

House Bill 2949

Sponsored by Representative FREDERICK; Representatives BAILEY, BARKER, READ (Presession filed.)

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**.

Provides credit against income taxes for taxpayer creating jobs for certain removal and remedial actions. Applies to tax years beginning on or after January 1, 2011.

Requires Department of Environmental Quality to establish grant and loan program for certain removal and remedial actions. Establishes Industrial Sites Cleanup Fund. Continuously appropriates moneys in fund to department. Specifies uses of moneys. Appropriates moneys from General Fund to department for grant and loan program.

A BILL FOR AN ACT

1
2 Relating to incentive programs for cleanup of hazardous substances; and appropriating money.

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

4 **SECTION 1. Section 2 of this 2011 Act is added to and made a part of ORS chapter 315.**

5 **SECTION 2. (1) A credit in the amount of \$1,000 against the taxes otherwise due under**
6 **ORS chapter 316 or, if the taxpayer is a corporation, under ORS chapter 317 or 318 shall be**
7 **allowed to a taxpayer who:**

8 (a) **Creates 25 or more jobs during a removal or remedial action under ORS 465.200 to**
9 **465.545 and 465.900; or**

10 (b) **Increases the number of jobs by 30 percent over a three-year period during a removal**
11 **or remedial action under ORS 465.200 to 465.545 and 465.900.**

12 (2) **A nonresident shall be allowed the credit under this section in the proportion provided**
13 **under ORS 316.117.**

14 (3) **If a change in the taxable year of a taxpayer occurs as described in ORS 314.085, or**
15 **if the Department of Revenue terminates the taxpayer's taxable year under ORS 314.440, the**
16 **credit allowed under this section shall be prorated or computed in a manner consistent with**
17 **ORS 314.085.**

18 (4) **If a change in the status of a taxpayer from resident to nonresident or from nonres-**
19 **ident to resident occurs, the credit allowed under this section shall be determined in a**
20 **manner consistent with ORS 316.117.**

21 (5) **A credit may not be allowed under this section unless the Department of Environ-**
22 **mental Quality has certified the taxpayer's eligibility to claim the credit. The Department**
23 **of Environmental Quality, in consultation with the Department of Revenue, shall determine**
24 **by rule procedures for certification and shall maintain records of certifications in its offices.**
25 **If requested by the Department of Revenue, the taxpayer or the Department of Environ-**
26 **mental Quality shall file proof of the tax credit certification with the Department of Re-**
27 **venue.**

28 **SECTION 3. Section 2 of this 2011 Act applies to tax years beginning on or after January**
29 **1, 2011.**

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 **SECTION 4.** (1) The Department of Environmental Quality shall establish a grant and
2 loan program to provide grants and loans to provide up to 75 percent of the cost of an envi-
3 ronmental study and cleanup plan that is related to a removal or remedial action under ORS
4 465.200 to 465.545 and 465.900.

5 (2) The department shall:

6 (a) Design the grants and loans specified in subsection (1) of this section to protect public
7 health, safety and the environment; and

8 (b) Award the grants and loans based on a demonstration of financial hardship.

9 (3) The Environmental Quality Commission may adopt rules to carry out the provisions
10 of this section, including but not limited to rules that establish criteria for designing and
11 awarding grants and loans under this section.

12 **SECTION 5.** (1) The Industrial Sites Cleanup Fund is established in the State Treasury,
13 separate and distinct from the General Fund. Interest earned by the Industrial Sites Cleanup
14 Fund shall be credited to the fund. Moneys in the fund are continuously appropriated to the
15 Department of Environmental Quality to support the grant and loan program established
16 under section 4 of this 2011 Act.

17 (2) The department may accept grants, donations, contributions or gifts from any source
18 for deposit in the Industrial Sites Cleanup Fund.

19 (3) The Industrial Sites Cleanup Fund shall consist of:

20 (a) Moneys accepted by the department pursuant to subsection (2) of this section.

21 (b) Any other moneys received by or appropriated to the department to support the grant
22 and loan program established under section 4 of this 2011 Act.

23 **SECTION 6.** There is appropriated to the Department of Environmental Quality, for the
24 biennium beginning July 1, 2011, out of the General Fund, the amount of \$_____ for the
25 purpose of carrying out the provisions of section 4 of this 2011 Act.
26