

SHORT TITLE: Revenue and taxation; providing that clean-burning train locomotive fuel property must be installed in Oklahoma or factory-equipped locomotive must be purchased in Oklahoma to qualify for income tax credit; emergency.

STATE OF OKLAHOMA

1st Session of the 44th Legislature (1993)

SENATE BILL NO. 17

By: Fisher of the Senate

and

Tyler of the House

AS INTRODUCED

An Act relating to revenue and taxation; amending Section 3, Chapter 287, O.S.L. 1992 (68 O.S. Supp. 1992, Section 2357.23), which relates to income taxes; modifying definition; modifying circumstances under which taxpayer may qualify for certain income tax credit; and declaring an emergency.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY Section 3, Chapter 287, O.S.L. 1992 (68 O.S. Supp. 1992, Section 2357.23), is amended to read as follows:

Section 2357.23 A. For taxable years beginning after December 31, 1992, there shall be allowed a one-time credit against the income tax imposed by Section 2355 of ~~Title 68 of the Oklahoma Statutes~~ this title for investments in qualified clean-burning train locomotive fuel property.

B. As used in this section, "qualified clean-burning train locomotive fuel property" means:

1. Equipment installed to modify a train locomotive which is propelled by diesel or other means so that the train locomotive may

be propelled by compressed natural gas, liquefied natural gas or liquefied petroleum gas if such installation occurs in the State of Oklahoma; and

2. Property which is directly related to the delivery of compressed natural gas, liquefied natural gas or liquefied petroleum gas into the fuel tank of a train locomotive propelled by such fuel including compression equipment and storage tanks for such fuel at the point where such fuel is so delivered but only if such property is not used to deliver such fuel into any other type of storage tank or receptacle and such fuel is not used for any purpose other than to propel a train locomotive.

C. The credit provided for in subsection A of this section shall be fifty percent (50%) of the cost of the qualified clean-burning train locomotive fuel property.

D. In cases where no credit has been claimed pursuant to subsection C of this section and in which a train locomotive is purchased in the State of Oklahoma by a taxpayer with qualified clean-burning train locomotive fuel property installed by the manufacturer of such train locomotive and the taxpayer is unable or elects not to determine the exact basis which is attributable to such property, the taxpayer may claim a credit in an amount not exceeding the lesser of ten percent (10%) of the cost of the train locomotive or One Thousand Five Hundred Dollars (\$1,500.00).

E. If the tax credit allowed pursuant to subsection A of this section exceeds the amount of income taxes due or if there are no state income taxes due on the income of the taxpayer, the amount of the credit not used as an offset against the income taxes of a taxable year may be carried forward as a credit against subsequent income tax liability for a period not to exceed three (3) years.

SECTION 2. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby

declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

44-1-0085

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