

## SENATE AMENDMENTS TO A-ENGROSSED SENATE BILL 583

By JOINT COMMITTEE ON WAYS AND MEANS

July 6

1 On page 1 of the printed A-engrossed bill, line 2, after “vehicles;” delete the rest of the line and  
2 insert “creating new provisions; amending ORS 315.336, 469B.320 and 469B.344 and section 54,  
3 chapter 730, Oregon Laws 2011; appropriating money; limiting expenditures; and prescribing an ef-  
4 fective date.”.

5 On page 2, line 10, delete “or” and insert “and”.

6 In line 16, after “program” insert “and any other costs incurred by the department in carrying  
7 out the provisions of sections 1 to 7 of this 2013 Act”.

8 On page 4, delete lines 13 and 14 and insert:

9 **“SECTION 10. During the biennium beginning July 1, 2013, the limit imposed under ORS**  
10 **469B.344 (1)(a) on the total amount of potential tax credits for all transportation projects in**  
11 **this state shall be reduced by the total amount of potential tax credits auctioned under sec-**  
12 **tion 9 of this 2013 Act during the biennium beginning July 1, 2013.**

13 **“SECTION 11. Section 9 of this 2013 Act applies to tax years beginning on or after Jan-**  
14 **uary 1, 2013, and before January 1, 2015.**

15 **“SECTION 12. Notwithstanding any other law limiting expenditures, the limitation on**  
16 **expenditures established by section 1, chapter \_\_\_\_\_, Oregon Laws 2013 (Enrolled House**  
17 **Bill 5011), for the biennium beginning July 1, 2013, as the maximum limit for payment of ex-**  
18 **penditures from fees, moneys or other revenues, including Miscellaneous Receipts, but excluding**  
19 **lottery funds and federal funds, collected or received by State Department of Energy, is in-**  
20 **creased by \$3,000,000.**

21 **“SECTION 13. ORS 469B.320, as amended by section 7, chapter 45, Oregon Laws 2012, is**  
22 **amended to read:**

23 “469B.320. As used in ORS 315.336 and 469B.320 to 469B.347:

24 **“(1) ‘Acquisition of an alternative fuel vehicle fleet’ includes the replacement of two or**  
25 **more vehicles that are not used primarily for personal, family or household purposes, that**  
26 **are modified or acquired directly from the factory and that:**

27 **“(a) Use an alternative fuel, including electricity, biofuel, gasohol with at least 20 percent**  
28 **denatured alcohol content, hydrogen, Hythane, methane, methanol, natural gas, propane or**  
29 **any other fuel approved by the Director of the State Department of Energy as an alternative**  
30 **fuel; and**

31 **“(b) Produce lower exhaust emissions, or are more energy efficient, than equivalent ve-**  
32 **hicles fueled by gasoline or diesel.**

33 **“[(1)] (2) ‘Alternative fuel vehicle infrastructure project’ includes a facility for mixing, storing,**  
34 **compressing or dispensing fuels for alternative fuel vehicles, and any other necessary and reason-**  
35 **able equipment.**

1 “(3) ‘Alternative fuel vehicle project’ means:

2 “(a) The acquisition of an alternative fuel vehicle fleet; or

3 “(b) An alternative fuel vehicle infrastructure project.

4 “[2] (4) ‘Cost’ includes capital expenditures and core expenses such as vehicle repair, fuel,  
5 personnel and administrative expenses.

6 “[3] (5) ‘Transportation project’ means:

7 “(a) Transit services provided to members of the public by a public or nonprofit entity that re-  
8 ceives state or federal funding for those services, or is the direct recipient of funding from an entity  
9 that receives state or federal funding for the services; or

10 “(b) An alternative fuel vehicle [*infrastructure*] project.

11 “**SECTION 14.** ORS 315.336, as amended by section 6, chapter 45, Oregon Laws 2012, is  
12 amended to read:

13 “315.336. (1) A credit is allowed against the taxes otherwise due under ORS chapter 316 or, if  
14 the taxpayer is a corporation, under ORS chapter 317 or 318, for a transportation project, based  
15 upon the certified cost of the project during the period for which the project is certified under ORS  
16 469B.320 to 469B.347.

17 “(2) The credit allowed for a project other than an alternative fuel vehicle [*infrastructure*]  
18 project shall be as follows:

19 “(a) For tax years beginning on or after January 1, 2011, and before January 1, 2012, the maxi-  
20 mum allowed credit shall be:

21 “(A) 35 percent of certified cost, if a preliminary certification is issued under ORS 469B.329  
22 prior to July 1, 2011; or

23 “(B) 25 percent of certified cost, if a preliminary certification is issued under ORS 469B.329 on  
24 or after July 1, 2011, and before January 1, 2012.

25 “(b) For tax years beginning on or after January 1, 2012, and before January 1, 2013, the maxi-  
26 mum allowed credit shall be 25 percent of certified cost.

27 “(c) For tax years beginning on or after January 1, 2013, and before January 1, 2014, the maxi-  
28 mum allowed credit shall be 20 percent of certified cost.

29 “(d) For tax years beginning on or after January 1, 2014, and before January 1, 2015, the maxi-  
30 mum allowed credit shall be 15 percent of certified cost.

31 “(e) For tax years beginning on or after January 1, 2015, and before January 1, 2016, the maxi-  
32 mum allowed credit shall be 10 percent of certified cost.

33 “(3) The total amount of the credit allowable for an alternative fuel vehicle [*infrastructure*]  
34 project under this section may not exceed 35 percent of the certified cost of the project.

35 “(4)(a) Except as provided in paragraph (b) of this subsection, the credit allowed in each of the  
36 first two tax years in which the credit is claimed shall be 10 percent of the certified cost of the  
37 project, but may not exceed the tax liability of the taxpayer. The credit allowed in each of the  
38 succeeding three years shall be five percent of the certified cost, but may not exceed the tax liability  
39 of the taxpayer.

40 “(b) If the amount of the credit allowed under this section is less than 35 percent of the certified  
41 cost of the project, the credit allowed in any tax year may not exceed five percent of the certified  
42 cost of the project, and may not exceed the tax liability of the taxpayer.

43 “(5) In order for a tax credit to be allowable under this section:

44 “(a) The project must be located in Oregon.

45 “(b) The project must have received final certification from the Director of the State Department

1 of Energy under ORS 469B.320 to 469B.347.

2 “(6) Any tax credit otherwise allowable under this section that is not used by the taxpayer in  
3 a particular year may be carried forward and offset against the taxpayer’s tax liability for the next  
4 succeeding tax year. Any credit remaining unused in that next succeeding tax year may be carried  
5 forward and used in the second succeeding tax year, and likewise, any credit not used in that second  
6 succeeding tax year may be carried forward and used in the third succeeding tax year, and likewise,  
7 any credit not used in that third succeeding tax year may be carried forward and used in the fourth  
8 succeeding tax year, and likewise, any credit not used in that fourth succeeding tax year may be  
9 carried forward and used in the fifth succeeding tax year, but may not be carried forward for any  
10 tax year thereafter. Credits may be carried forward to and used in a tax year beyond the years  
11 specified in subsection (2) of this section only as provided in this subsection.

12 “(7) The credit allowed under this section is not in lieu of any depreciation or amortization de-  
13 duction for the transportation project to which the taxpayer otherwise may be entitled for purposes  
14 of ORS chapter 316, 317 or 318 for such year.

15 “(8) The taxpayer’s adjusted basis for determining gain or loss may not be decreased by any tax  
16 credits allowed under this section.

17 “(9) The definitions in ORS 469B.320 apply to this section.

18 “**SECTION 15.** ORS 469B.344, as amended by section 10, chapter 45, Oregon Laws 2012, is  
19 amended to read:

20 “469B.344. (1)(a) The total amount of potential tax credits for all transportation projects in this  
21 state may not, at the time of preliminary certification under ORS 469B.329, exceed \$20 million for  
22 any biennium.

23 “(b) For each tax year, the Director of the State Department of Energy may allocate a per-  
24 centage of the amount allowed in paragraph (a) of this subsection to alternative fuel vehicle  
25 [*infrastructure*] projects and a percentage to transit services.

26 “(2) Notwithstanding ORS 315.336, in the event that the director receives applications for pre-  
27 liminary certification with a total amount of potential tax credits in excess of the limits set by the  
28 director pursuant to subsection (1)(b) of this section, the director shall allocate the issuance of  
29 preliminary certifications among applicants as follows:

30 “(a) If an excess of applications for credits for transit services is received, the director shall  
31 allocate the issuance of preliminary certifications among applicants for credits for transit services  
32 and proportionately reduce the amount of allowed credit, with no applicant receiving more than 20  
33 percent of the amount established under subsection (1)(b) of this section for transit services.

34 “(b) The director may allocate the issuance of preliminary certifications among applicants for  
35 credits for alternative fuel vehicle [*infrastructure*] projects and may award credits for less than the  
36 amount otherwise allowed applicants.

37 “(c) If, after making any reductions required under paragraph (a) of this subsection, an unallo-  
38 cated amount remains, the director shall allocate this additional amount among applicants affected  
39 by the percentage restriction in paragraph (a) of this subsection.

40 “**SECTION 16.** Section 54, chapter 730, Oregon Laws 2011, is amended to read:

41 “**Sec. 54.** (1) A taxpayer may not be allowed a credit for a transportation project, other than  
42 an alternative fuel vehicle [*infrastructure*] project, certified under [*section 60 of this 2011 Act*] **ORS**  
43 **469B.332** if the first tax year for which the credit would otherwise be allowed begins on or after  
44 January 1, 2016.

45 “(2) A taxpayer may not be allowed a credit for an alternative fuel vehicle [*infrastructure*]

1 project certified under [*section 60 of this 2011 Act*] **ORS 469B.332** if the first tax year for which the  
2 credit would otherwise be allowed begins on or after January 1, 2018.

3 **“SECTION 17. The amendments to ORS 315.336, 469B.320 and 469B.344 by sections 13 to**  
4 **15 of this 2013 Act apply to tax years beginning on or after January 1, 2015.”.**

5 In line 15, delete “11” and insert “18”.

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