

Requested by Representative BARNHART

**PROPOSED AMENDMENTS TO  
HOUSE BILL 3032**

1 On page 1 of the printed bill, line 2, after the second semicolon delete the  
2 rest of the line and delete lines 3 and 4 and insert “amending ORS 469B.276,  
3 469B.285, 469B.323 and 469B.326 and sections 36 and 54, chapter 730, Oregon  
4 Laws 2011; and prescribing an effective date.”.

5 Delete lines 27 through 29 and delete page 2 and insert:

6 **“SECTION 3.** ORS 469B.285 is amended to read:

7 “469B.285. (1) Prior to the installation or construction of an energy con-  
8 servation project, any person may apply to the State Department of Energy  
9 for preliminary certification under ORS 469B.288 if:

10 “(a) The project complies with the standards adopted by the Director of  
11 the State Department of Energy; and

12 “(b) The applicant will be the owner, contract purchaser or lessee of the  
13 project at the time of installation or construction of the project.

14 “(2) An application for preliminary certification shall be made in writing  
15 on a form prepared by the department and shall contain:

16 “(a) A statement that the applicant plans to acquire, construct or install  
17 a project that substantially reduces the consumption of purchased energy or  
18 uses energy more efficiently.

19 “(b) A detailed description of the project and its operation and informa-  
20 tion showing that the project will operate as represented in the application  
21 and remain in operation for at least five years, unless the director by rule

1 specifies another period of operation.

2 “(c) Information on the amount by which consumption of purchased en-  
3 ergy by the applicant will be reduced, and, if applicable, information about  
4 the expected level of sustainable building practices project performance.

5 “(d) The anticipated total project cost.

6 “(e) Information on the number and type of jobs, directly connected to the  
7 allowance of the credit, that will be:

8 “(A) Created by the project; and

9 “(B) Sustained throughout the construction, installation and operation of  
10 the project.

11 “(f) Information demonstrating that the project will comply with applica-  
12 ble state and local laws and regulations and obtain required licenses and  
13 permits.

14 “(g) Information relating to the standards described in ORS 469B.279.

15 “(h) A recommendation for a research and development project as  
16 demonstrative of innovation that has been made by a qualified third party  
17 selected by the director.

18 “(i) Any other information the director considers necessary to determine  
19 whether the project is in accordance with the provisions of ORS 469B.270 to  
20 469B.306, and any applicable rules or standards adopted by the director.

21 “(3) An application for preliminary certification shall be accompanied by  
22 a fee established under ORS 469B.294. The director may refund all or a por-  
23 tion of the fee if the application for certification is rejected.

24 “(4) The director may allow an applicant to file the application for pre-  
25 liminary certification after the start of installation or construction of the  
26 project if the director finds that:

27 “(a) Filing the application before the start of installation or construction  
28 is inappropriate because special circumstances render filing earlier unrea-  
29 sonable; and

30 “(b) The project would otherwise qualify for certification under ORS

1 469B.270 to 469B.306.

2 “(5) The director may, by rule, waive preliminary certification under ORS  
3 469B.288, or may establish an informational filing system in place of pre-  
4 liminary certification, for projects that:

5 “(a) Have eligible costs of less than \$20,000;

6 “(b) Consist of measures that the director determines to be eligible for  
7 waiver of preliminary certification; and

8 “(c) Comply with any other requirements established by the director.

9 “(6) **Except as provided in subsection (7) of this section,** a preliminary  
10 certification shall remain valid for a period of three calendar years after the  
11 date on which the preliminary certification is issued by the director, after  
12 which the certification becomes invalid even if:

13 “(a) The applicant is awaiting identification of a pass-through partner;  
14 or

15 “(b) The preliminary certification has been amended.

16 “(7) **A preliminary certification issued to a governmental or other-**  
17 **wise tax-exempt entity on or after November 1, 2012, but before De-**  
18 **cember 31, 2014, shall remain valid until December 31, 2019.**

19 “**SECTION 4.** ORS 469B.326 is amended to read:

20 “469B.326. (1) Prior to the acquisition or performance of a transportation  
21 project, a person may apply to the State Department of Energy for prelimi-  
22 nary certification for the project under ORS 469B.329 if:

23 “(a) The project complies with the standards adopted by the Director of  
24 the State Department of Energy; and

25 “(b) The applicant will be the owner, contract purchaser or lessee of the  
26 project at the time of acquisition or performance of the project.

27 “(2) An application for preliminary certification shall be made in writing  
28 on a form prepared by the department and shall contain:

29 “(a) A statement that the applicant plans to acquire or perform a project  
30 that substantially reduces the consumption of purchased petroleum energy.

1       “(b) A detailed description of the project and its operation and informa-  
2 tion showing that the project will operate as represented in the application  
3 and remain in operation for at least five years, unless the director by rule  
4 specifies another period of operation.

5       “(c) Information on the amount by which consumption of purchased pe-  
6 troleum energy by the applicant will be reduced, and, if applicable, informa-  
7 tion about the expected level of project performance.

8       “(d) The anticipated total project cost.

9       “(e) Information on the number and types of jobs, directly connected to  
10 the allowance of the credit, that will be:

11       “(A) Created by the project; and

12       “(B) Sustained throughout the acquisition and performance of the project.

13       “(f) Information demonstrating that the project will comply with applica-  
14 ble state and local laws and regulations and obtain required licenses and  
15 permits.

16       “(g) Any other information the director considers necessary to determine  
17 whether the project is in accordance with the provisions of ORS 469B.320 to  
18 469B.347, and any applicable rules or standards adopted by the director.

19       “(3) An application for preliminary certification shall be accompanied by  
20 a fee established under ORS 469B.335. The director may refund all or a por-  
21 tion of the fee if the application for certification is rejected.

22       “(4) The director may allow an applicant to file the application for pre-  
23 liminary certification after the start of acquisition or performance of the  
24 project if the director finds that:

25       “(a) Filing the application before the start of acquisition or performance  
26 is inappropriate because special circumstances render filing earlier unrea-  
27 sonable; and

28       “(b) The project would otherwise qualify for certification under ORS  
29 469B.320 to 469B.347.

30       “(5) **Except as provided in subsection (6) of this section,** a preliminary

1 certification shall remain valid for a period of three calendar years after the  
2 date on which the preliminary certification is issued by the director, after  
3 which the certification becomes invalid even if:

4 “(a) The applicant is awaiting identification of a pass-through partner;  
5 or

6 “(b) The preliminary certification has been amended.

7 “(6) A preliminary certification issued to a governmental or other-  
8 wise tax-exempt entity on or after November 1, 2012, but before De-  
9 cember 31, 2014, shall remain valid until December 31, 2019.

10 “**SECTION 5.** The amendments to ORS 469B.276, 469B.285, 469B.323  
11 and 469B.326 by sections 1 to 4 of this 2017 Act apply to tax credits  
12 transferred on or after the effective date of this 2017 Act.

13 “**SECTION 6.** Section 36, chapter 730, Oregon Laws 2011, is amended to  
14 read:

15 “**Sec. 36.** (1) A taxpayer may not be allowed a credit under [*section 35 of*  
16 *this 2011 Act*] **ORS 315.331** if the first tax year for which the credit would  
17 otherwise be allowed, with respect to an energy conservation project certi-  
18 fied under [*section 45 of this 2011 Act*] **ORS 469B.291**, begins on or after  
19 January 1, [2018] **2019**.

20 “(2) A taxpayer may not be allowed a credit for an energy conservation  
21 project that is a cogeneration facility as that term is defined in ORS 758.505  
22 for a tax year that begins before January 1, 2013.

23 “**SECTION 7.** Section 54, chapter 730, Oregon Laws 2011, as amended by  
24 section 16, chapter 774, Oregon Laws 2013, is amended to read:

25 “**Sec. 54.** (1) A taxpayer may not be allowed a credit for a transportation  
26 project, other than an alternative fuel vehicle project, certified under ORS  
27 469B.332 if the first tax year for which the credit would otherwise be allowed  
28 begins on or after January 1, [2016] **2019**.

29 “(2) A taxpayer may not be allowed a credit for an alternative fuel vehicle  
30 project certified under ORS 469B.332 if the first tax year for which the credit

1 would otherwise be allowed begins on or after January 1, [2018] 2019.

2 **“SECTION 8. This 2017 Act takes effect on the 91st day after the**  
3 **date on which the 2017 regular session of the Seventy-ninth Legislative**  
4 **Assembly adjourns sine die.”**

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