

A-Engrossed
House Bill 3633

Ordered by the House February 12
Including House Amendments dated February 12

Sponsored by Representative BOONE (Pre-session filed.)

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.

Clarifies **that** state goal for Oregon's retail electrical load [*and specifies that by 2025 at least half of eight percent goal must be derived from tidal energy, ocean thermal energy, wind energy generated from jetty-mounted device or wave energy generated from jetty-mounted device*] **includes marine renewable energy resources.**

Directs Department of Land Conservation and Development to conduct study on how to best develop commercially viable marine renewable energy resources. Establishes Marine Renewable Energy Resources Study Fund. Continuously appropriates moneys in fund to department for purpose of conducting study. Sunsets on 61st day after adjournment sine die unless sufficient moneys are deposited in fund for department to conduct study. If sufficient moneys are deposited in fund, sunsets on January 2, 2012.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to community-based renewable energy projects; creating new provisions; amending ORS
3 469A.210; appropriating money; and declaring an emergency.

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

5 **SECTION 1.** ORS 469A.210 is amended to read:

6 469A.210. The Legislative Assembly finds that community-based renewable energy projects, **in-**
7 **cluding but not limited to marine renewable energy resources that are either developed in**
8 **accordance with the Territorial Sea Plan adopted pursuant to ORS 196.471 or located on**
9 **structures adjacent to the coastal shorelands,** are an essential element of Oregon's energy fu-
10 ture, and declares that it is the goal of the State of Oregon that by 2025 at least eight percent of
11 Oregon's retail electrical load comes from small-scale renewable energy projects with a generating
12 capacity of 20 megawatts or less. All agencies of the executive department as defined in ORS 174.112
13 shall establish policies and procedures promoting the goal declared in this section.

14 **SECTION 2. (1) The Department of Land Conservation and Development shall conduct a**
15 **study on how to best develop commercially viable marine renewable energy resources in this**
16 **state. The study may include, but is not limited to, the following subjects:**

17 (a) **The overall needs, opportunities and constraints regarding development of marine**
18 **renewable energy resources.**

19 (b) **The potential economic impacts on other ocean industries and coastal communities**
20 **caused by development of marine renewable energy resources.**

21 (c) **Environmental conditions and limitations affecting the development of marine**
22 **renewable energy resources.**

23 (d) **Relevant state and federal regulatory structures affecting the development of marine**

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 renewable energy resources.

2 (e) Public and private financial and investment needs of marine renewable energy re-
3 source production.

4 (f) Capacity of and constraints on local coastal utilities to use marine renewable energy
5 in their service areas.

6 (g) Trends and opportunities in energy conversion technologies.

7 (h) Operational considerations and opportunities for marine renewable energy.

8 (i) Research needs and opportunities.

9 (j) Opportunities for funding, including state tax credits, feed-in tariffs, incentives and
10 other available sources of research and development funds.

11 (2) The department shall invite participation by and consultation with other state agen-
12 cies, including Oregon State University, other federal agencies and appropriate stakeholders,
13 as needed.

14 (3) The department shall coordinate preparation of its study with a committee organized
15 by the department that has experience with providing policy guidance and direction for ma-
16 rine renewable energy resources in the territorial sea. The committee shall review the rec-
17 ommendations and results of the study and forward appropriate recommendations, with any
18 recommended modifications from the committee, to the Seventy-sixth Legislative Assembly.

19 **SECTION 3.** The Marine Renewable Energy Resources Study Fund is established in the
20 State Treasury, separate and distinct from the General Fund. Interest earned by the Marine
21 Renewable Energy Resources Study Fund shall be credited to the fund. Moneys in the fund
22 are continuously appropriated to the Department of Land Conservation and Development for
23 the purposes of section 2 of this 2010 Act. The department may accept contributions of
24 moneys and assistance from any source, public or private, and agree to conditions placed on
25 the moneys not inconsistent with the provisions of section 2 of this 2010 Act. No moneys
26 from the General Fund or from federal funds used to support other programs may be de-
27 posited into the Marine Renewable Energy Resources Study Fund.

28 **SECTION 4.** (1) Sections 2 and 3 of this 2010 Act are repealed on the 61st day after the
29 adjournment sine die of the 2010 special session of the Seventy-fifth Legislative Assembly
30 unless sufficient moneys are deposited in the Marine Renewable Energy Resources Study
31 Fund for the Department of Land Conservation and Development to conduct the study pur-
32 suant to section 2 of this 2010 Act.

33 (2) Prior to the 61st day after the adjournment sine die of the 2010 special session of the
34 Seventy-fifth Legislative Assembly, the department shall notify the Legislative Counsel if the
35 department deposits sufficient moneys into the fund to conduct the study pursuant to sec-
36 tion 2 of this 2010 Act.

37 (3) Section 2 this 2010 Act becomes operative on the date on which the department has
38 deposited sufficient moneys into the fund to conduct a study pursuant to section 2 of this
39 2010 Act, if that day occurs prior to the 61st day after the adjournment sine die of the 2010
40 special session of the Seventy-fifth Legislative Assembly.

41 (4) If sections 2 and 3 of this 2010 Act are not repealed pursuant to subsection (1) of this
42 section, sections 2 and 3 of this 2010 Act are repealed on January 2, 2012.

43 (5) Any moneys remaining in the Marine Renewable Energy Resources Study Fund on the
44 date of the repeal of sections 2 and 3 of this 2010 Act shall be transferred to the General
45 Fund.

1 **SECTION 5. This 2010 Act being necessary for the immediate preservation of the public**
2 **peace, health and safety, an emergency is declared to exist, and this 2010 Act takes effect**
3 **on its passage.**

4
