

A-Engrossed
House Bill 3170

Ordered by the House April 13
Including House Amendments dated April 13

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.

Adjusts sunset for tax credits for diesel engines. Repeals sunset of tax credit.
Takes effect on 91st day following adjournment sine die.

A BILL FOR AN ACT

1
2 Relating to tax credits for diesel engines; amending sections 29, 31 and 32, chapter 618, Oregon Laws
3 2003, section 49, chapter 843, Oregon Laws 2007, and section 14, chapter 855, Oregon Laws 2007;
4 repealing section 52, chapter 843, Oregon Laws 2007, and section 16a, chapter 855, Oregon Laws
5 2007; and prescribing an effective date.

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

7 **SECTION 1.** Section 29, chapter 618, Oregon Laws 2003, as amended by section 54, chapter 843,
8 Oregon Laws 2007, and section 18, chapter 855, Oregon Laws 2007, is amended to read:

9 **Sec. 29.** (1) The Environmental Quality Commission, after consultation with the Department of
10 Revenue, shall adopt rules for implementing section 28, chapter 618, Oregon Laws 2003. Rules may
11 include but need not be limited to rules specifying procedures for application, review and approval
12 of the tax credit and rules for issuance and use of a certificate of credit approval.

13 (2) The application developed under subsection (1) of this section shall include:

14 (a) The name, address and taxpayer identification number of the taxpayer;

15 (b) The number of trucks owned by the taxpayer and the number of engines eligible for the tax
16 credit that the taxpayer has purchased; and

17 (c) Any other information that the rules adopted under subsection (1) of this section may re-
18 quire.

19 (3) Applications filed in compliance with this section and section 28, chapter 618, Oregon Laws
20 2003, shall be approved to the extent that the total of estimated tax credits for all approved pur-
21 chases of engines for the calendar year is equal to or less than \$500,000. An application may not
22 be approved if the addition of the amount of the tax credit to the amount of the tax credits for all
23 approved purchases for the calendar year would exceed \$500,000.

24 (4) Notwithstanding section 31, chapter 618, Oregon Laws 2003, the Department of Environ-
25 mental Quality may approve applications for tax credits for qualifying engines purchased [*in calen-*
26 *dar years 2004 through 2011*] **after December 31, 2003, and before July 1, 2011**, although the
27 taxpayer may not claim the credit until a tax year beginning on or after January 1, 2005.

28 (5) The Department of Revenue may disallow, in whole or in part, a claim for credit under sec-

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 tion 28, chapter 618, Oregon Laws 2003, upon the Department of Revenue's determination that, un-
2 der section 28, chapter 618, Oregon Laws 2003, the taxpayer is not entitled to the credit or is
3 entitled to only a portion of the amount claimed.

4 (6) The Department of Environmental Quality shall charge a fee of \$50 for each engine for which
5 a taxpayer applies for a tax credit. The fee is payable to the department and may not be refunded
6 to the applicant for any reason.

7 **SECTION 2.** Section 31, chapter 618, Oregon Laws 2003, as amended by section 55, chapter 843,
8 Oregon Laws 2007, section 19, chapter 855, Oregon Laws 2007, and section 67a, chapter 865, Oregon
9 Laws 2009, is amended to read:

10 **Sec. 31.** The tax credit established in section 28, chapter 618, Oregon Laws 2003, applies to tax
11 years beginning on and after January 1, 2005, **and before January 1, 2012**, and to engine model
12 years 2003 through [2013] **2011**.

13 **SECTION 3.** Section 32, chapter 618, Oregon Laws 2003, as amended by section 56, chapter 843,
14 Oregon Laws 2007, section 20, chapter 855, Oregon Laws 2007, and section 67b, chapter 865, Oregon
15 Laws 2009, is amended to read:

16 **Sec. 32.** A certificate of credit approval may not be issued under section 29, chapter 618, Oregon
17 Laws 2003, after [December 31, 2013] **June 30, 2011**.

18 **SECTION 4.** Section 14, chapter 855, Oregon Laws 2007, as amended by section 67d, chapter
19 865, Oregon Laws 2009, and section 8, chapter 913, Oregon Laws 2009, is amended to read:

20 **Sec. 14.** Sections 12 and 13, chapter 855, Oregon Laws 2007, apply to diesel engine repower and
21 retrofit tax credit cost certifications issued in tax years beginning on or after January 1, 2008, and
22 before January 1, [2012] **2014**.

23 **SECTION 5.** Section 49, chapter 843, Oregon Laws 2007, as amended by section 67c, chapter
24 865, Oregon Laws 2009, and section 7, chapter 913, Oregon Laws 2009, is amended to read:

25 **Sec. 49.** Sections 47 and 48, chapter 843, Oregon Laws 2007, apply to diesel engine repower and
26 retrofit tax credit cost certifications issued in tax years beginning on or after January 1, 2008, and
27 before January 1, [2012] **2014**.

28 **SECTION 6.** (1) **Section 52, chapter 843, Oregon Laws 2007, as amended by section 9,**
29 **chapter 913, Oregon Laws 2009, is repealed.**

30 (2) **Section 16a, chapter 855, Oregon Laws 2007, as amended by section 10, chapter 913,**
31 **Oregon Laws 2009, is repealed.**

32 **SECTION 7.** **This 2011 Act takes effect on the 91st day after the date on which the 2011**
33 **session of the Seventy-sixth Legislative Assembly adjourns sine die.**

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