSTAPPROVAL TO A RENEWABLE ENERGY

1 BUSINESS THAT IT HAS MET THE ELIGIBILITY REQUIREMENTS OF THIS SECTION AND  
2 SHALL NOTIFY THE DEPARTMENT OF REVENUE THAT THE RENEWABLE ENERGY BUSINESS MAY  
3 CLAIM THE TAX CREDITS PURSUANT TO SECTIONS 43-1083.01 AND 43-1164.01. IF THE  
4 AMOUNT OF QUALIFYING INVESTMENT ACTUALLY SPENT IS LESS THAN THE AMOUNT  
5 PREAPPROVED FOR INCOME TAX CREDITS, THE PREAPPROVED AMOUNT NOT INCURRED  
6 LAPSES AND DOES NOT APPLY AGAINST THE DOLLAR LIMIT PRESCRIBED BY SUBSECTION J  
7 OF THIS SECTION FOR THAT YEAR.

8 P. THE DEPARTMENT OF COMMERCE MAY RESCIND THE BUSINESS' CERTIFICATION  
9 IF THE BUSINESS NO LONGER MEETS THE TERMS AND CONDITIONS REQUIRED FOR  
10 QUALIFYING FOR THE TAX INCENTIVES. THE DEPARTMENT MAY GIVE SPECIAL  
11 CONSIDERATION, OR ALLOW TEMPORARY EXEMPTION FROM RECAPTURE OF TAX BENEFITS,  
12 IN THE CASE OF EXTRAORDINARY HARDSHIP DUE TO FACTORS BEYOND THE CONTROL OF  
13 THE QUALIFYING BUSINESS.

14 Q. IF THE DEPARTMENT OF COMMERCE RESCINDS AN APPLICANT'S PREAPPROVAL  
15 UNDER SUBSECTION P OF THIS SECTION, IT SHALL NOTIFY THE DEPARTMENT OF REVENUE  
16 AND THE COUNTY ASSESSOR OF THE ACTION AND THE CONDITIONS OF NONCOMPLIANCE.  
17 IF THE DEPARTMENT OF REVENUE OBTAINS INFORMATION INDICATING A POSSIBLE  
18 FAILURE TO QUALIFY AND COMPLY, IT SHALL PROVIDE THAT INFORMATION TO THE  
19 DEPARTMENT OF COMMERCE. THE DEPARTMENT OF REVENUE MAY REQUIRE THE BUSINESS  
20 TO FILE APPROPRIATE AMENDED TAX RETURNS REFLECTING ANY RECAPTURE OF INCOME  
21 TAX CREDITS UNDER SECTION 43-1083.01 OR 43-1164.01.

22 R. PREAPPROVAL AND POSTAPPROVAL OF A BUSINESS FOR THE PURPOSES OF TAX  
23 INCENTIVES UNDER THIS SECTION DO NOT CONSTITUTE OR IMPLY COMPLIANCE WITH ANY  
24 OTHER PROVISION OF LAW OR ANY REGULATORY RULE, ORDER, PROCEDURE, PERMIT OR  
25 OTHER MEASURE REQUIRED BY LAW. TO MAINTAIN QUALIFICATION FOR TAX INCENTIVES  
26 UNDER THIS SECTION, A BUSINESS MUST SEPARATELY COMPLY WITH ALL ENVIRONMENTAL,  
27 EMPLOYMENT AND OTHER REGULATORY MEASURES.

28 S. FOR FIVE YEARS AFTER POSTAPPROVAL FOR TAX INCENTIVES UNDER THIS  
29 SECTION, IN ANY ACTION INVOLVING THE LIQUIDATION OF THE BUSINESS ASSETS OR  
30 RELOCATION OUT OF STATE THIS STATE CLAIMS THE POSITION OF A SECURED CREDITOR  
31 OF THE BUSINESS IN THE AMOUNT OF INCOME TAX CREDITS THE BUSINESS RECEIVED  
32 PURSUANT TO SECTION 43-1083.01 OR 43-1164.01.

33 T. ANY INFORMATION GATHERED FROM RENEWABLE ENERGY BUSINESS FOR THE  
34 PURPOSES OF THIS SECTION IS CONSIDERED TO BE CONFIDENTIAL TAXPAYER  
35 INFORMATION AND SHALL BE DISCLOSED ONLY AS PROVIDED IN SECTION 42-2003,  
36 SUBSECTION B, PARAGRAPH 12, EXCEPT THAT THE DEPARTMENT SHALL PUBLISH THE  
37 FOLLOWING INFORMATION IN ITS ANNUAL REPORT:

38 1. THE NAME OF EACH RENEWABLE ENERGY BUSINESS AND THE AMOUNT OF INCOME  
39 TAX CREDITS PREAPPROVED FOR EACH QUALIFYING INVESTMENT.

40 2. THE AMOUNT OF CREDITS THAT WERE POSTAPPROVED WITH RESPECT TO EACH  
41 QUALIFYING INVESTMENT.

42 U. THE DEPARTMENT SHALL:

43 1. KEEP ANNUAL RECORDS OF THE INFORMATION PROVIDED ON APPLICATIONS FOR  
44 RENEWABLE ENERGY BUSINESSES. THESE RECORDS SHALL REFLECT A PERCENTAGE  
45 COMPARISON OF THE ANNUAL AMOUNT OF MONIES EXEMPTED OR CREDITED TO QUALIFYING

1 RENEWABLE ENERGY BUSINESSES TO THE ESTIMATED AMOUNT OF MONIES SPENT IN THIS  
2 STATE IN THE FORM OF QUALIFYING INVESTMENTS.

3 2. MAINTAIN ANNUAL DATA ON GROWTH IN THIS STATE OF RENEWABLE ENERGY  
4 BUSINESSES AND INDUSTRY EMPLOYMENT AND WAGES.

5 3. NOT LATER THAN APRIL 30 OF EACH YEAR, PREPARE AND PUBLISH A REPORT  
6 SUMMARIZING THE INFORMATION COLLECTED PURSUANT TO THIS SUBSECTION. THE  
7 DEPARTMENT SHALL MAKE COPIES OF THE ANNUAL REPORT AVAILABLE TO THE PUBLIC ON  
8 REQUEST.

9 V. THE DEPARTMENT OF COMMERCE SHALL ADOPT RULES AND PRESCRIBE FORMS  
10 AND PROCEDURES AS NECESSARY FOR THE PURPOSES OF THIS SECTION. THE DEPARTMENT  
11 OF COMMERCE AND THE DEPARTMENT OF REVENUE SHALL COLLABORATE IN ADOPTING RULES  
12 AS NECESSARY TO AVOID DUPLICATION AND INCONSISTENCIES WHILE ACCOMPLISHING THE  
13 INTENT AND PURPOSES OF THIS SECTION.

14 W. FOR THE PURPOSES OF THIS SECTION:

15 1. "CAPITAL INVESTMENT" MEANS AN EXPENDITURE TO ACQUIRE, LEASE OR  
16 IMPROVE PROPERTY THAT IS USED IN OPERATING A BUSINESS, INCLUDING LAND,  
17 BUILDINGS, MACHINERY AND FIXTURES.

18 2. "HEADQUARTERS" MEANS A PRINCIPAL CENTRAL ADMINISTRATIVE OFFICE  
19 WHERE PRIMARY HEADQUARTERS RELATED FUNCTIONS AND SERVICES ARE PERFORMED,  
20 INCLUDING FINANCIAL, PERSONNEL, ADMINISTRATIVE, LEGAL, PLANNING AND SIMILAR  
21 BUSINESS FUNCTIONS ARE PERFORMED.

22 3. "MANUFACTURING" MEANS FABRICATING, PRODUCING OR MANUFACTURING RAW  
23 OR PREPARED MATERIALS INTO USABLE PRODUCTS, IMPARTING NEW FORMS, QUALITIES,  
24 PROPERTIES AND COMBINATIONS. MANUFACTURING DOES NOT INCLUDE GENERATING  
25 ELECTRICITY FOR OFF-SITE CONSUMPTION.

26 4. "QUALIFYING INVESTMENT" MEANS INVESTMENT IN LAND, BUILDINGS,  
27 MACHINERY AND FIXTURES FOR EXPANSION OF AN EXISTING FACILITY OR ESTABLISHMENT  
28 OF A NEW FACILITY IN THIS STATE. QUALIFYING INVESTMENT DOES NOT INCLUDE  
29 RELOCATING AN EXISTING FACILITY IN THIS STATE TO ANOTHER LOCATION IN THIS  
30 STATE WITHOUT ADDITIONAL CAPITAL INVESTMENT.

31 5. "RENEWABLE ENERGY OPERATIONS" ARE LIMITED TO MANUFACTURERS OF, AND  
32 HEADQUARTERS FOR, SYSTEMS AND COMPONENTS THAT ARE USED OR USEFUL IN  
33 MANUFACTURING RENEWABLE ENERGY EQUIPMENT FOR THE GENERATION, STORAGE, TESTING  
34 AND RESEARCH AND DEVELOPMENT, TRANSMISSION OR DISTRIBUTION OF ELECTRICITY  
35 FROM RENEWABLE RESOURCES, INCLUDING SPECIALIZED CRATES NECESSARY TO PACKAGE  
36 THE RENEWABLE ENERGY EQUIPMENT MANUFACTURED AT THE FACILITY.

37 Sec. 2. Section 42-2003, Arizona Revised Statutes, is amended to read:  
38 42-2003. Authorized disclosure of confidential information

39 A. Confidential information relating to:

40 1. A taxpayer may be disclosed to the taxpayer, its successor in  
41 interest or a designee of the taxpayer who is authorized in writing by the  
42 taxpayer. A principal corporate officer of a parent corporation may execute  
43 a written authorization for a controlled subsidiary.

44 2. A corporate taxpayer may be disclosed to any principal officer, any  
45 person designated by a principal officer or any person designated in a

1 resolution by the corporate board of directors or other similar governing  
2 body.

3 3. A partnership may be disclosed to any partner of the  
4 partnership. This exception does not include disclosure of confidential  
5 information of a particular partner unless otherwise authorized.

6 4. An estate may be disclosed to the personal representative of the  
7 estate and to any heir, next of kin or beneficiary under the will of the  
8 decedent if the department finds that the heir, next of kin or beneficiary  
9 has a material interest which will be affected by the confidential  
10 information.

11 5. A trust may be disclosed to the trustee or trustees, jointly or  
12 separately, and to the grantor or any beneficiary of the trust if the  
13 department finds that the grantor or beneficiary has a material interest  
14 which will be affected by the confidential information.

15 6. Any taxpayer may be disclosed if the taxpayer has waived any rights  
16 to confidentiality either in writing or on the record in any administrative  
17 or judicial proceeding.

18 7. The name and taxpayer identification numbers of persons issued  
19 direct payment permits may be publicly disclosed.

20 B. Confidential information may be disclosed to:

21 1. Any employee of the department whose official duties involve tax  
22 administration.

23 2. The office of the attorney general solely for its use in  
24 preparation for, or in an investigation which may result in, any proceeding  
25 involving tax administration before the department or any other agency or  
26 board of this state, or before any grand jury or any state or federal court.

27 3. The department of liquor licenses and control for its use in  
28 determining whether a spirituous liquor licensee has paid all transaction  
29 privilege taxes and affiliated excise taxes incurred as a result of the sale  
30 of spirituous liquor, as defined in section 4-101, at the licensed  
31 establishment and imposed on the licensed establishments by this state and  
32 its political subdivisions.

33 4. Other state tax officials whose official duties require the  
34 disclosure for proper tax administration purposes if the information is  
35 sought in connection with an investigation or any other proceeding conducted  
36 by the official. Any disclosure is limited to information of a taxpayer who  
37 is being investigated or who is a party to a proceeding conducted by the  
38 official.

39 5. The following agencies, officials and organizations, if they grant  
40 substantially similar privileges to the department for the type of  
41 information being sought, pursuant to statute and a written agreement between  
42 the department and the foreign country, agency, state, Indian tribe or  
43 organization:

44 (a) The United States internal revenue service, alcohol and tobacco  
45 tax and trade bureau of the United States treasury, United States bureau of

1 alcohol, tobacco, firearms and explosives of the United States department of  
2 justice, United States drug enforcement agency and federal bureau of  
3 investigation.

4 (b) A state tax official of another state.

5 (c) An organization of states, federation of tax administrators or  
6 multistate tax commission that operates an information exchange for tax  
7 administration purposes.

8 (d) An agency, official or organization of a foreign country with  
9 responsibilities that are comparable to those listed in subdivision (a), (b)  
10 or (c) of this paragraph.

11 (e) An agency, official or organization of an Indian tribal government  
12 with responsibilities comparable to the responsibilities of the agencies,  
13 officials or organizations identified in subdivision (a), (b) or (c) of this  
14 paragraph.

15 6. The auditor general, in connection with any audit of the department  
16 subject to the restrictions in section 42-2002, subsection D.

17 7. Any person to the extent necessary for effective tax administration  
18 in connection with:

19 (a) The processing, storage, transmission, destruction and  
20 reproduction of the information.

21 (b) The programming, maintenance, repair, testing and procurement of  
22 equipment for purposes of tax administration.

23 8. The office of administrative hearings relating to taxes  
24 administered by the department pursuant to section 42-1101, but the  
25 department shall not disclose any confidential information:

26 (a) Regarding income tax, withholding tax or estate tax.

27 (b) On any tax issue relating to information associated with the  
28 reporting of income tax, withholding tax or estate tax.

29 9. The United States treasury inspector general for tax administration  
30 for the purpose of reporting a violation of internal revenue code section  
31 7213A (26 United States Code section 7213A), unauthorized inspection of  
32 returns or return information.

33 10. The financial management service of the United States treasury  
34 department for use in the treasury offset program.

35 11. The United States treasury department or its authorized agent for  
36 use in the state income tax levy program and in the electronic federal tax  
37 payment system.

38 12. The department of commerce for its use in:

39 (a) Qualifying motion picture production companies for the tax  
40 incentives provided for motion picture production under chapter 5 of this  
41 title and sections 43-1075 and 43-1163.

42 ~~(b) Fulfilling its annual reporting responsibility pursuant to section~~  
43 ~~41-1517, subsections S and T.~~

44 ~~(c)~~ (b) Qualifying applicants for the motion picture infrastructure  
45 project tax credits under sections 43-1075.01 and 43-1163.01.

1 (c) QUALIFYING RENEWABLE ENERGY OPERATIONS FOR THE TAX INCENTIVES  
2 UNDER SECTIONS 42-12006, 43-1083.01 AND 43-1164.01.

3 (d) FULFILLING ITS ANNUAL REPORTING RESPONSIBILITY PURSUANT TO SECTION  
4 41-1511, SUBSECTIONS T AND U AND SECTION 41-1517, SUBSECTIONS S AND T.

5 13. A prosecutor for purposes of section 32-1164, subsection C.

6 14. The state fire marshal for use in determining compliance with and  
7 enforcing title 41, chapter 16, article 3.1.

8 C. Confidential information may be disclosed in any state or federal  
9 judicial or administrative proceeding pertaining to tax administration  
10 pursuant to the following conditions:

11 1. One or more of the following circumstances must apply:

12 (a) The taxpayer is a party to the proceeding.

13 (b) The proceeding arose out of, or in connection with, determining  
14 the taxpayer's civil or criminal liability, or the collection of the  
15 taxpayer's civil liability, with respect to any tax imposed under this title  
16 or title 43.

17 (c) The treatment of an item reflected on the taxpayer's return is  
18 directly related to the resolution of an issue in the proceeding.

19 (d) Return information directly relates to a transactional  
20 relationship between a person who is a party to the proceeding and the  
21 taxpayer and directly affects the resolution of an issue in the proceeding.

22 2. Confidential information may not be disclosed under this subsection  
23 if the disclosure is prohibited by section 42-2002, subsection C or D.

24 D. Identity information may be disclosed for purposes of notifying  
25 persons entitled to tax refunds if the department is unable to locate the  
26 persons after reasonable effort.

27 E. The department, upon the request of any person, shall provide the  
28 names and addresses of bingo licensees as defined in section 5-401, verify  
29 whether or not a person has a privilege license and number, a distributor's  
30 license and number or a withholding license and number or disclose the  
31 information to be posted on the department's web site or otherwise publicly  
32 accessible pursuant to section 42-1124, subsection F and section 42-3201,  
33 subsection A.

34 F. A department employee, in connection with the official duties  
35 relating to any audit, collection activity or civil or criminal  
36 investigation, may disclose return information to the extent that disclosure  
37 is necessary to obtain information which is not otherwise reasonably  
38 available. These official duties include the correct determination of and  
39 liability for tax, the amount to be collected or the enforcement of other  
40 state tax revenue laws.

41 G. If an organization is exempt from this state's income tax as  
42 provided in section 43-1201 for any taxable year, the name and address of the  
43 organization and the application filed by the organization upon which the  
44 department made its determination for exemption together with any papers

1 submitted in support of the application and any letter or document issued by  
2 the department concerning the application are open to public inspection.

3 H. Confidential information relating to transaction privilege tax, use  
4 tax, severance tax, jet fuel excise and use tax and rental occupancy tax may  
5 be disclosed to any county, city or town tax official if the information  
6 relates to a taxpayer who is or may be taxable by the county, city or town.  
7 Any taxpayer information released by the department to the county, city or  
8 town:

9 1. May only be used for internal purposes.

10 2. May not be disclosed to the public in any manner that does not  
11 comply with confidentiality standards established by the department. The  
12 county, city or town shall agree in writing with the department that any  
13 release of confidential information that violates the confidentiality  
14 standards adopted by the department will result in the immediate suspension  
15 of any rights of the county, city or town to receive taxpayer information  
16 under this subsection.

17 I. The department may disclose statistical information gathered from  
18 confidential information if it does not disclose confidential information  
19 attributable to any one taxpayer. In order to comply with the requirements  
20 of section 42-5029, subsection A, paragraph 3, the department may disclose to  
21 the state treasurer statistical information gathered from confidential  
22 information, even if it discloses confidential information attributable to a  
23 taxpayer.

24 J. The department may disclose the aggregate amounts of any tax  
25 credit, tax deduction or tax exemption enacted after January 1, 1994.  
26 Information subject to disclosure under this subsection shall not be  
27 disclosed if a taxpayer demonstrates to the department that such information  
28 would give an unfair advantage to competitors.

29 K. Except as provided in section 42-2002, subsection C, confidential  
30 information, described in section 42-2001, paragraph 2, subdivision (a), item  
31 (iii), may be disclosed to law enforcement agencies for law enforcement  
32 purposes.

33 L. The department may provide transaction privilege tax license  
34 information to property tax officials in a county for the purpose of  
35 identification and verification of the tax status of commercial property.

36 M. The department may provide transaction privilege tax, luxury tax,  
37 use tax, property tax and severance tax information to the ombudsman-citizens  
38 aide pursuant to title 41, chapter 8, article 5.

39 N. Except as provided in section 42-2002, subsection D, a court may  
40 order the department to disclose confidential information pertaining to a  
41 party to an action. An order shall be made only upon a showing of good cause  
42 and that the party seeking the information has made demand upon the taxpayer  
43 for the information.

44 O. This section does not prohibit the disclosure by the department of  
45 any information or documents submitted to the department by a bingo licensee.

1 Before disclosing the information the department shall obtain the name and  
2 address of the person requesting the information.

3 P. If the department is required or permitted to disclose confidential  
4 information, it may charge the person or agency requesting the information  
5 for the reasonable cost of its services.

6 Q. Except as provided in section 42-2002, subsection D, the department  
7 of revenue shall release confidential information as requested by the  
8 department of economic security pursuant to section 42-1122 or 46-291.  
9 Information disclosed under this subsection is limited to the same type of  
10 information that the United States internal revenue service is authorized to  
11 disclose under section 6103(1)(6) of the internal revenue code.

12 R. Except as provided in section 42-2002, subsection D, the department  
13 of revenue shall release confidential information as requested by the courts  
14 and clerks of the court pursuant to section 42-1122.

15 S. To comply with the requirements of section 42-5031, the department  
16 may disclose to the state treasurer, to the county stadium district board of  
17 directors and to any city or town tax official that is part of the county  
18 stadium district confidential information attributable to a taxpayer's  
19 business activity conducted in the county stadium district.

20 T. The department shall release confidential information as requested  
21 by the attorney general for purposes of determining compliance with and  
22 enforcing section 44-7101, the master settlement agreement referred to  
23 therein and subsequent agreements to which the state is a party that amend or  
24 implement the master settlement agreement. Information disclosed under this  
25 subsection is limited to luxury tax information relating to tobacco  
26 manufacturers, distributors, wholesalers and retailers and information  
27 collected by the department pursuant to section 44-7101(2)(j).

28 U. For proceedings before the department, the office of administrative  
29 hearings, the board of tax appeals or any state or federal court involving  
30 penalties that were assessed against a return preparer or electronic return  
31 preparer pursuant to section 42-1103.02 or 42-1125.01, confidential  
32 information may be disclosed only before the judge or administrative law  
33 judge adjudicating the proceeding, the parties to the proceeding and the  
34 parties' representatives in the proceeding prior to its introduction into  
35 evidence in the proceeding. The confidential information may be introduced  
36 as evidence in the proceeding only if the taxpayer's name, the names of any  
37 dependents listed on the return, all social security numbers, the taxpayer's  
38 address, the taxpayer's signature and any attachments containing any of the  
39 foregoing information are redacted and if either:

40 1. The treatment of an item reflected on such return is or may be  
41 related to the resolution of an issue in the proceeding.

42 2. Such return or return information relates or may relate to a  
43 transactional relationship between a person who is a party to the proceeding  
44 and the taxpayer which directly affects the resolution of an issue in the  
45 proceeding.

1           V. The department may disclose to the attorney general confidential  
2 information received under section 44-7111 and requested by the attorney  
3 general for purposes of determining compliance with and enforcing section  
4 44-7111. The department and attorney general shall share with each other the  
5 information received under section 44-7111, and may share the information  
6 with other federal, state or local agencies only for the purposes of  
7 enforcement of section 44-7101, section 44-7111 or corresponding laws of  
8 other states.

9           Sec. 3. Section 42-12001, Arizona Revised Statutes, is amended to  
10 read:

11           42-12001. Class one property

12           For purposes of taxation, class one is established consisting of the  
13 following subclasses:

14           1. Producing mines and mining claims, personal property used on mines  
15 and mining claims, improvements to mines and mining claims and mills and  
16 smelters operated in conjunction with mines and mining claims that are valued  
17 at full cash value pursuant to section 42-14053.

18           2. Standing timber that is valued at full cash value.

19           3. Real and personal property of gas distribution companies, electric  
20 transmission companies, electric distribution companies, combination gas and  
21 electric transmission and distribution companies, companies engaged in the  
22 generation of electricity and electric cooperatives that are valued at full  
23 cash value pursuant to section 42-14151.

24           4. Real and personal property of airport fuel delivery companies that  
25 are valued pursuant to section 42-14503.

26           5. Real and personal property that is used by producing oil, gas and  
27 geothermal resource interests that are valued at full cash value pursuant to  
28 section 42-14102.

29           6. Real and personal property of water, sewer and wastewater utility  
30 companies that are valued at full cash value pursuant to section 42-14151.

31           7. Real and personal property of pipeline companies that are valued at  
32 full cash value pursuant to section 42-14201.

33           8. Real and personal property of shopping centers that are valued at  
34 full cash value or pursuant to chapter 13, article 5 of this title, as  
35 applicable.

36           9. Real and personal property of golf courses that are valued at full  
37 cash value or pursuant to chapter 13, article 4 of this title.

38           10. All property, both real and personal, of manufacturers, assemblers  
39 or fabricators, OTHER THAN PROPERTY THAT IS SPECIFICALLY INCLUDED IN ANOTHER  
40 CLASS DESCRIBED IN THIS ARTICLE, THAT ARE valued under ~~the provisions of this~~  
41 title.

42           11. Real and personal property that is used in communications  
43 transmission facilities and that provides public telephone or  
44 telecommunications exchange or interexchange access for compensation to  
45 effect two-way communication to, from, through or within this state.

1           12. Real property and improvements that are devoted to any other  
2 commercial or industrial use, other than property that is specifically  
3 included in another class described in this article, and that are valued at  
4 full cash value.

5           13. Personal property that is devoted to any other commercial or  
6 industrial use, other than property that is specifically included in another  
7 class described in this article, and that is valued at full cash value.

8           Sec. 4. Section 42-12006, Arizona Revised Statutes, is amended to  
9 read:

10           42-12006. Class six property

11           For purposes of taxation, class six is established consisting of:

12           1. Noncommercial historic property as defined in section 42-12101 and  
13 valued at full cash value.

14           2. Real and personal property that is located within the area of a  
15 foreign trade zone or subzone established under 19 United States Code section  
16 81 and title 44, chapter 18, that is activated for foreign trade zone use by  
17 the district director of the United States customs service pursuant to  
18 19 Code of Federal Regulations section 146.6 and that is valued at full cash  
19 value. Property that is classified under this paragraph shall not thereafter  
20 be classified under paragraph 7 of this section.

21           3. Real and personal property and improvements that are located in a  
22 military reuse zone that is established under title 41, chapter 10, article 3  
23 and that is devoted to providing aviation or aerospace services or to  
24 manufacturing, assembling or fabricating aviation or aerospace products,  
25 valued at full cash value and subject to the following terms and conditions:

26           (a) Property may not be classified under this paragraph for more than  
27 five tax years.

28           (b) Any new addition or improvement to property already classified  
29 under this paragraph qualifies separately for classification under this  
30 paragraph for not more than five tax years.

31           (c) If a military reuse zone is terminated, the property in that zone  
32 that was previously classified under this paragraph shall be reclassified as  
33 prescribed by this article.

34           (d) Property that is classified under this paragraph shall not  
35 thereafter be classified under paragraph 4 or 7 of this section.

36           4. Real and personal property and improvements that are located in an  
37 enterprise zone, that are owned or used by a small manufacturing or small  
38 commercial ~~printer~~ PRINTING business that is certified by the department of  
39 commerce pursuant to section 41-1525.01 and that are valued at full cash  
40 value, subject to the following terms and conditions:

41           (a) Property may not be classified under this paragraph for more than  
42 five tax years.

43           (b) Property that is classified under this paragraph shall not  
44 thereafter be classified under paragraph 3 or 7 of this section.

1           5. Real and personal property and improvements or a portion of such  
2 property comprising a qualified environmental technology manufacturing,  
3 producing or processing facility as described in section 41-1514.02, valued  
4 at full cash value and subject to the following terms and conditions:

5           (a) Property shall be classified under this paragraph for twenty tax  
6 years from the date placed in service.

7           (b) Any addition or improvement to property already classified under  
8 this paragraph qualifies separately for classification under this subdivision  
9 for an additional twenty tax years from the date placed in service.

10           (c) After revocation of certification under section 41-1514.02,  
11 property that was previously classified under this paragraph shall be  
12 reclassified as prescribed by this article.

13           (d) Property that is classified under this paragraph shall not  
14 thereafter be classified under paragraph 7 of this section.

15           6. That portion of real and personal property that is used on or after  
16 January 1, 1999 specifically and solely for remediation of the environment by  
17 an action that has been determined to be reasonable and necessary to respond  
18 to the release or threatened release of a hazardous substance by the  
19 department of environmental quality pursuant to section 49-282.06 or pursuant  
20 to its corrective action authority under rules adopted pursuant to section  
21 49-922, subsection B, paragraph 4 or by the United States environmental  
22 protection agency pursuant to the national contingency plan (40 Code of  
23 Federal Regulations part 300) and that is valued at full cash value. Property  
24 that is not being used specifically and solely for the remediation objectives  
25 described in this paragraph shall not be classified under this paragraph.  
26 For the purposes of this paragraph, "remediation of the environment" means  
27 one or more of the following actions:

28           (a) Monitoring, assessing or evaluating the release or threatened  
29 release.

30           (b) Excavating, removing, transporting, treating and disposing of  
31 contaminated soil.

32           (c) Pumping and treating contaminated water.

33           (d) Treatment, containment or removal of contaminants in groundwater  
34 or soil.

35           7. Real and personal property and improvements constructed or  
36 installed from and after December 31, 2004 through December 31, 2010 and  
37 owned by a qualified business under section 41-1516 and used solely for the  
38 purpose of harvesting, transporting or the initial processing of qualifying  
39 forest products removed from qualifying projects as defined in section  
40 41-1516. The classification under this paragraph is subject to the following  
41 terms and conditions:

42           (a) Property may be initially classified under this paragraph only in  
43 valuation years 2005 through 2010.

44           (b) Property may not be classified under this paragraph for more than  
45 five years.

1 (c) Any new addition or improvement, constructed or installed from and  
2 after December 31, 2004 through December 31, 2010, to property already  
3 classified under this paragraph qualifies separately for classification and  
4 assessment under this paragraph for not more than five years.

5 (d) Property that is classified under this paragraph shall not  
6 thereafter be classified under paragraph 2, 3, 4 or 5 of this section.

7 8. Real and personal property and improvements to the property that  
8 are used specifically and solely to manufacture from and after December 31,  
9 2006 through December 31, 2016 biodiesel fuel that is one hundred per cent  
10 biodiesel and its by-products and that are valued at full cash value. This  
11 paragraph applies only to the portion of property that is used specifically  
12 for manufacturing and processing one hundred per cent biodiesel fuel, or its  
13 related by-products, from raw feedstock obtained from off-site sources,  
14 including necessary on-site storage facilities that are intrinsically  
15 associated with the manufacturing process. Any other commercial or industrial  
16 use disqualifies the entire property from classification under this  
17 paragraph.

18 9. REAL AND PERSONAL PROPERTY AND IMPROVEMENTS THAT ARE CERTIFIED  
19 PURSUANT TO SECTION 41-1511, SUBSECTION C, PARAGRAPH 2 AND THAT ARE USED FOR  
20 RENEWABLE ENERGY MANUFACTURING OR HEADQUARTERS OPERATIONS AS PROVIDED BY  
21 SECTION 42-12057. THIS PARAGRAPH APPLIES ONLY TO PROPERTY THAT IS USED IN  
22 MANUFACTURING AND HEADQUARTERS OPERATIONS OF RENEWABLE ENERGY COMPANIES,  
23 INCLUDING NECESSARY ON-SITE RESEARCH AND DEVELOPMENT, TESTING AND STORAGE  
24 FACILITIES THAT ARE ASSOCIATED WITH THE MANUFACTURING PROCESS. UP TO TEN PER  
25 CENT OF THE AGGREGATE FULL CASH VALUE OF THE PROPERTY MAY BE DERIVED FROM  
26 USES THAT ARE ANCILLARY TO AND INTRINSICALLY ASSOCIATED WITH THE  
27 MANUFACTURING PROCESS OR HEADQUARTERS OPERATION. ANY ADDITIONAL ANCILLARY  
28 PROPERTY IS NOT QUALIFIED FOR CLASSIFICATION UNDER THIS PARAGRAPH. NO NEW  
29 PROPERTIES MAY BE CLASSIFIED PURSUANT TO THIS PARAGRAPH FROM AND AFTER  
30 DECEMBER 31, 2014. CLASSIFICATION UNDER THIS PARAGRAPH IS LIMITED TO THE  
31 TIME PERIODS DETERMINED BY THE DEPARTMENT OF COMMERCE PURSUANT TO SECTION  
32 41-1511, SUBSECTION C, PARAGRAPH 2, SUBDIVISION (a) OR (b). PROPERTY THAT IS  
33 CLASSIFIED UNDER THIS PARAGRAPH SHALL NOT THEREAFTER BE CLASSIFIED UNDER ANY  
34 OTHER PARAGRAPH OF THIS SECTION.

35 Sec. 5. Title 42, chapter 12, article 2, Arizona Revised Statutes, is  
36 amended by adding section 42-12057, to read:

37 42-12057. Criteria for renewable energy property

38 A. TO QUALIFY FOR THE CLASSIFICATION AS CLASS SIX PURSUANT TO SECTION  
39 42-12006, PARAGRAPH 9, THE OWNER OF A MANUFACTURING FACILITY OR HEADQUARTERS  
40 FACILITY MUST BE CERTIFIED PURSUANT TO SECTION 41-1511, SUBSECTION C,  
41 PARAGRAPH 2 AND MUST PROVIDE DOCUMENTATION TO THE COUNTY ASSESSOR EACH YEAR  
42 THAT THE FACILITY IS EXCLUSIVELY DEDICATED TO RENEWABLE ENERGY MANUFACTURING  
43 OR REGIONAL, NATIONAL OR GLOBAL RENEWABLE ENERGY BUSINESS HEADQUARTERS  
44 OPERATIONS.

1 B. FOR THE PURPOSES OF THIS SECTION, RENEWABLE ENERGY PROJECTS ARE  
2 LIMITED TO MANUFACTURERS OF, AND HEADQUARTERS FOR, SYSTEMS AND COMPONENTS  
3 THAT ARE USED OR USEFUL IN MANUFACTURING RENEWABLE ENERGY EQUIPMENT FOR THE  
4 GENERATION, STORAGE, TESTING AND RESEARCH AND DEVELOPMENT, TRANSMISSION OR  
5 DISTRIBUTION OF ELECTRICITY FROM RENEWABLE RESOURCES, INCLUDING SPECIALIZED  
6 CRATES NECESSARY TO PACKAGE THE RENEWABLE ENERGY EQUIPMENT MANUFACTURED AT  
7 THE FACILITY.

8 Sec. 6. Section 42-15006, Arizona Revised Statutes, is amended to  
9 read:

10 42-15006. Assessed valuation of class six property

11 The assessed valuation of class six property described in  
12 section 42-12006 is based on the following percentages to the full cash value  
13 or limited valuation of class six property, as applicable:

14 1. Property described in section 42-12006, paragraphs 1, 2, 3, 5, 6,  
15 7, and 8 AND 9, five per cent.

16 2. Property described in section 42-12006, paragraph 4:

17 (a) For primary property tax purposes, five per cent.

18 (b) Except as provided in subdivision (c), for secondary property tax  
19 purposes:

20 (i) Twenty-five per cent through December 31, 2006.

21 (ii) Twenty-four per cent beginning from and after December 31, 2006  
22 through December 31, 2007.

23 (iii) Twenty-three per cent beginning from and after December 31, 2007  
24 through December 31, 2008.

25 (iv) Twenty-two per cent beginning from and after December 31, 2008  
26 through December 31, 2009.

27 (v) Twenty-one per cent beginning from and after December 31, 2009  
28 through December 31, 2010.

29 (vi) Twenty per cent beginning from and after December 31, 2010.

30 (c) If subdivision (b) is finally adjudicated to be invalid, for  
31 secondary property tax purposes, five per cent.

32 Sec. 7. Repeal

33 Section 43-222, Arizona Revised Statutes, is repealed.

34 Sec. 8. Title 43, chapter 2, article 2, Arizona Revised Statutes, is  
35 amended by adding a new section 43-222, to read:

36 43-222. Income tax credit review schedule

37 THE JOINT LEGISLATIVE INCOME TAX CREDIT REVIEW COMMITTEE SHALL REVIEW  
38 THE FOLLOWING INCOME TAX CREDITS:

39 1. FOR YEARS ENDING IN 0 AND 5, SECTIONS 43-1075, 43-1075.01,  
40 43-1079.01, 43-1087, 43-1088, 43-1090.01, 43-1163, 43-1163.01, 43-1167.01,  
41 43-1175 AND 43-1182.

42 2. FOR YEARS ENDING IN 1 AND 6, SECTIONNS 43-1074.02, 43-1083, 43-1085,  
43 43-1164 AND 43-1183.

1           3. FOR YEARS ENDING IN 2 AND 7, SECTIONS 43-1073, 43-1079, 43-1080,  
2 43-1086, 43-1089, 43-1089.01, 43-1089.02, 43-1090, 43-1167, 43-1169, 43-1176  
3 AND 43-1181.

4           4. FOR YEARS ENDING IN 3 AND 8, SECTIONS 43-1074.01, 43-1081, 43-1168,  
5 43-1170 AND 43-1178.

6           5. FOR YEARS ENDING IN 4 AND 9, SECTIONS 43-1076, 43-1081.01,  
7 43-1083.01, 43-1084, 43-1162, 43-1164.01 AND 43-1170.01.

8           Sec. 9. Section 43-1074, Arizona Revised Statutes, is amended to read:  
9 43-1074. Credit for increased employment in enterprise zones;

10                           definitions

11           A. A credit is allowed against the taxes imposed by this title for net  
12 increases in qualified employment positions of residents of this state by a  
13 business located in an enterprise zone established under title 41, chapter  
14 10, article 2, except employment positions at a zone location where more than  
15 ten per cent of the business conducted at the location consists of retail  
16 sales of tangible personal property, measured by either the number of  
17 employees assigned to retail sales or the square footage of the facility used  
18 for retail sales activities at the location in the zone. Retail sales and  
19 retail sales activities do not include:

20           1. Food and beverage for consumption on the premises solely by  
21 employees and occasional guests of employees at the location.

22           2. Promotional products not available for sale and displaying the  
23 company logo or trademark.

24           3. Products sold to company employees.

25           B. Subject to subsection E of this section, the amount of the credit  
26 is equal to:

27           1. One-fourth of the taxable wages paid to an employee in a qualified  
28 employment position, not to exceed five hundred dollars, in the first year or  
29 partial year of employment.

30           2. One-third of the taxable wages paid to an employee in a qualified  
31 employment position, not to exceed one thousand dollars per qualified  
32 employment position, in the second year of continuous employment.

33           3. One-half of the taxable wages paid to an employee in a qualified  
34 employment position, not to exceed one thousand five hundred dollars per  
35 qualified employment position, in the third year of continuous employment.

36           C. To qualify for a credit under this section:

37           1. All of the employees with respect to whom a credit is claimed must  
38 reside in this state.

39           2. Thirty-five per cent of the employees with respect to whom a credit  
40 is claimed for the first year of employment must reside on the date of  
41 employment in an enterprise zone that is located in the same county in which  
42 the business is located. If an employee for whom a credit was allowed in the  
43 first year of employment leaves employment during the second or third year,  
44 the taxpayer may substitute another employee who meets the requirements of  
45 paragraph 3 of this subsection and who was hired during the same year as the

1 original employee. If the original employee was counted toward the residency  
2 requirement under this paragraph, the substitute employee must also have  
3 resided in a zone at the time the substitute was hired.

4 3. A qualified employment position must meet all of the following  
5 requirements:

6 (a) The position must be a minimum of one thousand seven hundred fifty  
7 hours per year of full-time and permanent employment.

8 (b) The job duties must be performed primarily at the zone locations  
9 of the business. If an eligible employee in a qualified employment position  
10 is transferred or assigned to work in the taxpayer's workplace at a different  
11 location that is also located in an enterprise zone and qualifies as a zone  
12 location, it may be considered to be continuous employment if it continues to  
13 meet all qualified employment position requirements.

14 (c) The employment must include health insurance coverage for the  
15 employee for which the employer pays at least fifty per cent of the premium  
16 or membership cost. If the taxpayer is self-insured, the taxpayer must pay  
17 at least fifty per cent of a predetermined fixed cost per employee for an  
18 insurance program that is payable whether or not the employee has filed  
19 claims.

20 (d) The employer must pay compensation at least equal to the wage  
21 offer by county as computed annually by the department of economic security  
22 research administration division.

23 (e) The employee must have been employed for at least ninety days  
24 during the first taxable year. An employee who is hired during the last  
25 ninety days of the taxable year shall be considered a new employee during the  
26 next taxable year. A qualified employment position that is filled during the  
27 last ninety days of the taxable year is considered to be a new qualified  
28 employment position for the next taxable year.

29 (f) The employee must not have been previously employed by the  
30 taxpayer within twelve months before the current date of hire.

31 D. A credit is allowed for employment in the second and third year  
32 only for qualified employment positions for which a credit was allowed and  
33 claimed by the taxpayer on the original first and second year tax returns.  
34 For the purposes of this subsection, the requirement to claim the credit on  
35 the original tax return does not apply to qualified employment positions  
36 created before January 1, 2002 and ~~were~~ certified to the department of  
37 commerce.

38 E. The net increase in the number of qualified employment positions is  
39 the lesser of the total number of filled qualified employment positions  
40 created in the zone during the tax year or the difference between the average  
41 number of full-time employees in the zone in the current tax year and the  
42 average number of full-time employees during the immediately preceding  
43 taxable year. The net increase in the number of qualified employment  
44 positions computed under this subsection shall not exceed two hundred  
45 qualified employment positions per taxpayer each year.

1 F. A taxpayer who claims a credit under section 43-1077, or 43-1079 OR  
2 43-1083.01 shall not claim a credit under this section with respect to the  
3 same ~~employees~~ EMPLOYMENT POSITIONS.

4 G. If the allowable tax credit exceeds the income taxes otherwise due  
5 on the claimant's income, or if there are no state income taxes due on the  
6 claimant's income, the amount of the claim not used as an offset against  
7 income taxes may be carried forward as a tax credit against subsequent  
8 taxable years' income tax liability, not to exceed five taxable years,  
9 provided the business remains in an enterprise zone.

10 H. Co-owners of a business, including partners in a partnership and  
11 shareholders of an S corporation, as defined in section 1361 of the internal  
12 revenue code, may each claim only the pro rata share of the credit allowed  
13 under this section based on the ownership interest. The total of the credits  
14 allowed all such owners of the business may not exceed the amount that would  
15 have been allowed for a sole owner of the business.

16 I. If a person purchases a business in a zone or changes ownership  
17 through reorganization, stock purchase or merger, the new taxpayer may claim  
18 first year credits only for one or more qualified employment positions that  
19 it created and filled with an eligible employee after the purchase or  
20 reorganization was complete. If a person purchases a taxpayer that had  
21 qualified for first or second year credits or changes ownership through  
22 reorganization, stock purchase or merger, the new taxpayer may claim the  
23 second or third year credits if it meets other eligibility requirements of  
24 this section. Credits for which a taxpayer qualified before the changes  
25 described in this subsection are terminated and lost at the time the changes  
26 are implemented.

27 J. A failure to timely report and certify to the department of  
28 commerce and the department of revenue the information prescribed by section  
29 41-1525, subsection B, paragraphs 1, 2 and 3 and in the manner prescribed by  
30 section 41-1525, subsection C, — disqualifies the taxpayer from the credit  
31 under this section. The department of revenue shall require written evidence  
32 of the timely report to the department of commerce.

33 K. The termination of an enterprise zone does not affect the credit  
34 under this section with respect to:

35 1. Taxpayers who have employees in the second and third years of  
36 employment in qualified employment positions under subsections A, B and C of  
37 this section if the business remains in the location that was in the  
38 enterprise zone.

39 2. Amounts carried forward into subsequent taxable years under  
40 subsection G of this section.

41 L. The department may adopt rules necessary for the administration of  
42 this section.

43 M. For the purposes of this section:

44 1. "Assigned to retail" means working more than twenty-five per cent  
45 of an employee's time in one or more retail sales activities.

1           2. "Retail sales" means the sale of tangible personal property to an  
2 ultimate consumer.

3           3. "Retail sales activities" means all activities persons operating a  
4 retail business normally engage in, including taking orders, filling orders,  
5 billing orders, receiving and processing payment and shipping, stocking and  
6 delivering tangible personal property to the ultimate consumer, except drop  
7 shipments by a company acting on behalf of an unrelated company that has made  
8 a sale to a final consumer.

9           4. "Zone location" means a single parcel or contiguous parcels of  
10 owned or leased land, the structures and personal property contained on the  
11 land or any part of the structures occupied by a taxpayer.

12           Sec. 10. Section 43-1077, Arizona Revised Statutes, is amended to  
13 read:

14           43-1077. Credit for employment by qualified defense contractor

15           A. A credit is allowed against the taxes imposed by this title for:

16           1. Net increases in employment under United States department of  
17 defense contracts during the taxable year, as computed under subsection D of  
18 this section, by a qualified defense contractor who is certified by the  
19 department of commerce under section 41-1508.

20           2. Net increases in private commercial employment during the taxable  
21 year, as computed under subsection E of this section, by a qualified defense  
22 contractor who is certified by the department of commerce under section  
23 41-1508 due to full-time equivalent employee positions transferred during the  
24 taxable year by the taxpayer from exclusively defense related activities to  
25 employment by the taxpayer in exclusively private commercial activities.

26           B. The amount of the credit is a dollar amount allowed for each  
27 full-time equivalent employee position created, determined as follows:

28           1st year	\$2,500
29           2nd year	\$2,000
30           3rd year	\$1,500
31           4th year	\$1,000
32           5th year	\$ 500

33           C. If the allowable tax credit exceeds the taxes otherwise due under  
34 this title on the claimant's income, or if there are no taxes due under this  
35 title, the taxpayer may carry the amount of the claim not used to offset the  
36 taxes under this title forward until taxable years beginning from and after  
37 December 31, 2011 as a credit against subsequent years' income tax liability,  
38 regardless of continuing certification as a qualified defense contractor.

39           D. The net increase in employment under defense related contracts  
40 shall be determined as follows:

41           1. Establish an employment baseline for the taxpayer based on a  
42 multiyear forecast of employment on United States department of defense  
43 contracts that was submitted to the department of defense before June 1,  
44 1992. The annual average employment forecast for the first year the taxpayer  
45 qualified is the baseline. If the taxpayer did not make such a forecast

1 before June 1, 1992, the baseline is the average annual employment as  
2 reported to the department of economic security during the preceding taxable  
3 year. If a taxpayer qualifies in the same year it relocates into this state,  
4 the taxpayer's baseline is zero.

5 2. For the first year of the credit, the taxpayer's net increase in  
6 average employment is the increase in employment reported to the department  
7 of economic security for the taxable year over the employment baseline.

8 3. For each succeeding year of the credit, the taxpayer's net increase  
9 in average employment is the increase in employment reported to the  
10 department of economic security for the taxable year over the preceding  
11 taxable year's average employment.

12 E. In computing the amount of credit allowed under subsection A,  
13 paragraph 2 of this section, the taxpayer shall:

14 1. Prorate employment during the taxable year according to the date of  
15 transfer from defense to private commercial activities or the date of  
16 transfer from private commercial activities to defense.

17 2. Compute and subtract an amount pursuant to subsection B of this  
18 section for full-time equivalent employee positions that were transferred  
19 during the taxable year by the taxpayer from exclusively private commercial  
20 activities to exclusively defense related activities.

21 F. The taxpayer shall account for qualifying full-time equivalent  
22 employee positions on a first-in first-out basis. If a decrease in  
23 qualifying employment occurs, the taxpayer shall subtract the decrease from  
24 the earliest qualifying positions.

25 G. A credit is not allowed under both subsection A, paragraphs 1 and 2  
26 of this section with respect to the same employee position. A full-time  
27 equivalent employee position may be considered for purposes of computing the  
28 credit under either subsection A, paragraph 1 or 2 of this section, but not  
29 both.

30 H. A credit is not allowed under this section with respect to  
31 employment that was transferred from an outside contractor in this state to  
32 in-house employment by the taxpayer solely for purposes of qualifying for the  
33 credit.

34 I. A taxpayer who claims a credit under section 43-1074, ~~or~~ 43-1079 OR  
35 43-1083.01 may not claim a credit under this section with respect to the same  
36 ~~employees~~ EMPLOYEE POSITIONS.

37 J. Co-owners of a business, including partners in a partnership and  
38 shareholders of an S corporation, as defined in section 1361 of the internal  
39 revenue code, may each claim only the pro rata share of the credit allowed  
40 under this section based on the ownership interest. The total of the credits  
41 allowed all such owners may not exceed the amount that would have been  
42 allowed for a sole owner of the business.

1           Sec. 11. Section 43-1079, Arizona Revised Statutes, is amended to  
2 read:

3           43-1079. Credit for increased employment in military reuse  
4                                   zones; definition

5           A. A credit is allowed against the taxes imposed by this title for net  
6 increases in employment by the taxpayer of full-time employees working in a  
7 military reuse zone, established under title 41, chapter 10, article 3, and  
8 who are primarily engaged in providing aviation or aerospace services or in  
9 manufacturing, assembling or fabricating aviation or aerospace products. The  
10 amount of the credit is a dollar amount allowed for each new employee,  
11 determined as follows:

12           1. With respect to each employee other than a dislocated military base  
13 employee:

14           1st year of employment	\$ 500
15           2nd year of employment	\$1,000
16           3rd year of employment	\$1,500
17           4th year of employment	\$2,000
18           5th year of employment	\$2,500

19           2. With respect to each dislocated military base employee:

20           1st year of employment	\$1,000
21           2nd year of employment	\$1,500
22           3rd year of employment	\$2,000
23           4th year of employment	\$2,500
24           5th year of employment	\$3,000

25           B. If the allowable tax credit exceeds the taxes otherwise due under  
26 this title on the claimant's income, or if there are no taxes due under this  
27 title, the amount of the claim not used to offset the taxes under this title  
28 may be carried forward as a credit against subsequent years' income tax  
29 liability for the period, not to exceed five taxable years, if the business  
30 remains in the military reuse zone.

31           C. The net increase in the number of employees for purposes of this  
32 section shall be determined by comparing the taxpayer's average employment in  
33 the military reuse zone during the taxable year with the taxpayer's previous  
34 year's fourth quarter employment in the zone, based on the taxpayer's report  
35 to the department of economic security for unemployment insurance purposes  
36 but considering only employment in the zone.

37           D. Co-owners of a business, including partners in a partnership and  
38 shareholders of an S corporation, as defined in section 1361 of the internal  
39 revenue code, may each claim only the pro rata share of the credit allowed  
40 under this section based on the ownership interest. The total of the credits  
41 allowed all such owners may not exceed the amount that would have been  
42 allowed for a sole owner of the business.

43           E. A credit is not allowed under this section with respect to an  
44 employee whose place of employment is relocated by the taxpayer from a  
45 location in this state to the military reuse zone, unless the employee is

1 engaged in aviation or aerospace services or in manufacturing, assembling or  
2 fabricating aviation or aerospace products and the taxpayer maintains at  
3 least the same number of employees in this state but outside the zone.

4 F. A taxpayer who claims a credit under section 43-1074, ~~or~~ 43-1077 OR  
5 43-1083.01 may not claim a credit under this section with respect to the same  
6 employees.

7 G. For the purposes of this section, "dislocated military base  
8 employee" means a civilian who previously had permanent full-time civilian  
9 employment on the military facility as of the date the closure of the  
10 facility was finally determined under federal law, as certified by the  
11 department of commerce.

12 Sec. 12. Title 43, chapter 10, article 5, Arizona Revised Statutes, is  
13 amended by adding section 43-1083.01, to read:

14 43-1083.01. Credit for renewable energy industry

15 A. FOR TAXABLE YEARS BEGINNING FROM AND AFTER DECEMBER 31, 2009  
16 THROUGH DECEMBER 31, 2014, A CREDIT IS ALLOWED AGAINST THE TAXES IMPOSED BY  
17 THIS TITLE FOR QUALIFIED INVESTMENT AND EMPLOYMENT IN EXPANDING OR LOCATING  
18 QUALIFIED RENEWABLE ENERGY OPERATIONS IN THIS STATE. TO QUALIFY FOR THE  
19 CREDIT, THE TAXPAYER MUST INVEST IN RENEWABLE ENERGY MANUFACTURING, OR IN NEW  
20 REGIONAL, NATIONAL OR GLOBAL RENEWABLE ENERGY BUSINESS HEADQUARTERS, IN THIS  
21 STATE AND PRODUCE NEW FULL-TIME EMPLOYMENT POSITIONS WHERE THE JOB DUTIES ARE  
22 PERFORMED AT THE LOCATION OF THE QUALIFYING INVESTMENT. THE TAXPAYER MUST  
23 MEET THE EMPLOYEE COMPENSATION AND EMPLOYEE HEALTH BENEFIT REQUIREMENTS  
24 PRESCRIBED BY SECTION 41-1511.

25 B. THE AMOUNT OF THE CREDIT IS COMPUTED AS FOLLOWS:

26 1. TEN PER CENT OF THE TAXPAYER'S TOTAL CAPITAL INVESTMENT IN PROJECTS  
27 MEETING THE FOLLOWING MINIMUM EMPLOYMENT REQUIREMENTS:

28 (a) FOR QUALIFYING RENEWABLE ENERGY MANUFACTURING OPERATIONS, AT LEAST  
29 ONE AND ONE-HALF NEW FULL-TIME EMPLOYMENT POSITIONS FOR EACH FIVE HUNDRED  
30 THOUSAND DOLLAR INCREMENT OF CAPITAL INVESTMENT.

31 (b) FOR QUALIFYING RENEWABLE ENERGY BUSINESS HEADQUARTERS, AT LEAST  
32 ONE NEW FULL-TIME EMPLOYMENT POSITION FOR EACH TWO HUNDRED THOUSAND DOLLAR  
33 INCREMENT OF CAPITAL INVESTMENT.

34 2. FOR OTHER QUALIFYING RENEWABLE ENERGY INVESTMENT, TEN PER CENT OF  
35 THE AMOUNT COMPUTED AS FOLLOWS:

36 (a) FIVE HUNDRED THOUSAND DOLLARS FOR EACH ONE AND ONE-HALF NEW  
37 FULL-TIME EMPLOYMENT POSITIONS IN NEW RENEWABLE ENERGY MANUFACTURING  
38 OPERATIONS.

39 (b) TWO HUNDRED THOUSAND DOLLARS FOR EACH NEW FULL-TIME EMPLOYMENT  
40 POSITION AT A NEW RENEWABLE ENERGY BUSINESS HEADQUARTERS.

41 (c) THE AMOUNT OF CREDIT UNDER THIS PARAGRAPH SHALL NOT EXCEED TEN PER  
42 CENT OF THE AMOUNT OF THE TAXPAYER'S TOTAL CAPITAL INVESTMENT.

43 3. THE CREDIT AMOUNT COMPUTED UNDER PARAGRAPH 1 OR 2 OF THIS  
44 SUBSECTION IS APPORTIONED, AND THE TAXPAYER SHALL CLAIM THE CREDIT IN FIVE  
45 EQUAL ANNUAL INSTALLMENTS IN EACH OF FIVE CONSECUTIVE TAXABLE YEARS.

1 C. CREDITS ARE ALLOWED IN EACH TAXABLE YEAR UNDER THIS SECTION AND  
2 SECTION 43-1164.01 ON A FIRST COME, FIRST SERVED BASIS. THE DEPARTMENT SHALL  
3 NOT ALLOW TAX CREDITS UNDER THIS SECTION AND SECTION 43-1164.01 THAT EXCEED  
4 IN THE AGGREGATE A TOTAL OF SEVENTY MILLION DOLLARS IN ANY FISCAL YEAR,  
5 EXCEPT THAT IF LESS THAN THE MAXIMUM DOLLAR AMOUNT IS CLAIMED IN ANY FISCAL  
6 YEAR, THE UNUSED CREDIT AMOUNT MAY BE CARRIED OVER TO THE FOLLOWING YEAR.

7 D. TO CLAIM THE CREDIT THE TAXPAYER MUST:

8 1. CONDUCT A BUSINESS THAT QUALIFIES UNDER SECTION 41-1511.

9 2. SUBMIT A COPY OF A CURRENT AND VALID CERTIFICATION OF QUALIFICATION  
10 ISSUED TO THE TAXPAYER BY THE DEPARTMENT OF COMMERCE.

11 E. TO BE COUNTED FOR THE PURPOSES OF THE CREDIT, AN EMPLOYEE MUST HAVE  
12 BEEN EMPLOYED AT THE QUALIFYING BUSINESS LOCATION FOR AT LEAST NINETY DAYS  
13 DURING THE TAXABLE YEAR IN A PERMANENT FULL-TIME EMPLOYMENT POSITION OF AT  
14 LEAST ONE THOUSAND SEVEN HUNDRED FIFTY HOURS PER YEAR. AN EMPLOYEE WHO IS  
15 HIRED DURING THE LAST NINETY DAYS OF THE TAXABLE YEAR SHALL BE CONSIDERED A  
16 NEW EMPLOYEE DURING THE NEXT TAXABLE YEAR. TO BE COUNTED FOR THE PURPOSES OF  
17 THE CREDIT DURING THE FIRST TAXABLE YEAR OF EMPLOYMENT, THE EMPLOYEE MUST NOT  
18 HAVE BEEN PREVIOUSLY EMPLOYED BY THE TAXPAYER WITHIN TWELVE MONTHS BEFORE THE  
19 CURRENT DATE OF HIRE. THE TERMS OF EMPLOYMENT MUST COMPLY IN ALL CASES WITH  
20 THE REQUIREMENTS OF SECTION 41-1511 AND CERTIFICATION BY THE DEPARTMENT OF  
21 COMMERCE.

22 F. IF THE ALLOWABLE TAX CREDIT FOR A TAXABLE YEAR EXCEEDS THE INCOME  
23 TAXES OTHERWISE DUE ON THE CLAIMANT'S INCOME, OR IF THERE ARE NO STATE INCOME  
24 TAXES DUE ON THE CLAIMANT'S INCOME, THE AMOUNT OF THE CLAIM NOT USED AS AN  
25 OFFSET AGAINST INCOME TAXES SHALL BE PAID TO THE TAXPAYER IN THE SAME MANNER  
26 AS A REFUND UNDER SECTION 42-1118. REFUNDS MADE PURSUANT TO THIS SUBSECTION  
27 ARE SUBJECT TO SETOFF UNDER SECTION 42-1122.

28 G. EXCEPT AS PROVIDED BY SUBSECTION H OF THIS SECTION, IF, WITHIN TEN  
29 TAXABLE YEARS AFTER FIRST RECEIVING A CREDIT PURSUANT TO THIS SECTION, THE  
30 CERTIFICATION OF QUALIFICATION OF A BUSINESS IS TERMINATED OR REVOKED UNDER  
31 SECTION 41-1511, OTHER THAN FOR REASONS BEYOND THE CONTROL OF THE BUSINESS AS  
32 DETERMINED BY THE DEPARTMENT OF COMMERCE, THE TAXPAYER IS PERMANENTLY  
33 DISQUALIFIED FROM CREDITS UNDER THIS SECTION IN SUBSEQUENT TAXABLE YEARS AND  
34 THE CREDITS ALLOWED THE TAXPAYER IN ALL TAXABLE YEARS PURSUANT TO THIS  
35 SECTION ARE SUBJECT TO RECAPTURE PURSUANT TO THIS SUBSECTION. THIS  
36 SUBSECTION APPLIES ONLY IN THE CASE OF THE TERMINATION OR REVOCATION OF A  
37 CERTIFICATION OF QUALIFICATION UNDER SECTION 41-1511. THIS SUBSECTION DOES  
38 NOT APPLY IF, IN ANY TAXABLE YEAR, A TAXPAYER OTHERWISE DOES NOT QUALIFY FOR  
39 OR FAILS TO CLAIM THE CREDIT UNDER THIS SECTION. THE RECAPTURE OF CREDITS IS  
40 COMPUTED BY INCREASING THE AMOUNT OF TAXES IMPOSED IN THE YEAR FOLLOWING THE  
41 YEAR OF TERMINATION OR REVOCATION BY THE FULL AMOUNT OF ALL CREDITS  
42 PREVIOUSLY ALLOWED UNDER THIS SECTION.

43 H. A TAXPAYER WHO CLAIMS A CREDIT UNDER SECTION 43-1074, 43-1077 OR  
44 43-1079 MAY NOT CLAIM A CREDIT UNDER THIS SECTION WITH RESPECT TO THE SAME  
45 FULL-TIME EMPLOYMENT POSITIONS.

1 I. THE DEPARTMENT OF REVENUE SHALL ADOPT RULES AND PRESCRIBE FORMS AND  
2 PROCEDURES AS NECESSARY FOR THE PURPOSES OF THIS SECTION. THE DEPARTMENT OF  
3 REVENUE AND THE DEPARTMENT OF COMMERCE SHALL COLLABORATE IN ADOPTING RULES AS  
4 NECESSARY TO AVOID DUPLICATION AND CONTRADICTORY REQUIREMENTS WHILE  
5 ACCOMPLISHING THE INTENT AND PURPOSES OF THIS SECTION.

6 J. FOR THE PURPOSES OF THIS SECTION, RENEWABLE ENERGY OPERATIONS ARE  
7 LIMITED TO MANUFACTURERS OF, AND HEADQUARTERS FOR, SYSTEMS AND COMPONENTS  
8 THAT ARE USED OR USEFUL IN MANUFACTURING RENEWABLE ENERGY EQUIPMENT FOR THE  
9 GENERATION, STORAGE, TESTING AND RESEARCH AND DEVELOPMENT, TRANSMISSION OR  
10 DISTRIBUTION OF ELECTRICITY FROM RENEWABLE RESOURCES, INCLUDING SPECIALIZED  
11 CRATES NECESSARY TO PACKAGE THE RENEWABLE ENERGY EQUIPMENT MANUFACTURED AT  
12 THE FACILITY.

13 Sec. 13. Section 43-1161, Arizona Revised Statutes, is amended to  
14 read:

15 43-1161. Credit for increased employment in enterprise zones:  
16 definitions

17 A. A credit is allowed against the taxes imposed by this title for net  
18 increases in qualified employment positions of residents of this state by a  
19 business located in an enterprise zone established under title 41, chapter  
20 10, article 2, except employment positions at a zone location where more than  
21 ten per cent of the business conducted at the location consists of retail  
22 sales of tangible personal property, measured by either the number of  
23 employees assigned to retail sales or the square footage of the facility used  
24 for retail sales activities at the location in the zone. Retail sales and  
25 retail sales activities do not include:

26 1. Food and beverage for consumption on the premises solely by  
27 employees and occasional guests of employees at the location.

28 2. Promotional products not available for sale and displaying the  
29 company logo or trademark.

30 3. Products sold to company employees.

31 B. Subject to subsection E of this section, the amount of the credit  
32 is equal to:

33 1. One-fourth of the taxable wages paid to an employee in a qualified  
34 employment position, not to exceed five hundred dollars, in the first year or  
35 partial year of employment.

36 2. One-third of the taxable wages paid to an employee in a qualified  
37 employment position, not to exceed one thousand dollars per qualified  
38 employment position, in the second year of continuous employment.

39 3. One-half of the taxable wages paid to an employee in a qualified  
40 employment position, not to exceed one thousand five hundred dollars per  
41 qualified employment position, in the third year of continuous employment.

42 C. To qualify for a credit under this section:

43 1. All of the employees with respect to whom a credit is claimed must  
44 reside in this state.

1           2. Thirty-five per cent of the employees with respect to whom a credit  
2 is claimed for the first year of employment must reside on the date of hire  
3 in an enterprise zone that is located in the same county in which the  
4 business is located. If an employee for whom a credit was allowed in the  
5 first year of employment leaves employment during the second or third year,  
6 the taxpayer may substitute another employee who meets the requirements of  
7 paragraph 3 of this subsection and who was hired during the same year as the  
8 original employee. If the original employee was counted toward the residency  
9 requirement under this paragraph, the substitute employee must also have  
10 resided in a zone at the time the substitute was hired.

11           3. A qualified employment position must meet all of the following  
12 requirements:

13           (a) The position must be a minimum of one thousand seven hundred fifty  
14 hours per year of full-time and permanent employment.

15           (b) The job duties must be performed primarily at the zone locations  
16 of the business. If an eligible employee in a qualified employment position  
17 is transferred or assigned to work in the taxpayer's workplace at a different  
18 location that is also located in an enterprise zone and qualifies as a zone  
19 location, it may be considered to be continuous employment if it continues to  
20 meet all qualified employment position requirements.

21           (c) The employment must include health insurance coverage for the  
22 employee for which the employer pays at least fifty per cent of the premium  
23 or membership cost. If the taxpayer is self-insured, the taxpayer must pay  
24 at least fifty per cent of a predetermined fixed cost per employee for an  
25 insurance program that is payable whether or not the employee has filed  
26 claims.

27           (d) The employer must pay compensation at least equal to the wage  
28 offer by county as computed annually by the department of economic security  
29 research administration division.

30           (e) The employee must have been employed for at least ninety days  
31 during the first taxable year. An employee who is hired during the last  
32 ninety days of the taxable year shall be considered a new employee during the  
33 next taxable year. A qualified employment position that is filled during the  
34 last ninety days of the taxable year is considered to be a new qualified  
35 employment position for the next taxable year.

36           (f) The employee must not have been previously employed by the  
37 taxpayer within twelve months before the current date of hire.

38           D. A credit is allowed for employment in the second and third year  
39 only for qualified employment positions for which a credit was allowed and  
40 claimed by the taxpayer on the original first and second year tax returns.  
41 For the purposes of this subsection, the requirement to claim the credit on  
42 the original tax return does not apply to qualified employment positions  
43 created before January 1, 2002 and ~~were~~ certified to the department of  
44 commerce.

1 E. The net increase in the number of qualified employment positions is  
2 the lesser of the total number of filled qualified employment positions  
3 created in the zone during the tax year or the difference between the average  
4 number of full-time employees in the zone in the current tax year and the  
5 average number of full-time employees during the immediately preceding  
6 taxable year. The net increase in the number of qualified employment  
7 positions computed under this subsection may not exceed two hundred qualified  
8 employment positions per taxpayer each year.

9 F. A taxpayer who claims a credit under section 43-1164.01, 43-1165 or  
10 43-1167 may not claim a credit under this section with respect to the same  
11 employees EMPLOYMENT POSITIONS.

12 G. If the allowable tax credit exceeds the income taxes otherwise due  
13 on the claimant's income, or if there are no state income taxes due on the  
14 claimant's income, the amount of the claim not used as an offset against  
15 income taxes may be carried forward as a tax credit against subsequent years'  
16 income tax liability for the period, not to exceed five taxable years,  
17 provided the business remains in an enterprise zone.

18 H. Co-owners of a business, including partners in a partnership, may  
19 each claim only the pro rata share of the credit allowed under this section  
20 based on the ownership interest. The total of the credits allowed all such  
21 owners of the business may not exceed the amount that would have been allowed  
22 for a sole owner of the business.

23 I. If a person purchases a business in a zone or changes ownership  
24 through reorganization, stock purchase or merger, the new taxpayer may claim  
25 first year credits only for one or more qualified employment positions that  
26 it created and filled with an eligible employee after the purchase or  
27 reorganization was complete. If a person purchases a taxpayer that had  
28 qualified for first or second year credits or changes ownership through  
29 reorganization, stock purchase or merger, the new taxpayer may claim the  
30 second or third year credits if it meets other eligibility requirements of  
31 this section. Credits for which a taxpayer qualified before the changes  
32 described in this subsection are terminated and lost at the time the changes  
33 are implemented.

34 J. A failure to timely report and certify to the department of  
35 commerce and the department of revenue the information prescribed by section  
36 41-1525, subsection B, paragraphs 1, 2 and 3 and in the manner prescribed by  
37 section 41-1525, subsection C,—disqualifies the taxpayer from the credit  
38 under this section. The department of revenue shall require written evidence  
39 of the timely report to the department of commerce.

40 K. The termination of an enterprise zone does not affect the credit  
41 under this section with respect to:

42 1. Taxpayers that have employees in the second and third years of  
43 employment in qualified employment positions under subsections A, B and C of  
44 this section if the business remains in the location that was in the  
45 enterprise zone.

1           2. Amounts carried forward into subsequent taxable years under  
2 subsection G of this section.

3           L. The department may adopt rules necessary for the administration of  
4 this section.

5           M. For the purposes of this section:

6           1. "Assigned to retail" means working more than twenty-five per cent  
7 of an employee's time in one or more retail sales activities.

8           2. "Retail sales" means the sale of tangible personal property to an  
9 ultimate consumer.

10          3. "Retail sales activities" means all activities persons operating a  
11 retail business normally engage in, including taking orders, filling orders,  
12 billing orders, receiving and processing payment and shipping, stocking and  
13 delivering tangible personal property to the ultimate consumer, except drop  
14 shipments by a company acting on behalf of an unrelated company that has made  
15 a sale to a final consumer.

16          4. "Zone location" means a single parcel or contiguous parcels of  
17 owned or leased land, the structures and personal property contained on the  
18 land or any part of the structures occupied by a taxpayer.

19          Sec. 14. Title 43, chapter 11, article 6, Arizona Revised Statutes, is  
20 amended by adding section 43-1164.01, to read:

21          43-1164.01. Credit for renewable energy industry

22          A. FOR TAXABLE YEARS BEGINNING FROM AND AFTER DECEMBER 31, 2009  
23 THROUGH DECEMBER 31, 2014, A CREDIT IS ALLOWED AGAINST THE TAXES IMPOSED BY  
24 THIS TITLE FOR QUALIFIED INVESTMENT AND EMPLOYMENT IN EXPANDING OR LOCATING  
25 QUALIFIED RENEWABLE ENERGY OPERATIONS IN THIS STATE. TO QUALIFY FOR THE  
26 CREDIT, THE TAXPAYER MUST INVEST IN RENEWABLE ENERGY MANUFACTURING, OR IN NEW  
27 REGIONAL, NATIONAL OR GLOBAL RENEWABLE ENERGY BUSINESS HEADQUARTERS, IN THIS  
28 STATE AND PRODUCE NEW FULL-TIME EMPLOYMENT POSITIONS WHERE THE JOB DUTIES ARE  
29 PERFORMED AT THE LOCATION OF THE QUALIFYING INVESTMENT. THE TAXPAYER MUST  
30 MEET THE EMPLOYEE COMPENSATION AND EMPLOYEE HEALTH BENEFIT REQUIREMENTS  
31 PRESCRIBED BY SECTION 41-1511.

32          B. THE AMOUNT OF THE CREDIT IS COMPUTED AS FOLLOWS:

33          1. TEN PER CENT OF THE TAXPAYER'S TOTAL CAPITAL INVESTMENT IN PROJECTS  
34 MEETING THE FOLLOWING MINIMUM EMPLOYMENT REQUIREMENTS:

35           (a) FOR QUALIFYING RENEWABLE ENERGY MANUFACTURING OPERATIONS, AT LEAST  
36 ONE AND ONE-HALF NEW FULL-TIME EMPLOYMENT POSITIONS FOR EACH FIVE HUNDRED  
37 THOUSAND DOLLAR INCREMENT OF CAPITAL INVESTMENT.

38           (b) FOR QUALIFYING RENEWABLE ENERGY BUSINESS HEADQUARTERS, AT LEAST  
39 ONE NEW FULL-TIME EMPLOYMENT POSITION FOR EACH TWO HUNDRED THOUSAND DOLLAR  
40 INCREMENT OF CAPITAL INVESTMENT.

41          2. FOR OTHER QUALIFYING RENEWABLE ENERGY INVESTMENT, TEN PER CENT OF  
42 THE AMOUNT COMPUTED AS FOLLOWS:

43           (a) FIVE HUNDRED THOUSAND DOLLARS FOR EACH ONE AND ONE-HALF NEW  
44 FULL-TIME EMPLOYMENT POSITIONS IN NEW RENEWABLE ENERGY MANUFACTURING  
45 OPERATIONS.

1 (b) TWO HUNDRED THOUSAND DOLLARS FOR EACH NEW FULL-TIME EMPLOYMENT  
2 POSITION AT A NEW RENEWABLE ENERGY BUSINESS HEADQUARTERS.

3 (c) THE AMOUNT OF CREDIT UNDER THIS PARAGRAPH SHALL NOT EXCEED TEN PER  
4 CENT OF THE AMOUNT OF THE TAXPAYER'S TOTAL CAPITAL INVESTMENT.

5 3. THE CREDIT AMOUNT COMPUTED UNDER PARAGRAPH 1 OR 2 OF THIS  
6 SUBSECTION IS APPORTIONED, AND THE TAXPAYER SHALL CLAIM THE CREDIT IN FIVE  
7 EQUAL ANNUAL INSTALLMENTS IN EACH OF FIVE CONSECUTIVE TAXABLE YEARS.

8 C. CREDITS ARE ALLOWED IN EACH TAXABLE YEAR UNDER THIS SECTION AND  
9 SECTION 43-1083.01 ON A FIRST COME, FIRST SERVED BASIS. THE DEPARTMENT SHALL  
10 NOT ALLOW TAX CREDITS UNDER THIS SECTION AND SECTION 43-1083.01 THAT EXCEED  
11 IN THE AGGREGATE A TOTAL OF SEVENTY MILLION DOLLARS IN ANY FISCAL YEAR,  
12 EXCEPT THAT IF LESS THAN THE MAXIMUM DOLLAR AMOUNT IS CLAIMED IN ANY FISCAL  
13 YEAR, THE UNUSED CREDIT AMOUNT MAY BE CARRIED OVER TO THE FOLLOWING YEAR.

14 D. TO CLAIM THE CREDIT THE TAXPAYER MUST:

15 1. CONDUCT A BUSINESS THAT QUALIFIES UNDER SECTION 41-1511.

16 2. SUBMIT A COPY OF A CURRENT AND VALID CERTIFICATION OF QUALIFICATION  
17 ISSUED TO THE TAXPAYER BY THE DEPARTMENT OF COMMERCE.

18 E. TO BE COUNTED FOR THE PURPOSES OF THE CREDIT, AN EMPLOYEE MUST HAVE  
19 BEEN EMPLOYED AT THE QUALIFYING BUSINESS LOCATION FOR AT LEAST NINETY DAYS  
20 DURING THE TAXABLE YEAR IN A PERMANENT FULL-TIME EMPLOYMENT POSITION OF AT  
21 LEAST ONE THOUSAND SEVEN HUNDRED FIFTY HOURS PER YEAR. AN EMPLOYEE WHO IS  
22 HIRED DURING THE LAST NINETY DAYS OF THE TAXABLE YEAR SHALL BE CONSIDERED A  
23 NEW EMPLOYEE DURING THE NEXT TAXABLE YEAR. TO BE COUNTED FOR THE PURPOSES OF  
24 THE CREDIT DURING THE FIRST TAXABLE YEAR OF EMPLOYMENT, THE EMPLOYEE MUST NOT  
25 HAVE BEEN PREVIOUSLY EMPLOYED BY THE TAXPAYER WITHIN TWELVE MONTHS BEFORE THE  
26 CURRENT DATE OF HIRE. THE TERMS OF EMPLOYMENT MUST COMPLY IN ALL CASES WITH  
27 THE REQUIREMENTS OF SECTION 41-1511 AND CERTIFICATION BY THE DEPARTMENT OF  
28 COMMERCE.

29 F. IF THE ALLOWABLE TAX CREDIT FOR A TAXABLE YEAR EXCEEDS THE INCOME  
30 TAXES OTHERWISE DUE ON THE CLAIMANT'S INCOME, OR IF THERE ARE NO STATE INCOME  
31 TAXES DUE ON THE CLAIMANT'S INCOME, THE AMOUNT OF THE CLAIM NOT USED AS AN  
32 OFFSET AGAINST INCOME TAXES SHALL BE PAID TO THE TAXPAYER IN THE SAME MANNER  
33 AS A REFUND UNDER SECTION 42-1118. REFUNDS MADE PURSUANT TO THIS SUBSECTION  
34 ARE SUBJECT TO SETOFF UNDER SECTION 42-1122.

35 G. EXCEPT AS PROVIDED BY SUBSECTION H OF THIS SECTION, IF, WITHIN TEN  
36 TAXABLE YEARS AFTER FIRST RECEIVING A CREDIT PURSUANT TO THIS SECTION, THE  
37 CERTIFICATION OF QUALIFICATION OF A BUSINESS IS TERMINATED OR REVOKED UNDER  
38 SECTION 41-1511, OTHER THAN FOR REASONS BEYOND THE CONTROL OF THE BUSINESS AS  
39 DETERMINED BY THE DEPARTMENT OF COMMERCE, THE TAXPAYER IS PERMANENTLY  
40 DISQUALIFIED FROM CREDITS UNDER THIS SECTION IN SUBSEQUENT TAXABLE YEARS AND  
41 THE CREDITS ALLOWED THE TAXPAYER IN ALL TAXABLE YEARS PURSUANT TO THIS  
42 SECTION ARE SUBJECT TO RECAPTURE PURSUANT TO THIS SUBSECTION. THIS  
43 SUBSECTION APPLIES ONLY IN THE CASE OF THE TERMINATION OR REVOCATION OF A  
44 CERTIFICATION OF QUALIFICATION UNDER SECTION 41-1511. THIS SUBSECTION DOES  
45 NOT APPLY IF, IN ANY TAXABLE YEAR, A TAXPAYER OTHERWISE DOES NOT QUALIFY FOR

1 OR FAILS TO CLAIM THE CREDIT UNDER THIS SECTION. THE RECAPTURE OF CREDITS IS  
2 COMPUTED BY INCREASING THE AMOUNT OF TAXES IMPOSED IN THE YEAR FOLLOWING THE  
3 YEAR OF TERMINATION OR REVOCATION BY THE FULL AMOUNT OF ALL CREDITS  
4 PREVIOUSLY ALLOWED UNDER THIS SECTION.

5 H. A TAXPAYER WHO CLAIMS A CREDIT UNDER SECTION 43-1161, 43-1165 OR  
6 43-1167 MAY NOT CLAIM A CREDIT UNDER THIS SECTION WITH RESPECT TO THE SAME  
7 FULL-TIME EMPLOYMENT POSITIONS.

8 I. THE DEPARTMENT OF REVENUE SHALL ADOPT RULES AND PRESCRIBE FORMS AND  
9 PROCEDURES AS NECESSARY FOR THE PURPOSES OF THIS SECTION. THE DEPARTMENT OF  
10 REVENUE AND THE DEPARTMENT OF COMMERCE SHALL COLLABORATE IN ADOPTING RULES AS  
11 NECESSARY TO AVOID DUPLICATION AND CONTRADICTORY REQUIREMENTS WHILE  
12 ACCOMPLISHING THE INTENT AND PURPOSES OF THIS SECTION.

13 J. FOR THE PURPOSES OF THIS SECTION, RENEWABLE ENERGY OPERATIONS ARE  
14 LIMITED TO MANUFACTURERS OF, AND HEADQUARTERS FOR, SYSTEMS AND COMPONENTS  
15 THAT ARE USED OR USEFUL IN MANUFACTURING RENEWABLE ENERGY EQUIPMENT FOR THE  
16 GENERATION, STORAGE, TESTING AND RESEARCH AND DEVELOPMENT, TRANSMISSION OR  
17 DISTRIBUTION OF ELECTRICITY FROM RENEWABLE RESOURCES, INCLUDING SPECIALIZED  
18 CRATES NECESSARY TO PACKAGE THE RENEWABLE ENERGY EQUIPMENT MANUFACTURED AT  
19 THE FACILITY.

20 Sec. 15. Section 43-1165, Arizona Revised Statutes, is amended to  
21 read:

22 43-1165. Credit for employment by qualified defense contractor

23 A. A credit is allowed against the taxes imposed by this title for:

24 1. Net increases in employment under United States department of  
25 defense contracts during the taxable year, as computed under subsection D of  
26 this section, by a qualified defense contractor that is certified by the  
27 department of commerce under section 41-1508.

28 2. Net increases in private commercial employment during the taxable  
29 year, as computed under subsection E of this section, by a qualified defense  
30 contractor that is certified by the department of commerce under section  
31 41-1508 due to full-time equivalent employee positions transferred during the  
32 taxable year by the taxpayer from exclusively defense related activities to  
33 employment by the taxpayer in exclusively private commercial activities.

34 B. The amount of the credit is a dollar amount allowed for each  
35 full-time equivalent employee position created, determined as follows:

36 1st year	\$2,500
37 2nd year	\$2,000
38 3rd year	\$1,500
39 4th year	\$1,000
40 5th year	\$ 500

41 C. If the allowable tax credit exceeds the taxes otherwise due under  
42 this title on the claimant's income, or if there are no taxes due under this  
43 title, the taxpayer may carry the amount of the claim not used to offset the  
44 taxes under this title forward until taxable years beginning from and after

1 December 31, 2011 as a credit against subsequent years' income tax liability,  
2 regardless of continuing certification as a qualified defense contractor.

3 D. The net increase in employment under defense related contracts  
4 shall be determined as follows:

5 1. Establish an employment baseline for the taxpayer based on a  
6 multiyear forecast of employment on United States department of defense  
7 contracts that was submitted to the department of defense before June 1,  
8 1992. The annual average employment forecast for the first year the taxpayer  
9 qualified is the baseline. If the taxpayer did not make such a forecast  
10 before June 1, 1992, the baseline is the average annual employment as  
11 reported to the department of economic security during the preceding taxable  
12 year. If a taxpayer qualifies in the same year it relocates into this state,  
13 the taxpayer's baseline is zero.

14 2. For the first year of the credit, the taxpayer's net increase in  
15 average employment is the increase in employment reported to the department  
16 of economic security for the taxable year over the employment baseline.

17 3. For each succeeding year of the credit, the taxpayer's net increase  
18 in average employment is the increase in employment reported to the  
19 department of economic security for the taxable year over the preceding  
20 taxable year's average employment.

21 E. In computing the amount of credit allowed under subsection A,  
22 paragraph 2 of this section, the taxpayer shall:

23 1. Prorate employment during the taxable year according to the date of  
24 transfer from defense to private commercial activities or the date of  
25 transfer from private commercial activities to defense.

26 2. Compute and subtract an amount pursuant to subsection B of this  
27 section for full-time equivalent employee positions that were transferred  
28 during the taxable year by the taxpayer from exclusively private commercial  
29 activities to exclusively defense related activities.

30 F. The taxpayer shall account for qualifying full-time equivalent  
31 employee positions on a first-in first-out basis. If a decrease in  
32 qualifying employment occurs, the taxpayer shall subtract the decrease from  
33 the earliest qualifying positions.

34 G. A credit is not allowed under both subsection A, paragraphs 1 and 2  
35 of this section with respect to the same employee position. A full-time  
36 equivalent employee position may be considered for purposes of computing the  
37 credit under either subsection A, paragraph 1 or 2 of this section, but not  
38 both.

39 H. A credit is not allowed under this section with respect to  
40 employment that was transferred from an outside contractor in this state to  
41 in-house employment by the taxpayer solely for purposes of qualifying for the  
42 credit.

43 I. A taxpayer that claims a credit under section 43-1161, 43-1164.01  
44 or 43-1167 may not claim a credit under this section with respect to the same  
45 employees EMPLOYEE POSITIONS.

1 J. Co-owners of a business, including corporate partners in a  
2 partnership, may each claim only the pro rata share of the credit allowed  
3 under this section based on the ownership interest. The total of the credits  
4 allowed all such owners may not exceed the amount that would have been  
5 allowed for a sole owner of the business.

6 Sec. 16. Section 43-1167, Arizona Revised Statutes, is amended to  
7 read:

8 43-1167. Credit for increased employment in military reuse  
9 zones; definition

10 A. A credit is allowed against the taxes imposed by this title for net  
11 increases in employment by the taxpayer of full-time employees working in a  
12 military reuse zone, established under title 41, chapter 10, article 3, and  
13 who are primarily engaged in providing aviation or aerospace services or in  
14 manufacturing, assembling or fabricating aviation or aerospace products. The  
15 amount of the credit is a dollar amount allowed for each new employee,  
16 determined as follows:

17 1. With respect to each employee other than a dislocated military base  
18 employee:

19 1st year of employment	\$ 500
20 2nd year of employment	\$1,000
21 3rd year of employment	\$1,500
22 4th year of employment	\$2,000
23 5th year of employment	\$2,500

24 2. With respect to each dislocated military base employee:

25 1st year of employment	\$1,000
26 2nd year of employment	\$1,500
27 3rd year of employment	\$2,000
28 4th year of employment	\$2,500
29 5th year of employment	\$3,000

30 B. If the allowable tax credit exceeds the taxes otherwise due under  
31 this title on the claimant's income, or if there are no taxes due under this  
32 title, the amount of the claim not used to offset the taxes under this title  
33 may be carried forward as a credit against subsequent years' income tax  
34 liability for the period, not to exceed five taxable years, if the business  
35 remains in the military reuse zone.

36 C. The net increase in the number of employees for purposes of this  
37 section shall be determined by comparing the taxpayer's average employment in  
38 the military reuse zone during the taxable year with the taxpayer's previous  
39 year's fourth quarter employment in the zone, based on the taxpayer's report  
40 to the department of economic security for unemployment insurance purposes  
41 but considering only employment in the zone.

42 D. Co-owners of a business, including corporate partners in a  
43 partnership, may each claim only the pro rata share of the credit allowed  
44 under this section based on the ownership interest. The total of the credits

1 allowed all such owners may not exceed the amount that would have been  
2 allowed for a sole owner of the business.

3 E. A credit is not allowed under this section with respect to an  
4 employee whose place of employment is relocated by the taxpayer from a  
5 location in this state to the military reuse zone unless the employee is  
6 engaged in aviation or aerospace services or in manufacturing, assembling or  
7 fabricating aviation or aerospace products and the taxpayer maintains at  
8 least the same number of employees in this state but outside the zone.

9 F. A taxpayer who claims a credit under section 43-1161, 43-1164.01 or  
10 43-1165 may not claim a credit under this section with respect to the same  
11 employees.

12 G. For the purposes of this section, "dislocated military base  
13 employee" means a civilian who previously had permanent full-time civilian  
14 employment on the military facility as of the date the closure of the  
15 facility was finally determined under federal law, as certified by the  
16 department of commerce.

17 Sec. 17. Delayed repeal

18 Sections 41-1511, 43-1083.01 and 43-1164.01, Arizona Revised Statutes,  
19 as added by this act, are repealed from and after December 31, 2015.

20 Sec. 18. Emergency rules

21 The department of commerce and the department of revenue may adopt  
22 emergency rules pursuant to section 41-1026, Arizona Revised Statutes, that  
23 are necessary to accomplish the intent and purposes of this act.

24 Sec. 19. Purpose

25 Pursuant to section 43-223, Arizona Revised Statutes, the income tax  
26 credits enacted in sections 43-1083.01 and 43-1164.01, Arizona Revised  
27 Statutes, as added by this act, are intended to encourage business investment  
28 that will produce high quality employment opportunities for citizens of this  
29 state and enhance the position of this state as a center for production and  
30 use of renewable energy products.

APPROVED BY THE GOVERNOR JULY 10, 2009.

FILED IN THE OFFICE OF THE SECRETARY OF STATE JULY 10, 2009.

Passed the House June 26, 20 09,

by the following vote: 39 Ayes,

12 Nays, 9 Not Voting

Tom B. Griffith  
Speaker of the House  
Pro Tempore  
Norman L. Moore  
Chief Clerk of the House

Passed the Senate June 15, 20 09,

by the following vote: 16 Ayes,

12 Nays, 2 Not Voting

Robert L. Simon  
President of the Senate  
Charmine Bullington  
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR

This Bill was received by the Governor this  
15<sup>th</sup> day of July, 20 09,

at 8:53 o'clock A. M.

Susan K. Myers  
Secretary to the Governor

Approved this 10<sup>th</sup> day of

July, 20 09,

at 1:03 o'clock P. M.

Janice K. Brewer  
Governor of Arizona

S.B. 1403

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State  
this 10 day of July, 20 09,

at 4:20 o'clock P. M.

Ken Blumenthal  
Secretary of State