

SENATE AMENDMENTS TO A-ENGROSSED HOUSE BILL 2940

By COMMITTEE ON RULES

June 25

1 On page 1 of the printed A-engrossed bill, line 17, delete “(5)” and insert “(6)”.

2 Delete lines 22 through 26 and insert:

3 “(5)(a) Electricity from a generating facility that uses biomass and that became operational be-
4 fore January 1, 1995, and is located in this state may be used to comply with a renewable portfolio
5 standard if the facility meets the requirements to qualify under the Public Utility Regulatory Poli-
6 cies Act of 1978 (P.L. 95-617) on the effective date of this 2009 Act whether currently acknowledged
7 as qualified by the Public Utility Commission or not.

8 “(b) The amount of generating capacity eligible to receive renewable energy certificates gener-
9 ated by all facilities qualified under paragraph (a) of this subsection may not exceed 100 megawatts
10 in any calendar year. If the total amount of generating capacity generated by all facilities qualified
11 under paragraph (a) of this subsection is greater than 100 megawatts in a calendar year, then each
12 generator shall be eligible to receive certificates for the proportion of total generating capacity
13 generated by the facility, multiplied by 100 megawatts.

14 “(c) Renewable energy certificates derived from electricity generated by a facility qualifying
15 under paragraph (a) of this subsection may not be used to comply with a renewable portfolio
16 standard prior to January 1, 2015. However, renewable energy certificates issued prior to January
17 1, 2015, may be banked under ORS 469A.005 to 469A.210 for use after January 1, 2015.

18 “(d) If the owner or operator of a generating facility qualifying under paragraph (a) of this
19 subsection makes cumulative investments in the generating facility between January 1, 2007, and
20 January 1, 2020, equal to at least 80 percent of the 2007 real market value of the generating facility,
21 then the generating facility shall be classified as having become operational on or after January 1,
22 1995, for the purposes of this section.

23 “(e) After January 1, 2020, electricity from a generating facility that uses biomass and became
24 operational before January 1, 1995, may not be used to comply with a renewable portfolio standard.

25 “(6) A facility generating electricity from direct combustion of municipal solid waste that be-
26 came operational prior to January 1, 1995, and is located in this state may be used to comply with
27 a renewable portfolio standard for up to 11 average megawatts of electricity generated per year.
28 Renewable energy certificates derived from electricity generated by a facility qualifying under this
29 subsection may not be used to comply with a renewable portfolio standard prior to January 1, 2015.
30 However, renewable energy certificates issued prior to January 1, 2015, may be banked under ORS
31 469A.005 to 469A.210 for use after January 1, 2015.”.

32 On page 2, line 34, delete the colon.

33 Delete line 35.

34 In line 36, delete “(b)”.

35 After line 45, insert:

1 “(5) Direct combustion of municipal solid waste in a generating facility located in this state may
2 be used to comply with a renewable portfolio standard. The qualification of a municipal solid waste
3 facility for use in compliance with a renewable portfolio standard has no effect on the qualification
4 of such a facility for a tax credit under ORS 469.185 to 469.225 as such qualification existed prior
5 to the effective date of this 2009 Act.”.

6 On page 3, line 1, delete “(5)” and insert “(6)”.

7 In line 6, delete “(6)” and insert “(7)”.

8 In line 16, delete “(7)” and insert “(8)”.

9 In line 17, delete “(6)” and insert “(7)”.

10 In line 19, delete “(8)” and insert “(9)”.

11 After line 22, insert:

12 **“SECTION 4. The State Department of Energy may certify as eligible for renewable en-
13 ergy certificates a facility that becomes qualified under the amendments to ORS 469A.020 and
14 469A.025 by sections 1 and 3 of this 2009 Act only for electricity generated on or after Janu-
15 ary 1, 2011.**

16 **“SECTION 5. (1) To be eligible for receipt of renewable energy certificates, the owner or
17 operator of a generating facility eligible to receive renewable energy certificates under the
18 amendments to ORS 469A.020 by section 1 of this 2009 Act must register the generating fa-
19 cility with the Western Renewable Energy Generation Information System or other regional
20 system or trading program designated by the State Department of Energy prior to April 1,
21 2010.**

22 **“(2) The department shall calculate each eligible generating facility’s share of the ca-
23 pacity allowed under ORS 469A.020 as amended by section 1 of this 2009 Act based upon the
24 generating facility’s generating capacity filed under subsection (1) of this section. For the
25 purposes of certifying a facility output as eligible for a renewable portfolio standard, the de-
26 partment may also factor in the ratio of the total generation during the most recent year
27 of operation of all facilities that have registered under subsection (1) of this section to a
28 target of 100 average megawatts of generated electricity per year.**

29 **“SECTION 6. If this 2009 Act is declared unconstitutional, it is the intent of the Legis-
30 lative Assembly that all sections amended or repealed by this 2009 Act shall remain in effect
31 the same as if this 2009 Act had not been enacted.”.**