

House Bill 3170

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**.

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.

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

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

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

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 calendar
26 years 2004 through [2011] _____, although the taxpayer may not claim the credit until a tax year
27 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-
29 tion 28, chapter 618, Oregon Laws 2003, upon the Department of Revenue's determination that, un-
30 der section 28, chapter 618, Oregon Laws 2003, the taxpayer is not entitled to the credit or is
31 entitled to only a portion of the amount claimed.

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

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

7 **Sec. 31.** The tax credit established in section 28, chapter 618, Oregon Laws 2003, applies to tax
 8 years beginning on and after January 1, 2005, **and before January 1, _____**, and to engine model
 9 years 2003 through [2013] _____.

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

13 **Sec. 32.** A certificate of credit approval may not be issued under section 29, chapter 618, Oregon
 14 Laws 2003, after December 31, [2013] _____.

15 **SECTION 4.** Section 14, chapter 855, Oregon Laws 2007, as amended by section 67d, chapter
 16 865, Oregon Laws 2009, and section 8, chapter 913, Oregon Laws 2009, is amended to read:

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

20 **SECTION 5.** Section 49, chapter 843, Oregon Laws 2007, as amended by section 67c, chapter
 21 865, Oregon Laws 2009, and section 7, chapter 913, Oregon Laws 2009, is amended to read:

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

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

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

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