

By: Representatives Franks, Reeves,  
Rotenberry

To: Ways and Means

COMMITTEE SUBSTITUTE  
FOR  
HOUSE BILL NO. 879

1 AN ACT TO REQUIRE ANY MOTOR VEHICLES PURCHASED BY A STATE  
2 AGENCY, DEPARTMENT, INSTITUTION OR AGENCY TO MEET THE FEDERAL  
3 CORPORATE AVERAGE FUEL ECONOMY (CAFE) STANDARDS OR TO CONTAIN A  
4 HYBRID GAS-ELECTRIC MOTOR OR A MOTOR EQUIPPED FOR USING  
5 ALTERNATIVE FUELS; TO REQUIRE A STATE AGENCY, DEPARTMENT,  
6 INSTITUTION OR AGENCY TO PURCHASE A CERTAIN PERCENTAGE OF SUCH  
7 VEHICLES BY THE SCHEDULED TIME SPECIFIED IN THIS ACT; TO PROVIDE  
8 AN INCOME TAX CREDIT FOR CERTAIN TAXPAYERS WHO PURCHASE NEW HYBRID  
9 ELECTRIC VEHICLES; TO LIMIT THE AMOUNT OF THE TAX CREDIT TO  
10 FEDERAL LIMITS OR THE AMOUNT OF INCOME TAX IMPOSED UPON THE  
11 TAXPAYER FOR THE TAXABLE YEAR REDUCED BY THE SUM OF ALL OTHER  
12 CREDITS ALLOWABLE TO THE TAXPAYER UNDER THE STATE INCOME TAX LAWS;  
13 TO PROVIDE THAT ANY UNUSED PORTION OF THE TAX CREDIT MAY BE  
14 CARRIED FORWARD FOR THE NEXT FIVE SUCCEEDING TAX YEARS; TO PROVIDE  
15 INCOME TAX CREDITS TO THOSE WHO BUILD NEW BUILDINGS OR  
16 REHABILITATE OLD BUILDINGS IN ACCORDANCE WITH THE UNITED STATES  
17 GREEN BUILDING COUNCIL; TO CLARIFY THAT THE OFFICE OF THE ATTORNEY  
18 GENERAL IS TO MONITOR PETROLEUM BASED FUEL PRICES THROUGHOUT THE  
19 STATE; AND FOR RELATED PURPOSES.

20 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

21 **SECTION 1.** (1) Beginning July 1, 2007, any motor vehicle  
22 purchased or leased by any state department, institution or agency  
23 shall meet the federal Corporate Average Fuel Economy (CAFE)  
24 Standards or contain a hybrid motor powered by a combination of  
25 gasoline and electricity or a motor equipped for using an  
26 alternative fuel. For purposes of this section, the term  
27 "alternative fuel" means compressed natural gas, liquefied  
28 petroleum gas, reformulated gasoline, methanol, ethanol,  
29 electricity, and any other fuel which meet or exceed federal Clean  
30 Air Act standards.

31 (2) All state departments, institutions or agencies shall  
32 achieve the following percentages of replacement vehicles that  
33 exceed twenty-five (25) miles per gallon, contain a hybrid motor  
34 powered by a combination of gasoline and electricity, or a motor  
35 equipped for using alternative fuels, by the times specified:

36 (a) The percentage shall be equal to or greater than  
37 twenty percent (20%) of the number of the department's,  
38 institution's or agency's fleet vehicles operated by January 1,  
39 2009.

40 (b) The percentage shall be equal to or greater than  
41 thirty percent (30%) of the number of the department's,  
42 institution's or agency's fleet vehicles operated by January 1,  
43 2010.

44 (c) The percentage shall be equal to or greater than  
45 fifty percent (50%) of the number of the department's,  
46 institution's or agency's fleet vehicles operated by January 1,  
47 2012.

48 (3) The State Auditor in its annual report to the Senate and  
49 House Conservation and Water Committees and the Joint Legislative  
50 Budget Committee shall show the progress in achieving the  
51 percentage requirements prescribed in paragraph (b).

52 **SECTION 2.** (1) For the purposes of this section, the term  
53 "hybrid electric vehicle" means a private carrier of passengers or  
54 light carrier of property, as defined in Section 27-51-101, that:

55 (a) Meets all applicable federal and state regulatory  
56 requirements;

57 (b) Meets the current vehicle exhaust standard set  
58 under the National Low-Emission Vehicle Program for gasoline  
59 powered passenger cars; and

60 (c) Draws propulsion energy from the following sources:

61 (i) An internal combustion engine or heat engine  
62 using any combustible fuel; and

63 (ii) An onboard rechargeable energy storage  
64 system.

65 (2) Subject to the provisions of this section, any taxpayer  
66 who purchases a new hybrid electric vehicle without the intent to  
67 resell the vehicle and who does not resell the vehicle within five  
68 (5) years from the date of purchase shall be entitled to a credit

69 against the taxes imposed by this chapter in an amount equal to  
70 the amount established by federal law or the amount of income tax  
71 imposed upon the taxpayer for the taxable year reduced by the sum  
72 of all other credits allowable to the taxpayer under the state  
73 income tax laws, except credit for tax payments made by or on  
74 behalf of the taxpayer. In the case of married individuals filing  
75 separate returns, each person may claim an amount not to exceed  
76 one-half (1/2) of the tax credit that would have been allowed for  
77 a joint return. The tax credit is available only for the taxable  
78 year during which the hybrid electric vehicle was purchased, and a  
79 hybrid electric vehicle may qualify for the credit only one (1)  
80 time. To the extent that the allowable tax credit exceeds the  
81 amount of the taxpayer's liability for the taxable year, the  
82 unused portion of the tax credit may be carried forward for the  
83 next five (5) succeeding tax years until the full amount of the  
84 tax credit has been used.

85 (3) No person who receives a credit under the provisions of  
86 this section shall alter the vehicle for which a credit is  
87 received in any manner that changes the vehicle to such a  
88 condition that the vehicle is no longer a hybrid-electric vehicle.

89 **SECTION 3.** Section 2 of this act shall be codified as a  
90 separate section in Chapter 7, Title 27, Mississippi Code of 1972.

91 **SECTION 4.** (1) As used in this section, the following words  
92 shall have the meanings ascribed herein unless the context clearly  
93 requires otherwise:

94 (a) "Department" means the Department of Environmental  
95 Quality.

96 (b) (i) "Allowable costs" means amounts that are paid  
97 or incurred on or after July 1, 2007, for construction or  
98 rehabilitation, commissioning costs, interest paid or incurred  
99 during the construction or rehabilitation period, architectural,  
100 engineering or other fees able to be allocated to construction or  
101 rehabilitation, closing costs for construction, rehabilitation, or

102 mortgage loans, recording taxes and filing fees incurred with  
103 respect to construction or rehabilitation, finishes and  
104 furnishings consistent with the regulations adopted by the  
105 department under this section, lighting, plumbing, electrical  
106 wiring, and ventilation.

107 (ii) "Allowable costs" does not include: the cost  
108 of telephone systems and computers, other than electrical wiring  
109 costs, legal fees allocable to construction or rehabilitation,  
110 site costs, including temporary electric wiring, scaffolding,  
111 demolition costs, and fencing and security facilities, finishes or  
112 furnishings that are not consistent with the regulations adopted  
113 by the department under this section, the cost of purchasing or  
114 installing fuel cells, wind turbines, or photovoltaic module.

115 (c) "Applicable energy efficiency standards" means  
116 ASHRAE/IESNA Standard 90.1-1999, Energy Standard for Buildings  
117 Except Low-Rise Residential Buildings, published by the American  
118 Society of Heating, Refrigerating and Air-Conditioning Engineers  
119 and the Leadership in Energy and Environmental Design (LEED) Green  
120 Building Rating System and any applicable standard established by  
121 the federal Department of Energy.

122 (d) "Base building" means all areas of a building not  
123 intended for occupancy by a tenant or owner, including the  
124 structural components of the building, exterior walls, floors,  
125 windows, roofs, foundations, chimneys and stacks, parking areas,  
126 mechanical rooms and mechanical systems, and owner-controlled or  
127 operated service spaces, sidewalks, main lobby, shafts and  
128 vertical transportation mechanisms, stairways, and corridors.

129 (e) "Commissioning" has the following meanings: (i) the  
130 testing and fine-tuning of heat, ventilating, and air-conditioning  
131 systems and other systems to assure proper functioning and  
132 adherence to design criteria; and (ii) the preparation of system  
133 operation manuals and instruction of maintenance personnel.

134           (f) "Credit allowance year" means the later of: (i)  
135 the taxable year during which the property, construction,  
136 completion, or rehabilitation on which the credit allowed under  
137 this section is based is originally placed in service; or a fuel  
138 cell, wind turbine, or photovoltaic module constitutes a  
139 qualifying alternate energy source and is fully operational;  
140 or the earliest taxable year for which the credit may be claimed  
141 under the initial credit certificate issued under subsection (k)  
142 of this section.

143           (g) "Eligible building" means a building located in the  
144 state that:

145                   (i) Is a building used primarily for residential  
146 purposes;

147                   (ii) 1. Is a building used primarily for  
148 nonresidential purposes if the building contains at least twenty  
149 thousand (20,000) square feet of interior space; or 2. Is a  
150 residential multifamily building with at least twelve (12)  
151 dwelling units that contains at least twenty thousand (20,000)  
152 square feet of interior space; or 3. Is any combination of  
153 buildings described in this subparagraph (g);

154                   (iii) Is a newly constructed building for which a  
155 certificate of occupancy was not issued before the effective date  
156 of this act, and: 1. Is located on a qualified brownfields site,  
157 as defined under state law; 2. Is located in a priority funding  
158 area and is not located on wetlands, the alteration of which  
159 requires a permit under § 404 of the federal Clean Water Act, 33  
160 USCS § 1344; or

161                   (iv) Is a rehabilitated building that is not an  
162 increase of more than twenty-five percent (25%) in the square  
163 footage of the building, meet applicable energy efficiency  
164 standards.

165           (h) "Fuel cell" means a device that produces  
166 electricity directly from hydrogen or hydrocarbon fuel through a  
167 noncombustive electrochemical process.

168           (i) "Green base building" means a base building that is  
169 part of an eligible building and meets the requirements set out in  
170 this section.

171           (j) "Green whole building" means a building for which  
172 the base building is a green base building and all space is green  
173 space.

174           (k) "Green tenant space" means tenant space in a  
175 building if the building is an eligible building and the tenant  
176 space meets the requirements of this section.

177           (l) "Incremental cost of building-integrated  
178 photovoltaic modules" means:

179               (i) The cost of building-integrated photovoltaic  
180 modules and any associated inverter, additional wiring or other  
181 electrical equipment for the photovoltaic modules, or additional  
182 mounting or structural materials, less the cost of spandrel glass  
183 or other building material that would have been used if  
184 building-integrated photovoltaic modules were not installed;

185               (ii) Incremental labor costs properly allocable to  
186 on-site preparation, assembly, and original installation of  
187 photovoltaic modules; and

188               (iii) Incremental costs of architectural and  
189 engineering services and designs and plans directly related to the  
190 construction or installation of photovoltaic modules.

191           (m) "Qualifying alternate energy sources" means  
192 building-integrated and nonbuilding-integrated photovoltaic  
193 modules, wind turbines, and fuel cells installed to serve the base  
194 building or tenant space that:

195               (i) Have the capability to monitor their actual  
196 power output;

197                   (ii) Are fully commissioned upon installation, and  
198 annually thereafter, to ensure that the systems meet their design  
199 specifications; and

200                   (iii) In the case of wind turbines, meet any  
201 applicable noise ordinances.

202                   (n) "Tenant improvements" means improvements that are  
203 necessary or appropriate to support or conduct the business of a  
204 tenant or occupying owner.

205                   (o) "Tenant space" means the portion of a building  
206 intended for occupancy by a tenant or occupying owner.

207           (2) **Credit authorized.** (a) An individual or a corporation  
208 may claim a credit against the state income tax as provided under  
209 this section for green buildings and green building components.

210                   (b) If the credit allowed under this section exceeds  
211 the state income tax, any unused credit may be carried forward and  
212 applied for succeeding taxable years until the earlier of:

213                           (i) The full amount of the credit is used; or

214                           (ii) The expiration of the tenth (10th) year after  
215 the taxable year for which the credit was allowed.

216                   (c) For each of the credits under this section, the  
217 credit may not be allowed for any taxable year unless:

218                           (i) The taxpayer has obtained and filed an initial  
219 credit certificate and an eligibility certificate issued under  
220 this section;

221                           (ii) A certificate of occupancy for the building  
222 has been issued; and

223                           (iii) The property with respect to which the  
224 credit is claimed is in service during the taxable year.

225                   (d) The total amount allowed in the aggregate for all  
226 credits under this section may not exceed the maximum set forth in  
227 the initial credit certificate obtained under this section.

228 (e) In determining the amount of the credits under this  
229 section, a cost paid or incurred may not be the basis for more  
230 than one credit.

231 (3) **Amount of credit - Green whole building.** (a) For the  
232 taxable year that is the credit allowance year, an owner or tenant  
233 may claim a credit in an amount equal to ten percent (10%) of the  
234 allowable costs paid or incurred by the owner or tenant for the  
235 construction of a green whole building or the rehabilitation of a  
236 building that is not a green whole building to be a green whole  
237 building.

238 (b) The allowable costs used to determine the credit  
239 amount allowed under this subsection for a green whole building  
240 may not exceed in the aggregate:

241 (i) One Hundred Twenty Dollars (\$120) per square  
242 foot for that portion of the building that comprises the base  
243 building; and

244 (ii) Sixty Dollars (\$60) per square foot for that  
245 portion of the building that comprises the tenant space.

246 (4) **Amount of credit - Green base building.** (a) For the  
247 taxable year that is the credit allowance year, an owner may claim  
248 a credit in an amount equal to ten percent (10%) of the allowable  
249 costs paid or incurred by the owner for the construction of a  
250 green base building or the rehabilitation of a building that is  
251 not a green base building to be a green base building.

252 (b) The allowable costs used to determine the credit  
253 amount allowed under this subsection for a green base building may  
254 not exceed, in the aggregate, One Hundred Twenty Dollars (\$120.00)  
255 per square foot.

256 (5) **Amount of credit - Green tenant space.** (a) For the  
257 taxable year that is the credit allowance year, an owner or tenant  
258 may claim a credit in an amount equal to six percent (6%) of the  
259 allowable costs for tenant improvements paid or incurred by the  
260 owner or tenant in the construction or completion of green tenant

261 space or the rehabilitation of tenant space that is not green  
262 tenant space to be green tenant space.

263 (b) (i) The allowable costs used to determine the  
264 credit amount allowed under this subsection for green tenant space  
265 may not exceed, in the aggregate, Sixty Dollars (\$60) per square  
266 foot.

267 (ii) If an owner and tenant both incur allowable  
268 costs for tenant improvements under this subsection and the costs  
269 exceed Sixty Dollars (\$60) per square foot in the aggregate, the  
270 owner has priority as to costs constituting the basis for the  
271 green tenant space credit under this subsection.

272 (c) The credit under this subsection for green tenant  
273 space may not be claimed by an owner of a building that occupies  
274 fewer than ten thousand (10,000) square feet of the building.

275 (d) The credit under this subsection for green tenant  
276 space may not be claimed by a tenant that occupies fewer than five  
277 thousand (5,000) square feet.

278 (6) **Amount of credit - Fuel cell.** (a) For the taxable year  
279 that is the credit allowance year, an owner or tenant may claim a  
280 credit in the amount determined under this subsection for the  
281 installation of a fuel cell that is a qualifying alternate energy  
282 source and is installed to serve a green whole building, green  
283 base building, or green tenant space.

284 (b) The amount of the credit allowed under this  
285 subsection is twenty percent (20%) of the sum of the capitalized  
286 costs paid or incurred by an owner or tenant with respect to each  
287 fuel cell installed, including the cost of the foundation or  
288 platform and the labor costs associated with installation.

289 (c) The costs used to determine the credit amount  
290 allowed under this subsection for installation of a fuel cell:

291 (i) May not exceed One Thousand Dollars (\$1,000)  
292 per kilowatt of installed DC rated capacity of the fuel cell; and

293 (ii) Shall be reduced by the amount of any  
294 federal, State, or local grant:

295 1. Received by the taxpayer and used for the  
296 purchase or installation of the fuel cell; and

297 2. Not included in the federal gross income  
298 of the taxpayer.

299 (7) **Amount of credit - Photovoltaic modules.** (a) For the  
300 taxable year that is the credit allowance year, an owner or tenant  
301 may claim a credit in the amount determined under this subsection  
302 for the installation of photovoltaic modules that constitute a  
303 qualifying alternate energy source and are installed to serve a  
304 green whole building, green base building, or green tenant space

305 (b) The amount of the credit allowed under this  
306 subsection is:

307 (i) Twenty percent (20%) of the incremental cost  
308 paid or incurred by an owner or tenant for building-integrated  
309 photovoltaic modules; and

310 (ii) Twenty-five (25%) of the cost of  
311 nonbuilding-integrated photovoltaic modules, including the cost of  
312 the foundation or platform and the labor costs associated with  
313 installation.

314 (c) The costs used to determine the credit amount  
315 allowed under this subsection for installation of photovoltaic  
316 modules:

317 (i) May not exceed the product obtained by  
318 multiplying Three Dollars (\$3) times the number of watts included  
319 in the DC rated capacity of the photovoltaic modules; and

320 (ii) Shall be reduced by the amount of any  
321 federal, state, or local grant:

322 1. Received by the taxpayer and used for the  
323 purchase or installation of the photovoltaic equipment; and

324 2. Not included in the federal gross income  
325 of the taxpayer.

326 (d) A credit may not be claimed under this subsection  
327 for the installation of photovoltaic modules if the credit under  
328 subtitle is claimed with respect to the photovoltaic modules.

329 (8) **Amount of credit - Wind turbine.** (a) For the taxable  
330 year that is the credit allowance year, an owner or tenant may  
331 claim a credit in the amount determined under this subsection for  
332 the installation of a wind turbine that is a qualifying alternate  
333 energy source and is installed to serve a green whole building,  
334 green base building, or green tenant space.

335 (b) The amount of the credit allowed under this  
336 subsection is twenty-five percent (25%) of the sum of the  
337 capitalized costs paid or incurred by an owner or tenant with  
338 respect to each wind turbine installed, including the cost of the  
339 foundation or platform and the labor costs associated with  
340 installation.

341 (9) **Regulations - Green base building.** (a) By regulation,  
342 the department shall adopt applicable energy efficiency standards  
343 for a building to qualify as a green base building eligible for  
344 the tax credits under this section that are consistent with the  
345 criteria for green base buildings set forth by the United States  
346 Green Building Council or other similar criteria.

347 (b) The regulations adopted under this subsection shall  
348 provide that the energy use shall be no more than sixty-five  
349 percent (65%) for new construction of a base building, or  
350 seventy-five percent (75%) in the case of rehabilitation of a base  
351 building, of the energy use attributable to a reference building  
352 which meets the requirements of applicable energy efficiency  
353 standards.

354 (10) **Regulations - Green tenant.** (a) By regulation, the  
355 department shall adopt standards for tenant space to qualify as  
356 green tenant space eligible for the tax credits under this section  
357 that are consistent with the criteria for green tenant space set

358 forth by the United States Green Building Council or other similar  
359 criteria.

360 (b) The regulations adopted under this subsection shall  
361 provide that the energy use shall be no more than sixty-five  
362 percent (65%) for new construction, or seventy-five percent (75%)  
363 in the case of rehabilitation, of the energy use attributable to a  
364 reference building which meets the requirements of applicable  
365 energy efficiency standards.

366 (11) **Initial credit certificate; eligibility certificate;**  
367 **written report.** (1) (a) On application by a taxpayer, the  
368 Department shall issue an initial credit certificate if the  
369 taxpayer has made a showing that the taxpayer is likely within a  
370 reasonable time to place in service property for which a credit  
371 under this section would be allowed.

372 (b) The initial credit certificate issued under this  
373 paragraph:

374 (i) Shall state the earliest taxable year for  
375 which the credit may be claimed and an expiration date; and

376 (ii) Shall apply only to property placed in  
377 service on or before the expiration date.

378 (c) To avoid unwarranted hardship, the Department at  
379 its discretion may extend the expiration date stated under an  
380 initial credit certificate.

381 (d) The initial credit certificate shall state the  
382 maximum amount of credit allowable in the aggregate for all  
383 credits allowed under this section.

384 (e) The department may not issue initial credit  
385 certificates during a state fiscal year, in the aggregate, for  
386 more than Twenty-five Million Dollars (\$25,000,000) worth of  
387 credits.

388 (f) Except as otherwise provided in this section,  
389 initial credit certificates shall be limited in their  
390 applicability, as follows:

391	Credits in the aggregate may	With respect to taxable
392	not be allowed for more than:	years beginning:
393	\$1 million	2006
394	\$2 million	2007
395	\$3 million	2008
396	\$4 million	2009
397	\$5 million	2010
398	\$4 million	2011
399	\$3 million	2012
400	\$2 million	2013
401	\$1 million	2014

402 (g) As of the end of a calendar year, if certificates  
403 for credit amounts totaling less than the amount permitted with  
404 respect to taxable years beginning in that calendar year have been  
405 issued, the maximum amount that may be allowed for taxable years  
406 beginning in the subsequent calendar year shall be increased by  
407 the amount of the preceding year's shortfall.

408 (h) The department may not issue an initial credit  
409 certificate after December 31, 2011.

410 (i) On January 1, 2008, and each year thereafter, the  
411 department shall provide to the Tax Commission a list of all  
412 taxpayers in the prior taxable year that have been issued an  
413 initial credit certificate and shall specify for each taxpayer the  
414 earliest taxable year for which the credit may be claimed and the  
415 maximum amount of the credit allowable in the aggregate for all  
416 credits allowed under this section.

417 (2) (a) For each taxable year for which a taxpayer claims a  
418 credit under this section with respect to a green whole building,  
419 green base building, green tenant space, fuel cell, photovoltaic  
420 module, or wind turbine, the taxpayer shall obtain an eligibility  
421 certificate from an architect or professional engineer licensed to  
422 practice in this state.

423           (b) An eligibility certificate issued under this  
424 paragraph shall consist of a certification, under the seal of the  
425 architect or engineer, that the property that is the basis for the  
426 credit that is claimed is in service and that:

427                   (i) The building, base building, or tenant space  
428 with respect to which the credit is claimed is a green whole  
429 building, green base building, or green tenant space;

430                   (ii) Any fuel cell, photovoltaic module, or wind  
431 turbine with respect to which the credit is claimed constitutes a  
432 qualifying alternate energy source and is fully operational;

433                   (iii) The certification under subparagraph (ii) of  
434 this paragraph:

435                           1. Shall be made in accordance with the  
436 regulations adopted by the department under this section  
437 specifying the standards and guidelines for each credit under this  
438 section; and

439                           2. Shall set forth the specific findings on  
440 which the certification was based.

441                   (iv) The taxpayer shall file the eligibility  
442 certificate and the associated initial credit certificate with the  
443 taxpayer's income tax return and shall file duplicate copies of  
444 the eligibility certificate with the department; and

445                   (v) The eligibility certificate shall include:

446                           1. Sufficient information to identify each  
447 building or space; and

448                           2. Any other information that the department  
449 or the Tax Commission requires by regulation.

450           (3) If the department has reason to believe that an  
451 architect or professional engineer, in making any certification  
452 under this subsection, engaged in professional misconduct, the  
453 department shall inform the appropriate professional board of the  
454 suspected misconduct.

455           (4) (a) The department may adopt regulations necessary to  
456 carry out the provisions of this section.

457           (b) Regulations adopted under this section shall  
458 construe the provisions of this section in such a manner as to  
459 encourage the development of green whole buildings, green base  
460 buildings, and green tenant space and to maintain high, but  
461 commercially reasonable, standards for obtaining tax credits under  
462 this section.

463           (5) On or before April 1, 2008, the Tax Commission and the  
464 department, jointly and in consultation with the Department of the  
465 Environment, shall submit to the Legislature:

466           (a) The number of certifications and taxpayers claiming  
467 the credit under this section;

468           (b) The amount of the credits claimed;

469           (c) The geographical distribution of the credits  
470 claimed; and

471           (d) Any other available information the department  
472 determines to be meaningful and appropriate.

473           (6) The Tax Commission shall ensure that the information is  
474 presented and classified in a manner consistent with the  
475 confidentiality of tax return information.

476           **SECTION 5.** (1) The Legislature finds and determines that  
477 the petroleum industry is an essential element of the Mississippi  
478 economy and is therefore of vital importance to the health and  
479 welfare of all Mississippians.

480           The Legislature further finds and determines that a complete  
481 and thorough understanding of the operations of the petroleum  
482 industry is required by state government at all times to enable it  
483 to respond to possible shortages, oversupplies or other  
484 disruptions and to assess whether all consumers including  
485 emergency service agencies, state and local government agencies,  
486 and agricultural and business consumers of petroleum products have  
487 adequate and economic supplies of fuel.

488           (2) The Attorney General is authorized to monitor petroleum  
489 based fuel prices throughout the state, using the Oil Price  
490 Information Services (OPIS) or any other service, approved by the  
491 Attorney General, that monitors petroleum based fuel prices  
492 throughout the state. The Attorney General may promulgate such  
493 rules and regulations necessary to effectuate only his authority  
494 to monitor petroleum based fuel prices.

495           **SECTION 6.** Nothing in this act shall affect or defeat any  
496 claim, assessment, appeal, suit, right or cause of action for  
497 taxes due or accrued under the income tax laws before the date on  
498 which this act becomes effective, whether those claims,  
499 assessments, appeals, suits or actions have been begun before the  
500 date on which this act becomes effective or are begun after; and  
501 the provisions of the income tax laws are expressly continued in  
502 full force, effect and operation for the purpose of the  
503 assessment, collection and enrollment of liens for any taxes due  
504 or accrued and the execution of any warrant under those laws  
505 before the date on which this act becomes effective, and for the  
506 imposition of any penalties, forfeitures or claims for failure to  
507 comply with those laws.

508           **SECTION 7.** This act shall take effect and be in force from  
509 and after July 1, 2007.