

THE HOUSE OF REPRESENTATIVES
Monday, March 2, 2009

Committee Substitute for
House Bill No. 2247

COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 2247 - By: TERRILL, DENNEY
AND DORMAN of the House.

(Revenue and taxation - income tax credits - wind energy systems – carryover
- amending 68 O.S. 2001, Section 1357 - sales tax exemptions - specified
energy equipment – codification - effective dates - emergency)

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

1 SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma
2 Statutes as Section 2357.401 of Title 68, unless there is created a duplication in
3 numbering, reads as follows:
4 A. 1. For all taxable years beginning after December 31, 2009, any taxpayer,
5 having a wind energy system installed on residential property in this state, may claim a
6 credit against the tax imposed by Section 2355 of Title 68 of the Oklahoma Statutes. In
7 determining the amount of credit allowed, the taxpayer may include in the total costs of
8 the wind energy system such direct expenses incurred for equipment, construction, and
9 installation of the system, less all seller rebates and remunerations of any type resulting
10 from the installation.

1 2. The following percentage of the qualified wind energy system expenditures shall
2 be allowed as a credit under the provisions of this subsection for the taxable year in
3 which the cost is incurred:

	Taxable Year	Percentage of Expenditure
4		
5	a. 2010	40%
6	b. 2011	40%
7	c. 2012	40%
8	d. 2013	40%
9	e. 2014	40%

10 B. The credit authorized by subsection A of this section shall be computed as forty
11 percent (40%) of the amount of the qualified expenditure. Not more than twenty-five
12 percent (25%) of the credit amount may be claimed for any taxable year. Any amount of
13 credit not used may be carried over, in order, to each of the ten (10) subsequent taxable
14 years.

15 C. 1. For all taxable years beginning after December 31, 2009, any taxpayer,
16 having a wind energy system installed on nonresidential property in this state, may
17 claim a credit against the tax imposed by Section 2355 of Title 68 of the Oklahoma
18 Statutes. In determining the amount of credit allowed, the taxpayer may include in the
19 total costs of the wind energy system such direct expenses incurred for equipment,
20 construction, and installation of the system, less all seller rebates and remunerations of
21 any type resulting from the installation.

1 2. The following percentage of the qualified wind energy system expenditures shall
2 be allowed as a credit under the provisions of this subsection for the taxable year in
3 which the cost is incurred:

4	Taxable Year	Percentage of Expenditure
5	a. 2010	40%
6	b. 2011	40%
7	c. 2012	40%
8	d. 2013	40%
9	e. 2014	40%

10 3. For the purposes of qualifying for the tax credit provided for in this subsection,
11 more than fifty percent (50%) of the energy produced by the wind energy system must be
12 utilized on the premises of the installation and the wind turbines may not exceed one
13 hundred kilowatt (100 kW) in nameplate power rating.

14 4. The credit authorized by this subsection shall be computed as forty percent (40%)
15 of the amount of the qualified expenditure. Not more than twenty-five percent (25%) of
16 the credit amount may be claimed for any taxable year. Any amount of credit not used
17 may be carried over, in order, to each of the ten (10) subsequent taxable years.

18 D. An itemized accounting of the cost and an affidavit attesting to the facts thereof
19 shall be furnished to the taxpayer by the supplier of the wind energy system. The
20 itemized accounting shall include the amounts properly attributable to the cost of
21 acquisition, construction, and installation of the wind energy system. The taxpayer shall
22 include a copy of said accounting when claiming either credit provided for in this section.

1 E. Wind turbines shall be rated in accordance with the latest performance rating
2 standards published or endorsed by the American Wind Energy Association (AWEA) and
3 the manufacturer must be a member in good standing of AWEA in order to qualify for
4 the credits provided for in this section.

5 F. For wind energy systems, product performance specifications conforming to
6 AWEA standards, as appropriate for renewable energy-generating equipment, shall be
7 provided to potential purchasers prior to any qualifying purchase. Wind energy resource
8 information, as most recently published by the United States Department of Energy or
9 the Oklahoma Wind Power Initiative (OWPI), for the state shall also be provided to
10 potential purchasers prior to any qualifying purchase pursuant to the provisions of this
11 section.

12 G. For the purpose of either credit provided for in this section, qualifying wind
13 energy systems shall carry, as a minimum, a five-year limited warranty covering defects
14 in design and manufacture. For other than owner-installed systems, qualifying wind
15 energy systems shall also carry, as a minimum, a five-year limited warranty covering
16 defects in installation.

17 SECTION 2. AMENDATORY 68 O.S. 2001, Section 1357, as last amended by
18 Section 3, Chapter 436, O.S.L. 2008 (68 O.S. Supp. 2008, Section 1357), is amended to
19 read as follows:

20 Section 1357. Exemptions - General.

21 There are hereby specifically exempted from the tax levied by the Oklahoma Sales
22 Tax Code:

HB2247 HFLR

- 4 -

House of Representatives

- 1 1. Transportation of school pupils to and from elementary schools or high schools in
2 motor or other vehicles;
- 3 2. Transportation of persons where the fare of each person does not exceed One
4 Dollar (\$1.00), or local transportation of persons within the corporate limits of a
5 municipality except by taxicabs;
- 6 3. Sales for resale to persons engaged in the business of reselling the articles
7 purchased, whether within or without the state, provided that such sales to residents of
8 this state are made to persons to whom sales tax permits have been issued as provided in
9 the Oklahoma Sales Tax Code. This exemption shall not apply to the sales of articles
10 made to persons holding permits when such persons purchase items for their use and
11 which they are not regularly engaged in the business of reselling; neither shall this
12 exemption apply to sales of tangible personal property to peddlers, solicitors and other
13 salespersons who do not have an established place of business and a sales tax permit.
14 The exemption provided by this paragraph shall apply to sales of motor fuel or diesel fuel
15 to a Group Five vendor, but the use of such motor fuel or diesel fuel by the Group Five
16 vendor shall not be exempt from the tax levied by the Oklahoma Sales Tax Code. The
17 purchase of motor fuel or diesel fuel is exempt from sales tax when the motor fuel is for
18 shipment outside this state and consumed by a common carrier by rail in the conduct of
19 its business. The sales tax shall apply to the purchase of motor fuel or diesel fuel in
20 Oklahoma by a common carrier by rail when such motor fuel is purchased for fueling,
21 within this state, of any locomotive or other motorized flanged wheel equipment;
- 22 4. Sales of advertising space in newspapers and periodicals;

1 5. Sales of programs relating to sporting and entertainment events, and sales of
2 advertising on billboards (including signage, posters, panels, marquees, or on other
3 similar surfaces, whether indoors or outdoors) or in programs relating to sporting and
4 entertainment events, and sales of any advertising, to be displayed at or in connection
5 with a sporting event, via the Internet, electronic display devices, or through public
6 address or broadcast systems. The exemption authorized by this paragraph shall be
7 effective for all sales made on or after January 1, 2001;

8 6. Sales of any advertising, other than the advertising described by paragraph 5 of
9 this section, via the Internet, electronic display devices, or through the electronic media,
10 including radio, public address or broadcast systems, television (whether through closed
11 circuit broadcasting systems or otherwise), and cable and satellite television, and the
12 servicing of any advertising devices;

13 7. Eggs, feed, supplies, machinery and equipment purchased by persons regularly
14 engaged in the business of raising worms, fish, any insect or any other form of terrestrial
15 or aquatic animal life and used for the purpose of raising same for marketing. This
16 exemption shall only be granted and extended to the purchaser when the items are to be
17 used and in fact are used in the raising of animal life as set out above. Each purchaser
18 shall certify, in writing, on the invoice or sales ticket retained by the vendor that the
19 purchaser is regularly engaged in the business of raising such animal life and that the
20 items purchased will be used only in such business. The vendor shall certify to the
21 Oklahoma Tax Commission that the price of the items has been reduced to grant the full

1 benefit of the exemption. Violation hereof by the purchaser or vendor shall be a
2 misdemeanor;

3 8. Sale of natural or artificial gas and electricity, and associated delivery or
4 transmission services, when sold exclusively for residential use. Provided, this
5 exemption shall not apply to any sales tax levied by a city or town, or a county, or any
6 other jurisdiction in this state;

7 9. In addition to the exemptions authorized by Section 1357.6 of this title, sales of
8 drugs sold pursuant to a prescription written for the treatment of human beings by a
9 person licensed to prescribe the drugs, and sales of insulin and medical oxygen.
10 Provided, this exemption shall not apply to over-the-counter drugs;

11 10. Transfers of title or possession of empty, partially filled, or filled returnable oil
12 and chemical drums to any person who is not regularly engaged in the business of
13 selling, reselling or otherwise transferring empty, partially filled, or filled returnable oil
14 drums;

15 11. Sales of one-way utensils, paper napkins, paper cups, disposable hot containers
16 and other one-way carry out materials to a vendor of meals or beverages;

17 12. Sales of food or food products for home consumption which are purchased in
18 whole or in part with coupons issued pursuant to the federal food stamp program as
19 authorized by Sections 2011 through 2029 of Title 7 of the United States Code, as to that
20 portion purchased with such coupons. The exemption provided for such sales shall be
21 inapplicable to such sales upon the effective date of any federal law that removes the

1 requirement of the exemption as a condition for participation by the state in the federal
2 food stamp program;

3 13. Sales of food or food products, or any equipment or supplies used in the
4 preparation of the food or food products to or by an organization which:

5 a. is exempt from taxation pursuant to the provisions of Section 501(c)(3)
6 of the Internal Revenue Code, 26 U.S.C., Section 501(c)(3), and which
7 provides and delivers prepared meals for home consumption to elderly
8 or homebound persons as part of a program commonly known as
9 “Meals on Wheels” or “Mobile Meals”, or

10 b. is exempt from taxation pursuant to the provisions of Section 501(c)(3)
11 of the Internal Revenue Code, 26 U.S.C., Section 501(c)(3), and which
12 receives federal funding pursuant to the Older Americans Act of 1965,
13 as amended, for the purpose of providing nutrition programs for the
14 care and benefit of elderly persons;

15 14. a. Sales of tangible personal property or services to or by organizations
16 which are exempt from taxation pursuant to the provisions of Section
17 501(c)(3) of the Internal Revenue Code, 26 U.S.C., Section 501(c)(3),
18 and:

19 (1) are primarily involved in the collection and distribution of food
20 and other household products to other organizations that
21 facilitate the distribution of such products to the needy and such
22 distributee organizations are exempt from taxation pursuant to

1 the provisions of Section 501(c)(3) of the Internal Revenue Code,
2 26 U.S.C., Section 501(c)(3), or

3 (2) facilitate the distribution of such products to the needy.

4 b. Sales made in the course of business for profit or savings, competing
5 with other persons engaged in the same or similar business shall not
6 be exempt under this paragraph;

7 15. Sales of tangible personal property or services to children's homes which are
8 located on church-owned property and are operated by organizations exempt from
9 taxation pursuant to the provisions of the Internal Revenue Code, 26 U.S.C., Section
10 501(c)(3);

11 16. Sales of computers, data processing equipment, related peripherals and
12 telephone, telegraph or telecommunications service and equipment for use in a qualified
13 aircraft maintenance or manufacturing facility. For purposes of this paragraph,
14 "qualified aircraft maintenance or manufacturing facility" means a new or expanding
15 facility primarily engaged in aircraft repair, building or rebuilding whether or not on a
16 factory basis, whose total cost of construction exceeds the sum of Five Million Dollars
17 (\$5,000,000.00) and which employs at least two hundred fifty (250) new full-time-
18 equivalent employees, as certified by the Oklahoma Employment Security Commission,
19 upon completion of the facility. In order to qualify for the exemption provided for by this
20 paragraph, the cost of the items purchased by the qualified aircraft maintenance or
21 manufacturing facility shall equal or exceed the sum of Two Million Dollars
22 (\$2,000,000.00);

1 17. Sales of tangible personal property consumed or incorporated in the
2 construction or expansion of a qualified aircraft maintenance or manufacturing facility as
3 defined in paragraph 16 of this section. For purposes of this paragraph, sales made to a
4 contractor or subcontractor that has previously entered into a contractual relationship
5 with a qualified aircraft maintenance or manufacturing facility for construction or
6 expansion of such a facility shall be considered sales made to a qualified aircraft
7 maintenance or manufacturing facility;

8 18. Sales of the following telecommunications services:

9 a. Interstate and International “800 service”. “800 service” means a
10 “telecommunications service” that allows a caller to dial a toll-free
11 number without incurring a charge for the call. The service is typically
12 marketed under the name “800”, “855”, “866”, “877”, and “888” toll-free
13 calling, and any subsequent numbers designated by the Federal
14 Communications Commission, or

15 b. Interstate and International “900 service”. “900 service” means an
16 inbound toll “telecommunications service” purchased by a subscriber
17 that allows the subscriber’s customers to call in to the subscriber’s
18 prerecorded announcement or live service. “900 service” does not
19 include the charge for: collection services provided by the seller of the
20 “telecommunications services” to the subscriber, or service or product
21 sold by the subscriber to the subscriber’s customer. The service is

- 1 typically marketed under the name “900” service, and any subsequent
2 numbers designated by the Federal Communications Commission,
3 c. Interstate and International “private communications service”.
4 “Private communications service” means a “telecommunications
5 service” that entitles the customer to exclusive or priority use of a
6 communications channel or group of channels between or among
7 termination points, regardless of the manner in which such channel or
8 channels are connected, and includes switching capacity, extension
9 lines, stations, and any other associated services that are provided in
10 connection with the use of such channel or channels,
11 d. “Value-added nonvoice data service”. “Value-added nonvoice data
12 service” means a service that otherwise meets the definition of
13 “telecommunications services” in which computer processing
14 applications are used to act on the form, content, code, or protocol of
15 the information or data primarily for a purpose other than
16 transmission, conveyance or routing,
17 e. Interstate and International telecommunications service which is:
18 (1) rendered by a company for private use within its organization,
19 or
20 (2) used, allocated, or distributed by a company to its affiliated
21 group,

- 1 f. Regulatory assessments and charges, including charges to fund the
2 Oklahoma Universal Service Fund, the Oklahoma Lifeline Fund and
3 the Oklahoma High Cost Fund, and
4 g. Telecommunications nonrecurring charges, including but not limited to
5 the installation, connection, change or initiation of telecommunications
6 services which are not associated with a retail consumer sale;

7 19. Sales of railroad track spikes manufactured and sold for use in this state in the
8 construction or repair of railroad tracks, switches, sidings and turnouts;

9 20. Sales of aircraft and aircraft parts provided such sales occur at a qualified
10 aircraft maintenance facility. As used in this paragraph, “qualified aircraft maintenance
11 facility” means a facility operated by an air common carrier at which there were
12 employed at least two thousand (2,000) full-time-equivalent employees in the preceding
13 year as certified by the Oklahoma Employment Security Commission and which is
14 primarily related to the fabrication, repair, alteration, modification, refurbishing,
15 maintenance, building or rebuilding of commercial aircraft or aircraft parts used in air
16 common carriage. For purposes of this paragraph, “air common carrier” shall also
17 include members of an affiliated group as defined by Section 1504 of the Internal
18 Revenue Code, 26 U.S.C., Section 1504;

19 21. Sales of machinery and equipment purchased and used by persons and
20 establishments primarily engaged in computer services and data processing:

- 21 a. as defined under Industrial Group Numbers 7372 and 7373 of the
22 Standard Industrial Classification (SIC) Manual, latest version, which

1 derive at least fifty percent (50%) of their annual gross revenues from
2 the sale of a product or service to an out-of-state buyer or consumer,
3 and
4 b. as defined under Industrial Group Number 7374 of the SIC Manual,
5 latest version, which derive at least eighty percent (80%) of their
6 annual gross revenues from the sale of a product or service to an out-
7 of-state buyer or consumer.

8 Eligibility for the exemption set out in this paragraph shall be established, subject
9 to review by the Tax Commission, by annually filing an affidavit with the Tax
10 Commission stating that the facility so qualifies and such information as required by the
11 Tax Commission. For purposes of determining whether annual gross revenues are
12 derived from sales to out-of-state buyers or consumers, all sales to the federal
13 government shall be considered to be to an out-of-state buyer or consumer;

14 22. Sales of prosthetic devices to an individual for use by such individual. For
15 purposes of this paragraph, “prosthetic device” shall have the same meaning as provided
16 in Section 1357.6 of this title, but shall not include corrective eye glasses, contact lenses
17 or hearing aids;

18 23. Sales of tangible personal property or services to a motion picture or television
19 production company to be used or consumed in connection with an eligible production.
20 For purposes of this paragraph, “eligible production” means a documentary, special,
21 music video, or a television commercial or television program that will serve as a pilot for
22 or be a segment of an ongoing dramatic or situation comedy series filmed or taped for

1 network or national or regional syndication or a feature-length motion picture intended
2 for theatrical release or for network or national or regional syndication or broadcast. The
3 provisions of this paragraph shall apply to sales occurring on or after July 1, 1996. In
4 order to qualify for the exemption, the motion picture or television production company
5 shall file any documentation and information required to be submitted pursuant to rules
6 promulgated by the Tax Commission;

7 24. Sales of diesel fuel sold for consumption by commercial vessels, barges and
8 other commercial watercraft;

9 25. Sales of tangible personal property or services to tax-exempt independent
10 nonprofit biomedical research foundations that provide educational programs for
11 Oklahoma science students and teachers and to tax-exempt independent nonprofit
12 community blood banks headquartered in this state;

13 26. Effective May 6, 1992, sales of wireless telecommunications equipment to a
14 vendor who subsequently transfers the equipment at no charge or for a discounted
15 charge to a consumer as part of a promotional package or as an inducement to commence
16 or continue a contract for wireless telecommunications services;

17 27. Effective January 1, 1991, leases of rail transportation cars to haul coal to coal-
18 fired plants located in this state which generate electric power;

19 28. Beginning July 1, 2005, sales of aircraft engine repairs, modification, and
20 replacement parts, sales of aircraft frame repairs and modification, aircraft interior
21 modification, and paint, and sales of services employed in the repair, modification and

1 replacement of parts of aircraft engines, aircraft frame and interior repair and
2 modification, and paint;

3 29. Sales of materials and supplies to the owner or operator of a ship, motor vessel
4 or barge that is used in interstate or international commerce if the materials and
5 supplies:

6 a. are loaded on the ship, motor vessel or barge and used in the
7 maintenance and operation of the ship, motor vessel or barge, or

8 b. enter into and become component parts of the ship, motor vessel or
9 barge;

10 30. Sales of tangible personal property made at estate sales at which such property
11 is offered for sale on the premises of the former residence of the decedent by a person
12 who is not required to be licensed pursuant to the Transient Merchant Licensing Act, or
13 who is not otherwise required to obtain a sales tax permit for the sale of such property
14 pursuant to the provisions of Section 1364 of this title; provided:

15 a. such sale or event may not be held for a period exceeding three (3)
16 consecutive days,

17 b. the sale must be conducted within six (6) months of the date of death of
18 the decedent, and

19 c. the exemption allowed by this paragraph shall not be allowed for
20 property that was not part of the decedent's estate;

21 31. Beginning January 1, 2004, sales of electricity and associated delivery and
22 transmission services, when sold exclusively for use by an oil and gas operator for

1 reservoir dewatering projects and associated operations commencing on or after July 1,
2 2003, in which the initial water-to-oil ratio is greater than or equal to five-to-one water-
3 to-oil, and such oil and gas development projects have been classified by the Corporation
4 Commission as a reservoir dewatering unit;

5 32. Sales of prewritten computer software that is delivered electronically. For
6 purposes of this paragraph, “delivered electronically” means delivered to the purchaser
7 by means other than tangible storage media;

8 33. Sales of modular dwelling units when built at a production facility and moved
9 in whole or in parts, to be assembled on-site, and permanently affixed to the real
10 property and used for residential or commercial purposes. The exemption provided by
11 this paragraph shall equal forty-five percent (45%) of the total sales price of the modular
12 dwelling unit. For purposes of this paragraph, “modular dwelling unit” means a
13 structure that is not subject to the motor vehicle excise tax imposed pursuant to Section
14 2103 of this title;

15 34. Sales of tangible personal property or services to persons who are residents of
16 Oklahoma and have been honorably discharged from active service in any branch of the
17 Armed Forces of the United States or Oklahoma National Guard and who have been
18 certified by the United States Department of Veterans Affairs or its successor to be in
19 receipt of disability compensation at the one-hundred-percent rate and the disability
20 shall be permanent and have been sustained through military action or accident or
21 resulting from disease contracted while in such active service; provided, sales for the
22 benefit of the person to a spouse of the eligible person or to a member of the household in

1 which the eligible person resides and who is authorized to make purchases on the
2 person's behalf, when such eligible person is not present at the sale, shall also be exempt
3 for purposes of this paragraph. Sales qualifying for the exemption authorized by this
4 paragraph shall not exceed Twenty-five Thousand Dollars (\$25,000.00) per year per
5 individual. Upon request of the Tax Commission, a person asserting or claiming the
6 exemption authorized by this paragraph shall provide a statement, executed under oath,
7 that the total sales amounts for which the exemption is applicable have not exceeded
8 Twenty-five Thousand Dollars (\$25,000.00) per year. If the amount of such exempt sales
9 exceeds such amount, the sales tax in excess of the authorized amount shall be treated as
10 a direct sales tax liability and may be recovered by the Tax Commission in the same
11 manner provided by law for other taxes, including penalty and interest;

12 35. Sales of electricity to the operator, specifically designated by the Oklahoma
13 Corporation Commission, of a spacing unit or lease from which oil is produced or
14 attempted to be produced using enhanced recovery methods, including, but not limited
15 to, increased pressure in a producing formation through the use of water or saltwater if
16 the electrical usage is associated with and necessary for the operation of equipment
17 required to inject or circulate fluids in a producing formation for the purpose of forcing oil
18 or petroleum into a wellbore for eventual recovery and production from the wellhead. In
19 order to be eligible for the sales tax exemption authorized by this paragraph, the total
20 content of oil recovered after the use of enhanced recovery methods shall not exceed one
21 percent (1%) by volume. The exemption authorized by this paragraph shall be applicable

1 only to the state sales tax rate and shall not be applicable to any county or municipal
2 sales tax rate;

3 36. Sales of intrastate charter and tour bus transportation. As used in this
4 paragraph, “intrastate charter and tour bus transportation” means the transportation of
5 persons from one location in this state to another location in this state in a motor vehicle
6 which has been constructed in such a manner that it may lawfully carry more than
7 eighteen persons, and which is ordinarily used or rented to carry persons for
8 compensation. Provided, this exemption shall not apply to regularly scheduled bus
9 transportation for the general public;

10 37. Sales of vitamins, minerals and dietary supplements by a licensed chiropractor
11 to a person who is the patient of such chiropractor at the physical location where the
12 chiropractor provides chiropractic care or services to such patient. The provisions of this
13 paragraph shall not be applicable to any drug, medicine or substance for which a
14 prescription by a licensed physician is required;

15 38. Sales of goods, wares, merchandise, tangible personal property, machinery and
16 equipment to a web search portal located in this state which derives at least eighty
17 percent (80%) of its annual gross revenue from the sale of a product or service to an out-
18 of-state buyer or consumer. For purposes of this paragraph, “web search portal” means
19 an establishment classified under NAICS code 518112 which operates web sites that use
20 a search engine to generate and maintain extensive databases of Internet addresses and
21 content in an easily searchable format;

1 39. Sales of tangible personal property consumed or incorporated in the
2 construction or expansion of a facility for a corporation organized under Section 437 et
3 seq. of Title 18 of the Oklahoma Statutes as a rural electric cooperative. For purposes of
4 this paragraph, sales made to a contractor or subcontractor that has previously entered
5 into a contractual relationship with a rural electric cooperative for construction or
6 expansion of a facility shall be considered sales made to a rural electric cooperative;

7 40. Sales of tangible personal property or services to a business primarily engaged
8 in the repair of consumer electronic goods, including, but not limited to, cell phones,
9 compact disc players, personal computers, MP3 players, digital devices for the storage
10 and retrieval of information through hard-wired or wireless computer or Internet
11 connections, if the devices are sold to the business by the original manufacturer of such
12 devices and the devices are repaired, refitted or refurbished for sale by the entity
13 qualifying for the exemption authorized by this paragraph directly to retail consumers or
14 if the devices are sold to another business entity for sale to retail consumers; ~~and~~

15 41. Before July 1, 2014, sales of rolling stock when sold or leased by the
16 manufacturer, regardless of whether the purchaser is a public services corporation
17 engaged in business as a common carrier of property or passengers by railway, for use or
18 consumption by a common carrier directly in the rendition of public service. For
19 purposes of this paragraph, “rolling stock” means locomotives, autocars and railroad cars;
20 and

1 42. Sales of tangible personal property that consists of qualified wind energy
2 equipment for which the income tax credit authorized by Section 1 of this act may be
3 claimed.

4 SECTION 3. Section 1 of this act shall become effective January 1, 2010.

5 SECTION 4. Section 2 of this act shall become effective July 1, 2009.

6 SECTION 5. It being immediately necessary for the preservation of the public
7 peace, health and safety, an emergency is hereby declared to exist, by reason whereof
8 this act shall take effect and be in full force from and after its passage and approval.

9 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS AND BUDGET,
10 dated 02-26-09 - DO PASS, As Amended and Coauthored.