

Requested by SENATE COMMITTEE ON FINANCE AND REVENUE

**PROPOSED AMENDMENTS TO
SENATE BILL 1507**

1 On page 5 of the printed bill, after line 42, insert:

2 **“SECTION 6. Section 7 of this 2016 Act is added to and made a part**
3 **of ORS chapter 469B.**

4 **“SECTION 7. (1) Under the procedures for a contested case under**
5 **ORS chapter 183, the Director of the State Department of Energy may**
6 **order the suspension or revocation of the certificate or portion of the**
7 **certificate issued under ORS 315.141 if the director finds that:**

8 **“(a) The certification was obtained by fraud or misrepresentation;**
9 **or**

10 **“(b) The certification was obtained by mistake or miscalculation.**

11 **“(2) As soon as the order of revocation under this section becomes**
12 **final, the director shall notify the Department of Revenue and the**
13 **person that obtained the tax credit certification from the State De-**
14 **partment of Energy of the order of revocation. Upon notification, the**
15 **Department of Revenue immediately shall proceed to collect:**

16 **“(a) In the case in which no portion of a certificate has been**
17 **transferred under ORS 315.144, those taxes not paid by the certificate**
18 **holder as a result of the tax credits provided to the certificate holder**
19 **under ORS 315.141 and 469B.403 pursuant to the revoked certification,**
20 **from the certificate holder or a successor in interest to the business**
21 **interests of the certificate holder. All tax credits provided to the**

1 holder of the certificate and attributable to the fraudulently or
2 mistakenly obtained certificate or portion of the certificate shall be
3 forfeited.

4 “(b) In the case in which all of a certificate has been transferred
5 under ORS 315.144, an amount equal to the amount of the tax credits
6 allowable to the transferee under ORS 315.141 and 469B.403 pursuant
7 to the revoked certification, from the transferor.

8 “(c) In the case in which a portion of a certificate has been trans-
9 ferred under ORS 315.144, those taxes not paid by the transferor as a
10 result of the tax credits provided to the transferor under ORS 315.141
11 and 469B.403 pursuant to the revoked certification, from the transferor
12 or a successor in interest to the business interests of the transferor,
13 and an amount equal to the amount of the tax credits allowable to the
14 transferee under ORS 315.141 and 469B.403 pursuant to the revoked
15 certification, from the transferor. All tax credits provided to the
16 transferor and attributable to the fraudulently or mistakenly obtained
17 certificate or portion of the certificate shall be forfeited.

18 “(3)(a) The Department of Revenue shall have the benefit of all laws
19 of this state pertaining to the collection of income and excise taxes
20 and may proceed to collect the amounts described in subsection (2) of
21 this section from the person that obtained certification from the State
22 Department of Energy, or a successor in interest to the business in-
23 terests of that person. No assessment of tax shall be necessary and
24 no statute of limitation shall preclude the collection of taxes described
25 in this subsection.

26 “(b) For purposes of this subsection, a lender, bankruptcy trustee
27 or other person that acquires an interest through bankruptcy or
28 through foreclosure of a security interest is not considered to be a
29 successor in interest to the business interests of the person that ob-
30 tained certification.

1 “(4) Notwithstanding subsections (1) to (3) of this section, a certifi-
2 cate or portion of a certificate held by a transferee under ORS 315.144
3 may not be considered revoked for purposes of the transferee, the tax
4 credit allowable to the transferee under ORS 315.144 may not be re-
5 duced and a transferee is not liable under subsections (2) and (3) of
6 this section.

7 “SECTION 8. Section 7 of this 2016 Act applies to certifications is-
8 sued under ORS 315.141 in tax years beginning on or after January 1,
9 2007.”.

10 In line 43, delete “6” and insert “9”.

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