

SENATE AMENDMENTS TO SENATE BILL 583

By COMMITTEE ON BUSINESS AND TRANSPORTATION

April 10

1 On page 1 of the printed bill, line 2, delete “and” and after “money” insert “; and prescribing
2 an effective date”.

3 Delete lines 4 through 31 and delete page 2 and insert:

4 **“SECTION 1. As used in sections 1 to 7 of this 2013 Act:**

5 **“(1) ‘Alternative fuel vehicle’ means a motor vehicle, as defined in ORS 801.360, that is**
6 **manufactured or modified to use an alternative fuel, including but not limited to electricity,**
7 **biofuel, gasohol with at least 20 percent denatured alcohol content, hydrogen, hythane,**
8 **methane, methanol, natural gas, propane or any other fuel approved by the Director of the**
9 **State Department of Energy, and that produces lower exhaust emissions or is more energy**
10 **efficient than equivalent equipment fueled by gasoline or diesel.**

11 **“(2) ‘Public body’ has the meaning given that term in ORS 174.109.**

12 **“(3) ‘Tribe’ means a federally recognized Indian tribe in Oregon.**

13 **“SECTION 2. (1) The Alternative Fuel Vehicle Revolving Fund is established in the State**
14 **Treasury, separate and distinct from the General Fund. Interest earned by the Alternative**
15 **Fuel Vehicle Revolving Fund shall be credited to the fund. The moneys in the Alternative**
16 **Fuel Vehicle Revolving Fund are continuously appropriated to the State Department of En-**
17 **ergy to be used for the purposes described in section 3 of this 2013 Act.**

18 **“(2) The State Treasurer may accept contributions, donations, bequests, gifts or grants**
19 **from any source, whether public or private. Moneys received under this subsection shall be**
20 **deposited into the Alternative Fuel Vehicle Revolving Fund.**

21 **“(3) The Alternative Fuel Vehicle Revolving Fund shall consist of:**

22 **“(a) Moneys appropriated by the Legislative Assembly;**

23 **“(b) Any other revenues derived from contributions, donations, bequests, gifts or grants;**

24 **“(c) Other amounts deposited in the fund from any source;**

25 **“(d) All repayments of moneys borrowed from the fund; and**

26 **“(e) All interest payments made by borrowers from the fund.**

27 **“(4) The State Treasurer may invest and reinvest moneys in the Alternative Fuel Vehicle**
28 **Revolving Fund in the manner provided by law. All earnings from such investment and re-**
29 **investment shall be credited to the Alternative Fuel Vehicle Revolving Fund.**

30 **“SECTION 3. (1) The State Department of Energy shall use the moneys in the Alternative**
31 **Fuel Vehicle Revolving Fund for a loan program to provide loans to public bodies and tribes**
32 **to:**

33 **“(a) Assist in the purchase of new alternative fuel vehicles by providing funding for the**
34 **additional cost of purchasing alternative fuel vehicles as compared to vehicles that are not**
35 **alternative fuel vehicles; or**

1 “(b) Convert existing vehicles that use gasoline or diesel to alternative fuel vehicles.

2 “(2) Funding priority under subsection (1) of this section must be given to vehicle con-
3 versions.

4 “(3) The department may also use the moneys in the Alternative Fuel Vehicle Revolving
5 Fund to pay the expenses of the department in administering the Alternative Fuel Vehicle
6 Revolving Fund and the loan program.

7 “SECTION 4. (1) In administering the Alternative Fuel Vehicle Revolving Fund, the State
8 Department of Energy shall:

9 “(a) Allocate funds for loans in accordance with procedures adopted by the department
10 by rule.

11 “(b) Use accounting, auditing and fiscal procedures that conform to generally accepted
12 government accounting standards.

13 “(c) Seek to maximize the ability of the Alternative Fuel Vehicle Revolving Fund to op-
14 erate on a self-sustaining basis and to maintain a perpetual source of financing to provide
15 loans as described in section 3 of this 2013 Act.

16 “(2) In connection with the loan program, the department may:

17 “(a) Establish requirements for loans made from the Alternative Fuel Vehicle Revolving
18 Fund to ensure that adequate funds will be available in the fund to pay the costs of admin-
19 istering the fund and the loan program.

20 “(b) Exercise any remedies available to the department in connection with defaults on
21 loans of advanced funds made to public bodies and tribes.

22 “SECTION 5. (1) Any public body or tribe desiring a loan from the Alternative Fuel Ve-
23 hicle Revolving Fund shall submit an application to the State Department of Energy. The
24 application shall be in such form as may be specified by the department.

25 “(2) Any public body or tribe receiving a loan from the Alternative Fuel Vehicle Revolving
26 Fund shall establish and maintain a dedicated source of revenue or other acceptable source
27 of revenue for the repayment of the loan.

28 “SECTION 6. Notwithstanding any limitation contained in any other provision of law or
29 local charter, a public body or tribe may:

30 “(1) Borrow money from the Alternative Fuel Vehicle Revolving Fund through the State
31 Department of Energy; and

32 “(2) Enter into loan agreements and make related agreements with the department, in
33 which the public body or tribe agrees to repay the borrowed money in accordance with the
34 terms of the loan agreement.

35 “SECTION 7. (1) The State Department of Energy shall establish by rule policies for es-
36 tablishing loan terms and interest rates for loans made from the Alternative Fuel Vehicle
37 Revolving Fund that ensure that the objectives of sections 1 to 7 of this 2013 Act are met
38 and that adequate funds are maintained in the Alternative Fuel Vehicle Revolving Fund to
39 meet future needs. In establishing the policy, the department shall take into consideration
40 at least the following factors:

41 “(a) The ability of a public body or tribe to repay a loan.

42 “(b) Current market rates of interest.

43 “(2) The department may establish an interest rate ranging from zero to the market rate.
44 The department may establish the loan term, provided that the loan is fully amortized not
45 later than six years after the purchase of a new alternative fuel vehicle or the conversion

1 of a vehicle that uses gasoline or diesel to an alternative fuel vehicle.

2 “(3) The department shall adopt by rule any procedures or standards necessary to carry
3 out the provisions of sections 1 to 7 of this 2013 Act.

4 “SECTION 8. Section 9 of this 2013 Act is added to and made a part of ORS chapter 315.

5 “SECTION 9. (1) A credit against the taxes that are otherwise due under ORS chapter
6 316 or, if the taxpayer is a corporation, under ORS chapter 317 or 318, is allowed to a tax-
7 payer for certified alternative fuel vehicle contributions made by the taxpayer during the tax
8 year to the Alternative Fuel Vehicle Revolving Fund established under section 2 of this 2013
9 Act.

10 “(2)(a) The Department of Revenue shall, in cooperation with the State Department of
11 Energy, conduct an auction of tax credits under this section. The Department of Revenue
12 may not auction more than \$3 million of tax credits under this section. The department may
13 conduct the auction in the manner that the department determines is best suited to maxi-
14 mize the return to the state on the sale of tax credit certifications and shall announce a
15 reserve bid prior to conducting the auction. The reserve amount shall be at least 95 percent
16 of the total amount of the tax credit. Moneys necessary to reimburse the Department of
17 Revenue for the actual costs incurred by the department in administering an auction, not
18 to exceed 0.25 percent of auction proceeds, are continuously appropriated to the department.
19 The Department of Revenue shall deposit net receipts from the auction required under this
20 section in the Alternative Fuel Vehicle Revolving Fund established under section 2 of this
21 2013 Act. Net receipts from the auction required under this section shall be used to provide
22 loans as described in section 3 of this 2013 Act.

23 “(b) The State Department of Energy shall adopt rules for the administration and im-
24 plementation of this section.

25 “(3) Contributions made under this section shall be deposited in the Alternative Fuel
26 Vehicle Revolving Fund.

27 “(4)(a) Upon receipt of a contribution, the State Department of Energy shall issue to the
28 taxpayer written certification of the amount certified for tax credit under this section to the
29 extent the amount certified for tax credit, when added to all amounts previously certified for
30 tax credit under this section, does not exceed \$3 million for the tax year beginning January
31 1, 2013.

32 “(b) The State Department of Energy and the Department of Revenue are not liable, and
33 a refund of a contributed amount need not be made, if a taxpayer who has received tax credit
34 certification is unable to use all or a portion of the tax credit to offset the tax liability of the
35 taxpayer.

36 “(5) The tax credit allowed under this section for any one tax year may not exceed the
37 tax liability of the taxpayer.

38 “(6) Any tax credit otherwise allowable under this section that is not used by the tax-
39 payer in a particular tax year may be carried forward and offset against the taxpayer’s tax
40 liability for the next succeeding tax year. Any credit remaining unused in the next succeed-
41 ing tax year may be carried forward and used in the second succeeding tax year, and, like-
42 wise, any credit not used in the second succeeding tax year may be carried forward and used
43 in the third succeeding tax year but may not be carried forward for any tax year thereafter.

44 “(7) If a tax credit is claimed under this section by a nonresident or part-year resident
45 taxpayer, the amount shall be allowed without proration under ORS 316.117.

1 “(8) If the amount of contribution for which a tax credit certification is made is allowed
2 as a deduction for federal tax purposes, the amount of the contribution shall be added to
3 federal taxable income for Oregon tax purposes.

4 “SECTION 10. Section 9 of this 2013 Act applies to tax years beginning on or after Jan-
5 uary 1, 2013, and before January 1, 2015.

6 “SECTION 11. This 2013 Act takes effect on the 91st day after the date on which the 2013
7 regular session of the Seventy-seventh Legislative Assembly adjourns sine die.”.

8
