

# House Bill 3488

Sponsored by Representatives BRUUN, WITT; Representatives DINGFELDER, HANNA

## SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Expands business energy tax credit to include credit for renewable energy resource equipment manufacturing facilities. Defines "renewable energy resource equipment manufacturing facility" and directs State Department of Energy to adopt standards related to such facilities. Increases maximum income tax credits for alternative energy devices used for domestic water heating and residential solar electric systems.

Applies to facilities and alternative energy devices acquired, erected, constructed or installed on or after January 1, 2007, and to tax years beginning on or after January 1, 2007.

Takes effect on 91st day following adjournment sine die.

## A BILL FOR AN ACT

1  
2 Relating to renewable energy; creating new provisions; amending ORS 315.354, 316.116, 469.185 and  
3 469.205; and prescribing an effective date.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1.** ORS 315.354 is amended to read:

6 315.354. (1) A credit is allowed against the taxes otherwise due under ORS chapter 316 (or, if  
7 the taxpayer is a corporation, under ORS chapter 317 or 318), based upon the certified cost of the  
8 facility during the period for which that facility is certified under ORS 469.185 to 469.225. The credit  
9 is allowed as follows:

10 (a) Except as provided in paragraph (b) of this subsection, the credit allowed in each of the first  
11 two tax years in which the credit is claimed shall be 10 percent of the certified cost of the facility,  
12 but may not exceed the tax liability of the taxpayer. The credit allowed in each of the succeeding  
13 three years shall be five percent of the certified cost, but may not exceed the tax liability of the  
14 taxpayer.

15 (b) If the application for certification under ORS 469.185 to 469.225 was filed with the State  
16 Department of Energy on or after January 1, 2001, and the certified cost of the facility does not  
17 exceed \$20,000, the total amount of the credit allowable under subsection (3) of this section may be  
18 claimed in the first tax year for which the credit may be claimed, but may not exceed the tax li-  
19 ability of the taxpayer.

20 **(c) If the facility uses or produces renewable energy resources or is a renewable energy**  
21 **resource equipment manufacturing facility, the credit allowed in each of the first two tax**  
22 **years in which the credit is claimed shall be 15 percent of the certified cost of the facility,**  
23 **but may not exceed the tax liability of the taxpayer. The credit allowed in the following year**  
24 **shall be 10 percent of the certified cost of the facility, but may not exceed the tax liability**  
25 **of the taxpayer. The credit allowed in each of the succeeding two years shall be five percent**  
26 **of the certified cost of the facility, but may not exceed the tax liability of the taxpayer.**

27 (2) In order for a tax credit to be allowable under this section:

28 (a) The facility must be located in Oregon;

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 (b) The facility must have received final certification from the Director of the State Department  
2 of Energy under ORS 469.185 to 469.225; and

3 (c) The taxpayer must be an eligible applicant under ORS 469.205 (1)(c).

4 (3) The maximum total credit or credits allowed for a facility under this section to eligible tax-  
5 payers may not exceed 35 percent of the certified cost of the facility.

6 (4)(a) Upon any sale, termination of the lease or contract, exchange or other disposition of the  
7 facility, notice thereof shall be given to the Director of the State Department of Energy who shall  
8 revoke the certificate covering the facility as of the date of such disposition. The new owner, or  
9 upon re-leasing of the facility, the new lessor, may apply for a new certificate under ORS 469.215,  
10 but the tax credit available to the new owner shall be limited to the amount of credit not claimed  
11 by the former owner or, for a new lessor, the amount of credit not claimed by the lessor under all  
12 previous leases.

13 (b) The State Department of Energy may not revoke the certificate covering a facility under  
14 paragraph (a) of this subsection if the tax credit associated with the facility has been transferred  
15 to a taxpayer who is an eligible applicant under ORS 469.205 (1)(c)(A).

16 (5) Any tax credit otherwise allowable under this section that is not used by the taxpayer in a  
17 particular year may be carried forward and offset against the taxpayer's tax liability for the next  
18 succeeding tax year. Any credit remaining unused in that next succeeding tax year may be carried  
19 forward and used in the second succeeding tax year, and likewise, any credit not used in that second  
20 succeeding tax year may be carried forward and used in the third succeeding tax year, and likewise,  
21 any credit not used in that third succeeding tax year may be carried forward and used in the fourth  
22 succeeding tax year, and likewise, any credit not used in that fourth succeeding tax year may be  
23 carried forward and used in the fifth succeeding tax year, and likewise, any credit not used in that  
24 fifth succeeding tax year may be carried forward and used in the sixth succeeding tax year, and  
25 likewise, any credit not used in that sixth succeeding tax year may be carried forward and used in  
26 the seventh succeeding tax year, and likewise, any credit not used in that seventh succeeding tax  
27 year may be carried forward and used in the eighth succeeding tax year, but may not be carried  
28 forward for any tax year thereafter. Credits may be carried forward to and used in a tax year be-  
29 yond the years specified in subsection (1) of this section only as provided in this subsection.

30 (6) The credit provided by this section is not in lieu of any depreciation or amortization de-  
31 duction for the facility to which the taxpayer otherwise may be entitled for purposes of ORS chapter  
32 316, 317 or 318 for such year.

33 (7) The taxpayer's adjusted basis for determining gain or loss may not be decreased by any tax  
34 credits allowed under this section.

35 **SECTION 2.** ORS 469.185 is amended to read:

36 469.185. As used in ORS 469.185 to 469.225 and 469.878:

37 (1) "Alternative fuel vehicle" means a vehicle as defined by the Director of the State Depart-  
38 ment of Energy by rule that is used primarily in connection with the conduct of a trade or business  
39 and that is manufactured or modified to use an alternative fuel, including but not limited to elec-  
40 tricity, ethanol, methanol, gasohol and propane or natural gas, regardless of energy consumption  
41 savings.

42 (2) "Car sharing facility" means the expenses of operating a car sharing program, including but  
43 not limited to the fair market value of parking spaces used to store the fleet of cars available for  
44 a car sharing program, but does not include the costs of the fleet of cars.

45 (3) "Car sharing program" means a program in which drivers pay to become members in order

1 to have joint access to a fleet of cars from a common parking area on an hourly basis. “Car sharing  
2 program” does not include operations conducted by car rental agencies.

3 (4) “Cost” means the capital costs and expenses necessarily incurred in the acquisition, erection,  
4 construction and installation of a facility, including site development costs and expenses for a  
5 sustainable building practices facility.

6 (5) “Energy facility” means any capital investment for which the first year energy savings yields  
7 a simple payback period of greater than one year. An energy facility includes:

8 (a) Any land, structure, building, installation, excavation, machinery, equipment or device, or  
9 any addition to, reconstruction of or improvement of, land or an existing structure, building, instal-  
10 lation, excavation, machinery, equipment or device necessarily acquired, erected, constructed or in-  
11 stalled by any person in connection with the conduct of a trade or business and actually used in the  
12 processing or utilization of renewable energy resources to:

13 (A) Replace a substantial part or all of an existing use of electricity, petroleum or natural gas;

14 (B) Provide the initial use of energy where electricity, petroleum or natural gas would have been  
15 used;

16 (C) Generate electricity to replace an existing source of electricity or to provide a new source  
17 of electricity for sale by or use in the trade or business; or

18 (D) Perform a process that obtains energy resources from material that would otherwise be solid  
19 waste as defined in ORS 459.005.

20 (b) Any acquisition of, addition to, reconstruction of or improvement of land or an existing  
21 structure, building, installation, excavation, machinery, equipment or device necessarily acquired,  
22 erected, constructed or installed by any person in connection with the conduct of a trade or business  
23 in order to substantially reduce the consumption of purchased energy.

24 (c) A necessary feature of a new commercial building or multiple unit dwelling, as dwelling is  
25 defined by ORS 469.160, that causes that building or dwelling to exceed an energy performance  
26 standard in the state building code.

27 (d) The replacement of an electric motor with another electric motor that substantially reduces  
28 the consumption of electricity.

29 (6) “Facility” means an energy facility, recycling facility, transportation facility, car sharing  
30 facility, sustainable building practices facility, alternative fuel vehicle or facilities necessary to op-  
31 erate alternative fuel vehicles, including but not limited to an alternative fuel vehicle refueling  
32 station.

33 (7) “Qualified transit pass contract” means a purchase agreement entered into between a  
34 transportation provider and a person, the terms of which obligate the person to purchase transit  
35 passes on behalf or for the benefit of employees, students, patients or other individuals over a  
36 specified period of time.

37 (8) “Recycling facility” means equipment used by a trade or business solely for recycling:

38 (a) Including:

39 (A) Equipment used solely for hauling and refining used oil;

40 (B) New vehicles or modifications to existing vehicles used solely to transport used recyclable  
41 materials that cannot be used further in their present form or location such as glass, metal, paper,  
42 aluminum, rubber and plastic;

43 (C) Trailers, racks or bins that are used for hauling used recyclable materials and are added to  
44 or attached to existing waste collection vehicles; and

45 (D) Any equipment used solely for processing recyclable materials such as bailers, flatteners,

1 crushers, separators and scales.

2 (b) But not including equipment used for transporting or processing scrap materials that are  
 3 recycled as a part of the normal operation of a trade or business as defined by the director.

4 (9)(a) "Renewable energy resource" includes, but is not limited to, straw, forest slash, wood  
 5 waste or other wastes from farm or forest land, industrial waste, solar energy, wind power, water  
 6 power or geothermal energy.

7 (b) "Renewable energy resource" does not include a hydroelectric generating facility larger than  
 8 one megawatt of installed capacity unless the facility qualifies as a research, development or dem-  
 9 onstration facility.

10 **(10) "Renewable energy resource equipment manufacturing facility" means any struc-**  
 11 **ture, building, installation, excavation, machinery, equipment or device, or an addition, re-**  
 12 **construction or improvement to land or an existing structure, building, installation,**  
 13 **excavation, machinery, equipment or device, that is necessarily acquired, constructed or in-**  
 14 **stalled by a person in connection with the conduct of a trade or business, that is used pri-**  
 15 **marily to manufacture equipment, machinery or other products designed to use a renewable**  
 16 **energy resource and that meets the criteria established under section 5 of this 2007 Act.**

17 [(10)] (11) "Sustainable building practices facility" means a commercial building in which build-  
 18 ing practices that reduce the amount of energy, water or other resources needed for construction  
 19 and operation of the building are used. "Sustainable building practices facility" may be further de-  
 20 fined by the State Department of Energy by rule, including rules that establish traditional building  
 21 practice baselines in energy, water or other resource usage for comparative purposes for use in  
 22 determining whether a facility is a sustainable building practices facility.

23 [(11)] (12) "Transportation facility" means a transportation project that reduces energy use  
 24 during commuting to and from work or school, during work-related travel, or during travel to obtain  
 25 medical or other services, and may be further defined by the department by rule. "Transportation  
 26 facility" includes, but is not limited to, a qualified transit pass contract or a transportation services  
 27 contract.

28 [(12)] (13) "Transportation provider" means a public, private or nonprofit entity that provides  
 29 transportation services to members of the public.

30 [(13)] (14) "Transportation services contract" means a contract that is related to a transporta-  
 31 tion facility, and may be further defined by the department by rule.

32 **SECTION 3.** ORS 469.205 is amended to read:

33 469.205. (1) Prior to erection, construction, installation or acquisition of a proposed facility, any  
 34 person may apply to the State Department of Energy for preliminary certification under ORS 469.210  
 35 if:

36 (a) The erection, construction, installation or acquisition of the facility is to be commenced on  
 37 or after October 3, 1979;

38 (b) The facility complies with the standards or rules adopted by the Director of the State De-  
 39 partment of Energy; and

40 (c) The applicant meets one of the following criteria:

41 (A) The applicant is a person to whom a tax credit has been transferred; or

42 (B) The applicant will be the owner or contract purchaser of the facility at the time of erection,  
 43 construction, installation or acquisition of the proposed facility, and:

44 (i) The applicant is the owner, contract purchaser or lessee of a trade or business that plans to  
 45 utilize the facility in connection with Oregon property; or

1 (ii) The applicant is the owner, contract purchaser or lessee of a trade or business that plans  
 2 to lease the facility to a person who will utilize the facility in connection with Oregon property.

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

5 (a) A statement that the applicant or the lessee of the applicant's facility:

6 (A) Intends to convert from a purchased energy source to a renewable energy resource;

7 (B) Plans to acquire, construct or install a facility that will use a renewable energy resource  
 8 or solid waste instead of electricity, petroleum or natural gas;

9 (C) Plans to use a renewable energy resource in the generation of electricity for sale or to re-  
 10 place an existing or proposed use of an existing source of electricity;

11 (D) Plans to acquire, construct or install a facility that substantially reduces the consumption  
 12 of purchased energy;

13 (E) Plans to acquire, construct or install equipment for recycling as defined in ORS 469.185 (8);

14 (F) Plans to acquire an alternative fuel vehicle or to convert an existing vehicle to an alterna-  
 15 tive fuel vehicle;

16 (G) Plans to acquire, construct or install a facility necessary to operate alternative fuel vehicles;

17 (H) Plans to acquire transit passes for use by individuals specified by the applicant;

18 (I) Plans to acquire, construct or install a transportation facility;

19 (J) Plans to acquire a sustainable building practices facility; [*or*]

20 (K) Plans to acquire a car sharing facility and operate a car sharing program[.]; **or**

21 **(L) Plans to acquire, construct or install a renewable energy resource equipment manu-  
 22 facturing facility.**

23 (b) A detailed description of the proposed facility and its operation and information showing that  
 24 the facility will operate as represented in the application.

25 (c) Information on the amount by which consumption of electricity, petroleum or natural gas by  
 26 the applicant or the lessee of the applicant's facility will be reduced, and on the amount of energy  
 27 that will be produced for sale, as the result of using the facility or, if applicable, information about  
 28 the expected level of sustainable building practices facility performance.

29 (d) The projected cost of the facility.

30 (e) If applicable, a copy of the proposed qualified transit pass contract, transportation services  
 31 contract or contract for lease of parking spaces for a car sharing facility.

32 (f) Any other information the director considers necessary to determine whether the proposed  
 33 facility is in accordance with the provisions of ORS 469.185 to 469.225, and any applicable rules or  
 34 standards adopted by the director.

35 (3) An application for preliminary certification shall be accompanied by a fee established under  
 36 ORS 469.217. The director may refund the fee if the application for certification is rejected.

37 (4) The director may allow an applicant to file the preliminary application after the start of  
 38 erection, construction, installation or acquisition of the facility if the director finds:

39 (a) Filing the application before the start of erection, construction, installation or acquisition is  
 40 inappropriate because special circumstances render filing earlier unreasonable; and

41 (b) The facility would otherwise qualify for tax credit certification pursuant to ORS 469.185 to  
 42 469.225.

43 (5) A preliminary certification of a sustainable building practices facility shall be applied for and  
 44 issued as prescribed by the department by rule.

45 **SECTION 4. Section 5 of this 2007 Act is added to and made a part of ORS 469.185 to**

1 **469.225.**

2 **SECTION 5. The State Department of Energy shall establish by rule criteria for**  
 3 **renewable energy resource equipment manufacturing facilities, which shall include standards**  
 4 **relating to the types of equipment, machinery or other products being manufactured and**  
 5 **related performance and efficiency standards applicable to the manufactured products.**

6 **SECTION 6.** ORS 316.116 is amended to read:

7 316.116. (1)(a) A resident individual shall be allowed a credit against the taxes otherwise due  
 8 under this chapter for costs paid or incurred for construction or installation of an alternative energy  
 9 device in a dwelling.

10 (b) A resident individual shall be allowed a credit against the taxes otherwise due under this  
 11 chapter for costs paid or incurred to modify or purchase an alternative fuel vehicle or related  
 12 equipment.

13 (c) A resident individual shall be allowed a credit against the taxes otherwise due under this  
 14 chapter for costs paid or incurred for construction or installation of a solar electric system in a  
 15 dwelling.

16 (2)(a) Except in the case of an alternative fuel device or a solar electric system, the credit shall  
 17 be based upon the first year energy yield of the alternative energy device that qualifies under ORS  
 18 469.160 to 469.180. The amount of the credit shall be the same whether for collective or noncollec-  
 19 tive investment.

20 (b) The credit allowed under this section for each dwelling shall not exceed the lesser of:

21 (A) \$1,500 or the first year energy yield in kilowatt hours per year multiplied by 60 cents per  
 22 dwelling utilizing the alternative energy device used for space heating, cooling, electrical energy or  
 23 domestic water heating for tax years beginning on or after January 1, 1990, and before January 1,  
 24 1996.

25 (B) \$1,200 or the first year energy yield in kilowatt hours per year multiplied by 48 cents per  
 26 dwelling utilizing the alternative energy device used for space heating, cooling, electrical energy or  
 27 domestic water heating for tax years beginning on or after January 1, 1996, and before January 1,  
 28 1998.

29 (C) \$1,500 or the first year energy yield in kilowatt hours per year multiplied by 60 cents per  
 30 dwelling utilizing the alternative energy device used for space heating, cooling, electrical energy or  
 31 domestic water heating for tax years beginning on or after January 1, 1998, **and before January**  
 32 **1, 2007.**

33 **(D) \$3,000 for the first year energy yield in kilowatt hours per year multiplied by 120**  
 34 **cents per dwelling utilizing the alternative energy device used for domestic water heating for**  
 35 **tax years beginning on or after January 1, 2007.**

36 (c) For an alternative energy device used for swimming pool, spa or hot tub heating, the credit  
 37 allowed under this section shall be based upon 50 percent of the cost of the device or the first year's  
 38 energy yield in kilowatt hours per year multiplied by 15 cents, whichever is lower, up to:

39 (A) \$1,500 for tax years beginning on or after January 1, 1990, and before January 1, 1996.

40 (B) \$1,200 for tax years beginning on or after January 1, 1996, and before January 1, 1998.

41 (C) \$1,500 for tax years beginning on or after January 1, 1998.

42 (d) For an alternative fuel device, the credit allowed under this section is 25 percent of the cost  
 43 of the alternative fuel device but the total credit shall not exceed \$750 if the device is placed in  
 44 service on or after January 1, 1998.

45 (e)(A) For a solar electric system, the credit allowed under this section shall equal \$3 per watt

1 of installed output, but the installed output that is used to determine the amount of credit under this  
2 paragraph may not exceed [~~2,000~~] **5,000** watts.

3 (B) Notwithstanding subparagraph (A) of this paragraph, the amount of the credit allowed in any  
4 one tax year may not exceed the tax liability of the taxpayer or [~~\$1,500~~] **\$3,750**, whichever is less.  
5 Unused credit amounts may be carried forward as provided in subsection (7) of this section, but may  
6 not be carried forward to a tax year that is more than five tax years following the first tax year for  
7 which any credit was allowed with respect to the solar electric system that is the basis for the  
8 credit.

9 (C) Notwithstanding subparagraph (A) of this paragraph, the total amount of the credit allowed  
10 under this paragraph may not exceed 50 percent of the total installed cost of the solar electric  
11 system.

12 (3)(a) In the case of a credit for an alternative energy device that is an energy efficient appli-  
13 cance, the credit allowed to a resident individual under this section shall equal:

14 (A) 48 cents per first year kilowatt hour saved, or the equivalent for other fuel saved, not to  
15 exceed \$1,200 for each tax year beginning on or after January 1, 1998, and before January 1, 1999;  
16 and

17 (B) 40 cents per kilowatt hour saved, or the equivalent for other fuel saved, not to exceed \$1,000  
18 for each tax year beginning on or after January 1, 1999.

19 (b) Notwithstanding paragraph (a) of this subsection, the credit allowed for an energy efficient  
20 appliance shall not exceed 25 percent of the cost of the appliance.

21 (4) To qualify for a credit under this section, all of the following are required:

22 (a) The alternative energy device or solar electric system must be purchased, constructed, in-  
23 stalled and operated in accordance with ORS 469.160 to 469.180 and a certificate issued thereunder.

24 (b) Except for credits claimed for alternative fuel devices, the taxpayer who is allowed the credit  
25 must be the owner or contract purchaser of the dwelling or dwellings served by the alternative en-  
26 ergy device or solar electric system or the tenant of the owner or of the contract purchaser and  
27 must:

28 (A) Use the dwelling or dwellings served by the alternative energy device or solar electric sys-  
29 tem as a principal or secondary residence; or

30 (B) Rent or lease, under a residential rental agreement, the dwelling or dwellings to a tenant  
31 who uses the dwelling or dwellings as a principal or secondary residence, unless the basis for the  
32 credit is the installation of an energy efficient appliance. If the basis for the credit is the installation  
33 of an energy efficient appliance, the credit shall be allowed only to the taxpayer who actually oc-  
34 cupies the dwelling as a principal or secondary residence.

35 (c) In the case of an alternative fuel device, if the device is a fueling station necessary to op-  
36 erate an alternative fuel vehicle, unless the verification form and certificate are transferred as au-  
37 thorized under ORS 469.170 (8), the taxpayer who is allowed the credit must be the contractor who  
38 constructs the dwelling that incorporates the fueling station into the dwelling or installs the fueling  
39 station in the dwelling. If the alternative energy device is an alternative fuel vehicle, the credit must  
40 be claimed by the owner as defined under ORS 801.375 or contract purchaser. If the alternative  
41 energy device is related equipment, the credit may be claimed by the owner or contract purchaser.

42 (d) The credit must be claimed for the tax year in which the alternative energy device or solar  
43 electric system was purchased if the device or system is operational by April 1 of the next following  
44 tax year.

45 (5) The credit provided by this section does not affect the computation of basis under this

1 chapter.

2 (6) The credit allowed under this section in any one year may not exceed the tax liability of the  
3 taxpayer.

4 (7) Any tax credit otherwise allowable under this section that is not used by the taxpayer in a  
5 particular year may be carried forward and offset against the taxpayer's tax liability for the next  
6 succeeding tax year. Any credit remaining unused in the next succeeding tax year may be carried  
7 forward and used in the second succeeding tax year, and likewise any credit not used in that second  
8 succeeding tax year may be carried forward and used in the third succeeding tax year, and any  
9 credit not used in that third succeeding tax year may be carried forward and used in the fourth  
10 succeeding tax year, and any credit not used in that fourth succeeding tax year may be carried  
11 forward and used in the fifth succeeding tax year, but may not be carried forward for any tax year  
12 thereafter.

13 (8) A nonresident shall be allowed the credit under this section in the proportion provided in  
14 ORS 316.117.

15 (9) If a change in the taxable year of a taxpayer occurs as described in ORS 314.085, or if the  
16 Department of Revenue terminates the taxpayer's taxable year under ORS 314.440, the credit al-  
17 lowed by this section shall be prorated or computed in a manner consistent with ORS 314.085.

18 (10) If a change in the status of a taxpayer from resident to nonresident or from nonresident to  
19 resident occurs, the credit allowed by this section shall be determined in a manner consistent with  
20 ORS 316.117.

21 (11) A husband and wife who file separate returns for a taxable year may each claim a share  
22 of the tax credit that would have been allowed on a joint return in proportion to the contribution  
23 of each. However, a husband or wife living in a separate principal residence may claim the tax  
24 credit in the same amount as permitted a single person.

25 (12) As used in this section, unless the context requires otherwise:

26 (a) "Collective investment" means an investment by two or more taxpayers for the acquisition,  
27 construction and installation of an alternative energy device for one or more dwellings.

28 (b) "First year energy yield" has the meaning given in ORS 469.160.

29 (c) "Noncollective investment" means an investment by an individual taxpayer for the acqui-  
30 sition, construction and installation of an alternative energy device for one or more dwellings.

31 (13) As used in this section, "taxpayer" includes a transferee of a verification form under ORS  
32 469.170 (8).

33 (14) Notwithstanding any provision of subsection (1) or (2) of this section, the sum of the credit  
34 allowed under subsection (1) of this section plus any similar credit allowed for federal income tax  
35 purposes shall not exceed the cost to the taxpayer for the acquisition, construction and installation  
36 of the alternative energy device or solar electric system.

37 **SECTION 7. Section 5 of this 2007 Act and the amendments to ORS 315.354, 316.116,**  
38 **469.185 and 469.205 by sections 1 to 3 and 6 of this 2007 Act apply to facilities and alternative**  
39 **energy devices acquired, erected, constructed or installed on or after January 1, 2007, and**  
40 **to tax years beginning on or after January 1, 2007.**

41 **SECTION 8. This 2007 Act takes effect on the 91st day after the date on which the reg-**  
42 **ular session of the Seventy-fourth Legislative Assembly adjourns sine die.**