

SENATE AMENDMENTS TO A-ENGROSSED HOUSE BILL 2472

By COMMITTEE ON FINANCE AND REVENUE

June 18

- 1 On page 1 of the printed A-engrossed bill, line 2, after “ORS” insert “315.354.”
- 2 On page 5, delete lines 1 through 3 and insert:
- 3 “(a) \$20 million, in the case of a facility, other than a wind power system, that has an installed
4 capacity of 15 megawatts or”.
- 5 In lines 7 through 10, delete the boldfaced material and restore the bracketed material.
- 6 On page 7, delete lines 39 through 41 and insert:
- 7 “**SECTION 7.** ORS 315.354 is amended to read:
- 8 “315.354. (1) A credit is allowed against the taxes otherwise due under ORS chapter 316 (or, if
9 the taxpayer is a corporation, under ORS chapter 317 or 318), based upon the certified cost of the
10 facility during the period for which that facility is certified under ORS 469.185 to 469.225. The credit
11 is allowed as follows:
- 12 “(a) Except as provided in paragraph (b) [*or (c)*], **(c) or (d)** of this subsection, the credit allowed
13 in each of the first two tax years in which the credit is claimed shall be 10 percent of the certified
14 cost of the facility, but may not exceed the tax liability of the taxpayer. The credit allowed in each
15 of the succeeding three years shall be five percent of the certified cost, but may not exceed the tax
16 liability of the taxpayer.
- 17 “(b) If the certified cost of the facility does not exceed \$20,000, the total amount of the credit
18 allowable under subsection (4) of this section may be claimed in the first tax year for which the
19 credit may be claimed, but may not exceed the tax liability of the taxpayer.
- 20 “(c) **The credit allowed in each of five succeeding tax years shall be six percent of the**
21 **certified cost of the facility, but may not exceed the tax liability of the taxpayer,** if the
22 facility:
- 23 “**(A)** Uses or produces renewable energy resources [*or*] **and has an installed capacity of more**
24 **than 15 megawatts; or**
- 25 “**(B)** **Is a wind system.**
- 26 “**(d) If the facility** is a [*renewable energy resource equipment manufacturing*] facility **described**
27 **in subsection (4)(a) of this section,** the credit allowed in each of five succeeding tax years shall
28 be 10 percent of the certified cost of the facility, but may not exceed the tax liability of the tax-
29 payer.
- 30 “(2) Notwithstanding subsection (1) of this section:
- 31 “(a) If the facility is one or more renewable energy resource systems installed in a single-family
32 dwelling, the amount of the credit for each system shall be determined as if the facility was con-
33 sidered a residential alternative energy device under ORS 316.116, but subject to the maximum
34 credit amount under subsection [*(4)(b)*] **(4)(c)** of this section;
- 35 “(b) If the facility is a high-performance home, the amount of the credit shall equal the amount

1 determined under paragraph (a) of this subsection plus \$3,000; and

2 “(c) If the facility is a high-performance home or a homebuilder-installed renewable energy sys-
3 tem, the total amount of the credit may be claimed in the first tax year for which the credit is
4 claimed, but may not exceed the tax liability of the taxpayer.

5 “(3) In order for a tax credit to be allowable under this section:

6 “(a) The facility must be located in Oregon;

7 “(b) The facility must have received final certification from the Director of the State Department
8 of Energy under ORS 469.185 to 469.225; and

9 “(c) The taxpayer must be an eligible applicant under ORS 469.205 (1)(c).

10 “(4) The total amount of credit allowable to an eligible taxpayer under this section may not
11 exceed:

12 “(a) 50 percent of the certified cost of [*a renewable energy resources facility*];

13 “(A) A renewable energy resource equipment manufacturing facility [*or a high-efficiency com-
14 bined heat and power facility*]; or

15 “(B) A facility, other than a wind power system, that has an installed capacity of 15
16 megawatts or less and that:

17 “(i) Uses or produces renewable energy resources; or

18 “(ii) Is a high-efficiency combined heat and power facility;

19 “(b) 30 percent of:

20 “(A) A renewable energy resources facility or a high-efficiency combined heat and power
21 facility other than those described in paragraph (a) of this subsection; or

22 “(B) A wind system;

23 “[*b*] (c) \$9,000 per single-family dwelling for homebuilder-installed renewable energy systems;

24 “[*c*] (d) \$12,000 per single-family dwelling for homebuilder-installed renewable energy systems,
25 if the dwelling also constitutes a high-performance home; or

26 “[*d*] (e) 35 percent of the certified cost of any other facility.

27 “(5)(a) Upon any sale, termination of the lease or contract, exchange or other disposition of the
28 facility, notice thereof shall be given to the Director of the State Department of Energy who shall
29 revoke the certificate covering the facility as of the date of such disposition. The new owner, or
30 upon re-leasing of the facility, the new lessor, may apply for a new certificate under ORS 469.215,
31 but the tax credit available to the new owner shall be limited to the amount of credit not claimed
32 by the former owner or, for a new lessor, the amount of credit not claimed by the lessor under all
33 previous leases.

34 “(b) The State Department of Energy may not revoke the certificate covering a facility under
35 paragraph (a) of this subsection if the tax credit associated with the facility has been transferred
36 to a taxpayer who is an eligible applicant under ORS 469.205 (1)(c)(A).

37 “(6) Any tax credit otherwise allowable under this section that is not used by the taxpayer in
38 a particular year may be carried forward and offset against the taxpayer’s tax liability for the next
39 succeeding tax year. Any credit remaining unused in that next succeeding tax year may be carried
40 forward and used in the second succeeding tax year, and likewise, any credit not used in that second
41 succeeding tax year may be carried forward and used in the third succeeding tax year, and likewise,
42 any credit not used in that third succeeding tax year may be carried forward and used in the fourth
43 succeeding tax year, and likewise, any credit not used in that fourth succeeding tax year may be
44 carried forward and used in the fifth succeeding tax year, and likewise, any credit not used in that
45 fifth succeeding tax year may be carried forward and used in the sixth succeeding tax year, and

1 likewise, any credit not used in that sixth succeeding tax year may be carried forward and used in
2 the seventh succeeding tax year, and likewise, any credit not used in that seventh succeeding tax
3 year may be carried forward and used in the eighth succeeding tax year, but may not be carried
4 forward for any tax year thereafter. Credits may be carried forward to and used in a tax year be-
5 yond the years specified in subsection (1) of this section only as provided in this subsection.

6 “(7) The credit provided by this section is not in lieu of any depreciation or amortization de-
7 duction for the facility to which the taxpayer otherwise may be entitled for purposes of ORS chapter
8 316, 317 or 318 for such year.

9 “(8) The taxpayer’s adjusted basis for determining gain or loss may not be decreased by any tax
10 credits allowed under this section.

11 “(9) If a homebuilder claims a credit under this section with respect to a homebuilder-installed
12 renewable energy system or a high-performance home:

13 “(a) The homebuilder may not claim credits for both a homebuilder-installed renewable energy
14 system and a high-performance home with respect to the same dwelling;

15 “(b) The homebuilder must inform the buyer of the dwelling that the homebuilder is claiming a
16 tax credit under this section with respect to the dwelling; and

17 “(c) The buyer of the dwelling may not claim a credit under this section that is based on any
18 facility for which the homebuilder has already claimed a credit.

19 “(10) The definitions in ORS 469.185 apply to this section.

20 “**SECTION 8. Section 2 of this 2009 Act, the amendments to ORS 469.185, 469.215 and**
21 **469.225 by sections 3, 5 and 6 of this 2009 Act and ORS 469.200 (4) apply to preliminary cer-**
22 **tifications issued under ORS 469.210 on or after June 1, 2009.**

23 “**SECTION 9. The amendments to ORS 315.354 and 469.200 (1) by sections 4 and 7 of this**
24 **2009 Act apply to completed applications for preliminary certification received on or after**
25 **July 1, 2009.”.**

26 In line 42, delete “8” and insert “10”.
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