

# House Bill 2894

Sponsored by COMMITTEE ON ENERGY AND ENVIRONMENT

## 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**.

For purposes of tax credits for energy conservation projects, increases amount of eligible cost for which credit may be claimed using informational filing system in place of certification and for which entire credit may be claimed in first allowable tax year.

Allows entire tax credit for transportation project to be claimed in first allowable tax year.

Directs State Treasurer to establish terms for transfer of tax credits. Allows State Treasurer to consider discount rates of other transferable tax credits in establishing terms for transfers.

Applies to tax years beginning on or after January 1, 2014.

Includes replacement of alternative fuel vehicle fleet in definition of transportation project for which tax credit may be claimed. Applies to tax years beginning on or after January 1, 2015.

Takes effect on 91st day following adjournment sine die.

## A BILL FOR AN ACT

1  
2 Relating to energy incentive programs; creating new provisions; amending ORS 285C.549, 315.331,  
3 315.336, 469B.106, 469B.109, 469B.148, 469B.154, 469B.276, 469B.285, 469B.320 and 469B.323; and  
4 prescribing an effective date.

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

6 **SECTION 1.** ORS 315.331 is amended to read:

7 315.331. (1) A credit is allowed against the taxes otherwise due under ORS chapter 316 or, if the  
8 taxpayer is a corporation, under ORS chapter 317 or 318, for an energy conservation project that  
9 is certified under ORS 469B.270 to 469B.306. The credit 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 certified cost of the facility does not exceed [~~\$20,000~~] **\$50,000**, the total amount of the  
16 credit allowable under subsection (3) of this section may be claimed in the first tax year for which  
17 the credit may be claimed, but may not exceed the tax liability of the taxpayer.

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

19 (a) The project must be located in Oregon.

20 (b) The project must have received final certification from the Director of the State Department  
21 of Energy under ORS 469B.270 to 469B.306.

22 (c) If the project is a research and development project, it must receive, prior to certification  
23 under ORS 469B.288, a recommendation from a qualified third party selected by the director.

24 (d) If the project is new construction or a total building retrofit, then the project must achieve,  
25 at a minimum, the energy efficiency standards required for:

26 (A) LEED Platinum certification;

27 (B) A four globes rating from the Green Globes program;

**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 (C) A nationally or regionally recognized and appropriate sustainable building program whose  
2 performance standards are equivalent to the standards required for LEED Platinum certification or  
3 a four globes rating from the Green Globes program, as determined by the department; or

4 (D) Verification that the construction conformed to the standards of the Reach Code adopted  
5 pursuant to ORS 455.500.

6 (3) The total amount of credit allowable to an eligible taxpayer under this section may not ex-  
7 ceed 35 percent of the certified cost of the project.

8 (4)(a) Upon any sale, termination of the lease or contract, exchange or other disposition of the  
9 project, notice thereof shall be given to the director, who shall revoke the certificate covering the  
10 project as of the date of such disposition.

11 (b) A new owner, or, upon re-leasing of the project, a new lessee, may apply for a new certificate  
12 under ORS 469B.291. The new lessee or owner must meet the requirements of ORS 469B.270 to  
13 469B.306 and may claim a tax credit under this section only if all moneys owed by the new owner  
14 or lessee to the State of Oregon have been paid, if the project continues to operate and if all con-  
15 ditions in the final certification are met. The tax credit available to the new owner shall be limited  
16 to the amount of credit not claimed by the former owner or, for a new lessee, the amount of credit  
17 not claimed by the lessee under all previous leases. The State Department of Energy may waive the  
18 requirement that a new owner or lessee apply for a new certificate under ORS 469B.291 if the re-  
19 maining credit is less than \$20,000.

20 (c) The department may not revoke the certificate covering a project under paragraph (a) of this  
21 subsection if the tax credit associated with the project has been transferred to a taxpayer who is  
22 an eligible applicant under ORS 469B.285.

23 (5) The tax credit allowed under this section for any one tax year may not exceed the tax li-  
24 ability of the taxpayer.

25 (6) Any tax credit otherwise allowable under this section that is not used by the taxpayer in a  
26 particular year may be carried forward and offset against the taxpayer's tax liability for the next  
27 succeeding tax year. Any credit remaining unused in that next succeeding tax year may be carried  
28 forward and used in the second succeeding tax year, and likewise, any credit not used in that second  
29 succeeding tax year may be carried forward and used in the third succeeding tax year, and likewise,  
30 any credit not used in that third succeeding tax year may be carried forward and used in the fourth  
31 succeeding tax year, and likewise, any credit not used in that fourth succeeding tax year may be  
32 carried forward and used in the fifth succeeding tax year, but may not be carried forward for any  
33 tax year thereafter. Credits may be carried forward to and used in a tax year beyond the years  
34 specified in subsection (1) of this section only as provided in this subsection.

35 (7) The credit allowed under this section is not in lieu of any depreciation or amortization de-  
36 duction for the project to which the taxpayer otherwise may be entitled for purposes of ORS chapter  
37 316, 317 or 318 for such year.

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

40 (9) The definitions in ORS 469B.270 apply to this section.

41 **SECTION 2.** ORS 469B.285, as amended by section 21, chapter 45, Oregon Laws 2012, is  
42 amended to read:

43 469B.285. (1) Prior to the installation or construction of an energy conservation project, any  
44 person may apply to the State Department of Energy for preliminary certification under ORS  
45 469B.288 if:

1 (a) The project complies with the standards adopted by the Director of the State Department  
2 of Energy; and

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

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

7 (a) A statement that the applicant plans to acquire, construct or install a project that substan-  
8 tially reduces the consumption of purchased energy or uses energy more efficiently.

9 (b) A detailed description of the project and its operation and information showing that the  
10 project will operate as represented in the application and remain in operation for at least five years,  
11 unless the director by rule specifies another period of operation.

12 (c) Information on the amount by which consumption of purchased energy by the applicant will  
13 be reduced, and, if applicable, information about the expected level of sustainable building practices  
14 project performance.

15 (d) The anticipated total project cost.

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

18 (A) Created by the project; and

19 (B) Sustained throughout the construction, installation and operation of the project.

20 (f) Information demonstrating that the project will comply with applicable state and local laws  
21 and regulations and obtain required licenses and permits.

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

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

25 (i) Any other information the director considers necessary to determine whether the project is  
26 in accordance with the provisions of ORS 469B.270 to 469B.306, and any applicable rules or stan-  
27 dards adopted by the director.

28 (3) An application for preliminary certification shall be accompanied by a fee established under  
29 ORS 469B.294. The director may refund all or a portion of the fee if the application for certification  
30 is rejected.

31 (4) The director may allow an applicant to file the application for preliminary certification after  
32 the start of installation or construction of the project if the director finds that:

33 (a) Filing the application before the start of installation or construction is inappropriate because  
34 special circumstances render filing earlier unreasonable; and

35 (b) The project would otherwise qualify for certification under ORS 469B.270 to 469B.306.

36 (5) The director may, by rule, waive preliminary certification under ORS 469B.288, or may es-  
37 tablish an informational filing system in place of preliminary certification, for projects that:

38 (a) Have eligible costs of less than ~~[\$20,000]~~ **\$50,000**;

39 (b) Consist of measures that the director determines to be eligible for waiver of preliminary  
40 certification; and

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

42 (6) A preliminary certification shall remain valid for a period of three calendar years after the  
43 date on which the preliminary certification is issued by the director, after which the certification  
44 becomes invalid even if:

45 (a) The applicant is awaiting identification of a pass-through partner; or

1 (b) The preliminary certification has been amended.

2 **SECTION 3.** ORS 315.336, as amended by section 6, chapter 45, Oregon Laws 2012, is amended  
3 to read:

4 315.336. (1) A credit is allowed against the taxes otherwise due under ORS chapter 316 or, if the  
5 taxpayer is a corporation, under ORS chapter 317 or 318, for a transportation project, based upon  
6 the certified cost of the project during the period for which the project is certified under ORS  
7 469B.320 to 469B.347.

8 (2) The credit allowed for a project other than an alternative fuel vehicle infrastructure project  
9 shall be as follows:

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

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

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

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

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

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

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

24 (3) The total amount of the credit allowable for an alternative fuel vehicle infrastructure project  
25 under this section may not exceed 35 percent of the certified cost of the project.

26 (4)[(a) *Except as provided in paragraph (b) of this subsection, the credit allowed in each of the first*  
27 *two tax years in which the credit is claimed shall be 10 percent of the certified cost of the project, but*  
28 *may not exceed the tax liability of the taxpayer. The credit allowed in each of the succeeding three*  
29 *years shall be five percent of the certified cost, but may not exceed the tax liability of the taxpayer.]*

30 [(b) *If the amount of the credit allowed under this section is less than 35 percent of the certified*  
31 *cost of the project, the credit allowed in any tax year may not exceed five percent of the certified cost*  
32 *of the project, and]*

33 **The total amount of the credit allowable under this section may be claimed**  
34 **in the first tax year for which the credit may be claimed, but** may not exceed the tax liability  
35 of the taxpayer.

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

36 (a) The project must be located in Oregon.

37 (b) The project must have received final certification from the Director of the State Department  
38 of Energy under ORS 469B.320 to 469B.347.

39 (6) Any tax credit otherwise allowable under this section that is not used by the taxpayer in a  
40 particular year may be carried forward and offset against the taxpayer's tax liability for the next  
41 succeeding tax year. Any credit remaining unused in that next succeeding tax year may be carried  
42 forward and used in the second succeeding tax year, and likewise, any credit not used in that second  
43 succeeding tax year may be carried forward and used in the third succeeding tax year, and likewise,  
44 any credit not used in that third succeeding tax year may be carried forward and used in the fourth  
45 succeeding tax year, and likewise, any credit not used in that fourth succeeding tax year may be

1 carried forward and used in the fifth succeeding tax year, but may not be carried forward for any  
 2 tax year thereafter. Credits may be carried forward to and used in a tax year beyond the years  
 3 specified in subsection (2) of this section only as provided in this subsection.

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

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

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

10 **SECTION 4.** ORS 469B.106, as amended by section 13, chapter 45, Oregon Laws 2012, is  
 11 amended to read:

12 469B.106. (1) Subject to the limitations in section 75, chapter 730, Oregon Laws 2011, any person  
 13 may claim a tax credit under ORS 316.116 (or ORS 317.115, if the person is a corporation) if the  
 14 person:

15 (a) Meets the requirements of ORS 316.116 (or ORS 317.115, if applicable);

16 (b) Meets the requirements of ORS 469B.100 to 469B.118; and

17 (c) Pays, subject to subsection (10) of this section, all or a portion of the costs of an alternative  
 18 energy device.

19 (2) A credit under ORS 317.115 may be claimed only if the alternative energy device is a fueling  
 20 station necessary to operate an alternative fuel vehicle.

21 (3)(a) In order to be eligible for a tax credit under ORS 316.116 or 317.115, a person claiming a  
 22 tax credit for construction or installation of an alternative energy device (including a fueling sta-  
 23 tion) shall have the device certified by the State Department of Energy or constructed or installed  
 24 by a contractor certified by the department under subsection (5) of this section. This paragraph does  
 25 not apply to an alternative fuel vehicle or to related equipment.

26 (b) Certification of an alternative fuel vehicle or related equipment shall be accomplished under  
 27 rules that shall be adopted by the Director of the State Department of Energy.

28 (4) Verification of the purchase, construction or installation of an alternative energy device  
 29 shall be made in writing on a form provided by the Department of Revenue and, if applicable, shall  
 30 contain:

31 (a) The location of the alternative energy device;

32 (b) A description of the type of device;

33 (c) If the device was constructed or installed by a contractor, evidence that the contractor has  
 34 any license, bond, insurance and permit required to sell and construct or install the alternative en-  
 35 ergy device;

36 (d) If the device was constructed or installed by a contractor, a statement signed by the con-  
 37 tractor that the applicant has received:

38 (A) A statement of the reasonably expected energy savings of the device;

39 (B) A copy of consumer information published by the State Department of Energy;

40 (C) An operating manual for the alternative energy device; and

41 (D) A copy of the contractor's certification certificate or alternative energy device system cer-  
 42 tificate for the alternative energy device, as appropriate;

43 (e) If the device was not constructed or installed by a contractor, evidence that:

44 (A) The State Department of Energy has issued an alternative energy device system certificate  
 45 for the alternative energy device; and

1 (B) The taxpayer has obtained all building permits required for construction or installation of  
 2 the device;

3 (f) A statement, signed by both the taxpayer claiming the credit and the contractor if the device  
 4 was constructed or installed by a contractor, that the construction or installation meets all the re-  
 5 quirements of ORS 469B.100 to 469B.118 or, if the device is a fueling station and the taxpayer is the  
 6 contractor, a statement signed by the contractor that the construction or installation meets all of  
 7 the requirements of ORS 469B.100 to 469B.118;

8 (g) The date the alternative energy device was purchased by the residential property owner, or,  
 9 for a third-party alternative energy device installation, the date that the residential property owner  
 10 and the alternative energy device owner signed a contract;

11 (h) The date the alternative energy device was placed in service; and

12 (i) Any other information that the Director of the State Department of Energy or the Depart-  
 13 ment of Revenue determines is necessary.

14 (5)(a) When the State Department of Energy finds that an alternative energy device can meet  
 15 the standards adopted under ORS 469B.103, the Director of the State Department of Energy may  
 16 issue a contractor system certification to the person selling and constructing or installing the al-  
 17 ternative energy device.

18 (b) Any person who sells or installs more than 12 alternative energy devices in one year shall  
 19 apply for a contractor system certification. An application for a contractor system certification shall  
 20 be made in writing on a form provided by the State Department of Energy and shall contain:

21 (A) A statement that the contractor has any license, bonding, insurance and permit that is re-  
 22 quired for the sale and construction or installation of the alternative energy device;

23 (B) A specific description of the alternative energy device, including, but not limited to, the  
 24 material, equipment and mechanism used in the device, operating procedure, sizing and siting  
 25 method and construction or installation procedure;

26 (C) The addresses of three installations of the device that are available for inspection by the  
 27 State Department of Energy;

28 (D) The range of installed costs to purchasers of the device;

29 (E) Any important construction, installation or operating instructions; and

30 (F) Any other information that the State Department of Energy determines is necessary.

31 (c) A new application for contractor system approval shall be filed when there is a change in  
 32 the information supplied under paragraph (b) of this subsection.

33 (d) The State Department of Energy may issue contractor system certificates to each contractor  
 34 who on October 3, 1989, has a valid dealer system certification, which shall authorize the sale and  
 35 installation of the same domestic water heating alternative energy devices authorized by the dealer  
 36 certification.

37 (e) If the State Department of Energy finds that an alternative energy device can meet the  
 38 standards adopted under ORS 469B.103, the Director of the State Department of Energy may issue  
 39 an alternative energy device system certificate to the taxpayer constructing or installing or having  
 40 an alternative energy device constructed or installed.

41 (f) An application for an alternative energy device system certificate shall be made in writing  
 42 on a form provided by the State Department of Energy and shall contain:

43 (A) A specific description of the alternative energy device, including, but not limited to, the  
 44 material, equipment and mechanism used in the device, operating procedure, sizing, siting method  
 45 and construction or installation procedure;

1 (B) The constructed or installed cost of the device; and

2 (C) A statement that the taxpayer has all permits required for construction or installation of the  
3 device.

4 (6) Prior to commencing installation of alternative energy devices, installers of third-party al-  
5 ternative energy device installations must apply to the State Department of Energy to reserve  
6 credits on behalf of owners of residential property. Installers may reserve credit for no more than  
7 25 installations under this subsection in one application.

8 (7) To claim the tax credit, the verification form described in subsection (4) of this section shall  
9 be submitted with the taxpayer's tax return for the year the alternative energy device is placed in  
10 service or the immediately succeeding tax year. A copy of the contractor's certification certificate,  
11 alternative energy device system certificate or alternative fuel vehicle or related equipment certif-  
12 icate also shall be submitted.

13 (8) The verification form and contractor's certificate, alternative energy device system certif-  
14 icate or alternative fuel vehicle or related equipment certificate described under this section shall  
15 be effective for purposes of tax relief allowed under ORS 316.116 or 317.115.

16 (9) The verification form and contractor's certificate described under this section may be  
17 transferred to the first purchaser of a dwelling or, in the case of construction or installation of a  
18 fueling station in an existing dwelling, the current owner, who intends to use or is using the  
19 dwelling as a principal or secondary residence.

20 (10) Any person that pays the present value of the tax credit for an alternative energy device  
21 provided under ORS 316.116 or 317.115 and 469B.100 to 469B.118 to the person who constructs or  
22 installs the alternative energy device shall be entitled to claim the credit in the manner and subject  
23 to rules adopted by the Department of Revenue to carry out the purposes of this subsection. The  
24 State [*Department of Energy may*] **Treasurer shall** establish by rule uniform discount rates to be  
25 used in calculating the present value of a tax credit under this subsection.

26 **SECTION 5.** ORS 469B.109, as amended by section 13a, chapter 45, Oregon Laws 2012, is  
27 amended to read:

28 469B.109. (1) The owner of an alternative fuel vehicle as defined in ORS 469B.100 may transfer  
29 a tax credit otherwise allowed under ORS 316.116 for cost of the vehicle in exchange for a cash  
30 payment equal to the present value of the potential tax credit, as determined at the time of the ap-  
31 plication for preliminary certification.

32 (2) The State [*Department of Energy may*] **Treasurer shall** establish by rule uniform discount  
33 rates to be used in the calculation required under this section.

34 **SECTION 6.** ORS 469B.154 is amended to read:

35 469B.154. (1) The owner of a rental housing unit may transfer a tax credit for energy conser-  
36 vation measures installed in rental housing units under ORS 469B.151 in exchange for a cash pay-  
37 ment equal to the present value of the tax credit. To be eligible for a transfer, the energy  
38 conservation measures must have been recommended in an energy audit as provided in ORS 469.633,  
39 469.651 or 469.675.

40 (2) The State [*Department of Energy*] **Treasurer** may establish by rule uniform discount rates  
41 to be used in calculating the present value of a tax credit under this section.

42 **SECTION 7.** ORS 285C.549 is amended to read:

43 285C.549. (1) The owner, contract purchaser or lessee of a renewable energy resource equipment  
44 manufacturing facility may transfer a tax credit for the facility in exchange for a cash payment  
45 equal to the present value of the tax credit.

1 (2) The *[Director of the Oregon Business Development Department]* **State Treasurer** shall estab-  
 2 lish by rule a formula to be employed in the determination of prices of credits transferred under this  
 3 section. In establishing the formula the *[department]* **State Treasurer** shall incorporate inflation  
 4 projections and market real rate of return **and may consider discount rates of other transferable**  
 5 **tax credits.**

6 (3) The *[director]* **State Treasurer** shall recalculate credit transfer prices quarterly, employing  
 7 the formula established under subsection (2) of this section.

8 **SECTION 8.** ORS 469B.148, as amended by section 23a, chapter 45, Oregon Laws 2012, is  
 9 amended to read:

10 469B.148. (1) The owner of a facility may transfer a tax credit for the facility in exchange for  
 11 a cash payment equal to the present value of the potential tax credit, as determined at the time of  
 12 the application for preliminary certification.

13 (2) The State *[Department of Energy]* **Treasurer** shall establish by rule a formula to be employed  
 14 in the determination of prices of credits transferred under this section. In establishing the formula  
 15 the *[department]* **State Treasurer** shall incorporate inflation projections and market real rate of  
 16 return **and may consider discount rates of other transferable tax credits.**

17 (3) The *[department]* **State Treasurer** shall recalculate credit transfer prices quarterly, em-  
 18 ploying the formula established under subsection (2) of this section.

19 (4) Notwithstanding any other provision of law, a tax credit transferred pursuant to this section  
 20 does not decrease the amount of taxes required to be reported by a public utility.

21 **SECTION 9.** ORS 469B.276, as amended by section 20, chapter 45, Oregon Laws 2012, is  
 22 amended to read:

23 469B.276. (1) The owner of a project may transfer a tax credit for the project in exchange for  
 24 a cash payment equal to the present value of the potential tax credit, as determined at the time of  
 25 the application for preliminary certification.

26 (2) The State *[Department of Energy]* **Treasurer** shall establish by rule a formula to be employed  
 27 in the determination of prices of credits transferred under this section. In establishing the formula  
 28 the *[department]* **State Treasurer** shall incorporate inflation projections and market real rate of  
 29 return **and may consider discount rates of other transferable tax credits.**

30 (3) The *[department]* **State Treasurer** shall recalculate credit transfer prices quarterly, em-  
 31 ploying the formula established under subsection (2) of this section.

32 **SECTION 10.** ORS 469B.323 is amended to read:

33 469B.323. (1) The owner of a transportation project may transfer a tax credit for the project in  
 34 exchange for a cash payment equal to the present value of the tax credit.

35 (2) The State *[Department of Energy]* **Treasurer** shall establish by rule a formula to be employed  
 36 in the determination of prices of credits transferred under this section. In establishing the formula  
 37 the *[department]* **State Treasurer** shall incorporate inflation projections and market real rate of  
 38 return **and may consider discount rates of other transferable tax credits.**

39 (3) The *[department]* **State Treasurer** shall recalculate credit transfer prices quarterly, em-  
 40 ploying the formula established under subsection (2) of this section.

41 **SECTION 11.** ORS 469B.320, as amended by section 7, chapter 45, Oregon Laws 2012, is  
 42 amended to read:

43 469B.320. As used in ORS 315.336 and 469B.320 to 469B.347:

44 (1) "Alternative fuel vehicle infrastructure project" includes a facility for mixing, storing, com-  
 45 pressing or dispensing fuels for alternative fuel vehicles, and any other necessary and reasonable



1 equipment.

2 (2) "Cost" includes capital expenditures and core expenses such as vehicle repair, fuel, personnel  
3 and administrative expenses.

4 (3) "Transportation project" means:

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

8 (b) An alternative fuel vehicle infrastructure project; or

9 (c) **Replacement of an alternative fuel vehicle fleet.**

10 **SECTION 12.** (1) **The amendments to ORS 285C.549, 315.331, 315.336, 469B.106, 469B.109,**  
11 **469B.148, 469B.154, 469B.276, 469B.285 and 469B.323 by sections 1 to 10 of this 2013 Act apply**  
12 **to tax years beginning on or after January 1, 2014.**

13 (2) **The amendments to ORS 469B.320 by section 11 of this 2013 Act apply to tax years**  
14 **beginning on or after January 1, 2015.**

15 **SECTION 13.** **This 2013 Act takes effect on the 91st day after the date on which the 2013**  
16 **regular session of the Seventy-seventh Legislative Assembly adjourns sine die.**

17