

Joint Committee on Ways and Means

Carrier – House: Rep. Buckley
Carrier – Senate: Sen. Walker

Revenue: No revenue impact

Fiscal: Fiscal statement issued

Action: Do Pass as Amended and Be Printed A-Engrossed

Vote: 20 – 0 – 2

House

Yeas: Buckley, C. Edwards, D. Edwards, Galizio, Garrard, Gilman, Kotek, Nathanson, Richardson, Shields

Nays:

Exc: Jenson, G. Smith

Senate

Yeas: Bates, Carter, Girod, Johnson, Monroe, Nelson, Verger, Walker, Whitsett, Winters

Nays:

Exc:

Prepared By: Susie Jordan, Legislative Fiscal Office

Meeting Date: June 18, 2009

WHAT THE MEASURE DOES: Establishes definition for energy facility. Requires that permit applicants seeking to construct an energy facility to compensate the state agency for cost associated with review and evaluation of the permit, authorization or certification needed to site or construct the facility. Directs that compensable costs are limited to the state agency's actual personnel costs and other expenses related to application review and evaluation. Costs incurred by a state agency for legal representation and administrative appeals are not compensable costs. Directs that the amount the applicant agrees to pay to cover application review be reduced by application fees and other payments required by law. Directs state agency to provide applicant with a detailed estimate of the agency's compensable costs and other state agencies costs together with a description of the process and estimated schedule within 30 days. Establishes payment and dispute resolution provisions. Defines exceptions to the bill provisions. Allows Director of Department of Energy to adopt rules to implement bill provisions. Bill takes effect on passage and applies to applications in process.

ISSUES DISCUSSED:

- Costs of state agencies to review and evaluate applications
- Types of energy facilities the measure covers
- Eligibility for tax credit under ORS 315.354 and 316.116

EFFECT OF COMMITTEE AMENDMENT: Replaces the bill.

BACKGROUND: The bill establishes provisions to ensure that the primary reviewing state agency costs and other state agency costs for permit application process and review are covered by the applicant for energy facility siting and construction.