

House Bill 2472

Sponsored by COMMITTEE ON REVENUE

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Establishes calendar year limit on total cost of facilities for which State Department of Energy may issue preliminary certificates for business energy tax credit.

Applies to applications for preliminary certification received on or after January 1, 2010.

Takes effect on 91st day following adjournment sine die.

A BILL FOR AN ACT

1
2 Relating to business energy tax credits; creating new provisions; amending ORS 469.210; and pre-
3 scribing an effective date.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1. Section 2 of this 2009 Act is added to and made a part of ORS 469.185 to**
6 **469.225.**

7 **SECTION 2. (1) The total cost for all facilities for which the State Department of Energy**
8 **issues preliminary certificates under ORS 469.210 in a calendar year may not exceed**
9 **\$_____.**

10 **(2) The State Department of Energy and the Department of Revenue shall establish by**
11 **rule criteria for issuing preliminary certificates in the event that applications for preliminary**
12 **certificates have a total cost that exceeds the limit established in subsection (1) of this sec-**
13 **tion. The rules shall give priority in the issuance of preliminary certificates based on the**
14 **dates on which applications are received by the State Department of Energy. The Director**
15 **of the State Department of Energy may deny certification to otherwise qualified applicants**
16 **if necessary for the purpose of complying with this section.**

17 **SECTION 3. ORS 469.210 is amended to read:**

18 469.210. (1) The Director of the State Department of Energy may require the submission of plans,
19 specifications and contract terms, and after examination thereof, may request corrections and re-
20 visions of the plans, specifications and terms.

21 (2) If the director determines that the proposed acquisition, erection, construction or installation
22 is technically feasible and should operate in accordance with the representations made by the ap-
23 plicant, and is in accordance with the provisions of ORS 469.185 to 469.225 and any applicable rules
24 or standards adopted by the director, the director shall issue a preliminary certificate approving the
25 acquisition, erection, construction or installation of the facility. If the director determines that the
26 acquisition, erection, construction or installation does not comply with the provisions of ORS
27 469.185 to 469.225 and applicable rules and standards[,]
28 **or if the director determines that issuing**
29 **the preliminary certification would result in a total annual cost that exceeds the limit pro-**
30 **vided in section 2 of this 2009 Act,** the director shall issue an order denying certification.

SECTION 4. Section 2 of this 2009 Act and the amendments to ORS 469.210 by section 3

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 of this 2009 Act apply to applications for preliminary certification received on or after Jan-
2 uary 1, 2010.

3 SECTION 5. This 2009 Act takes effect on the 91st day after the date on which the reg-
4 ular session of the Seventy-fifth Legislative Assembly adjourns sine die.

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