

B-Engrossed
House Bill 3633

Ordered by the House February 22
Including House Amendments dated February 12 and February 22

Sponsored by Representative BOONE; Representatives BARTON, VANORMAN (Presession 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 includes marine renewable energy resources.

Directs Department of Land Conservation and Development to [*conduct study*] **cause study to be conducted** 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 **to be conducted**. If sufficient moneys are deposited in fund, sunsets on January 2, 2012.

Establishes, for biennium beginning July 1, 2009, maximum limit for payment of expenses by department from fund.

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; limiting expenditures; 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 cause a**
15 **study to be conducted on how to best develop commercially viable marine renewable energy**
16 **resources in this 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 in the development of the scope and content of the study.

14 (3) The department shall coordinate review of the study with a committee organized by
15 the department that has experience with providing policy guidance and direction for marine
16 renewable energy resources in the territorial sea. The committee shall review the recom-
17 mendations 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. The Marine Renewable Energy
21 Resources Study Fund shall consist of contributions of moneys from any source, public or
22 private. Interest earned by the Marine Renewable Energy Resources Study Fund shall be
23 credited to the fund. Moneys in the fund are continuously appropriated to the Department
24 of Land Conservation and Development for the purposes of section 2 of this 2010 Act. No
25 moneys from the General Fund or from federal funds appropriated or otherwise obligated to
26 support other department programs may be deposited into the Marine Renewable Energy
27 Resources Study Fund. The department may accept assistance from any source, public or
28 private, and may agree to conditions placed on the moneys not inconsistent with the pro-
29 visions of section 2 of this 2010 Act.

30 **SECTION 4.** (1) Sections 2 and 3 of this 2010 Act are repealed on the 61st day after the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

35 (2) Prior to the 61st day after the adjournment sine die of the 2010 special session of the
36 Seventy-fifth Legislative Assembly, the department shall notify the Legislative Counsel if
37 sufficient moneys have been deposited into the fund to conduct the study pursuant to section
38 2 of this 2010 Act.

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

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

45 (5) Any moneys remaining in the Marine Renewable Energy Resources Study Fund on the

1 date of the repeal of sections 2 and 3 of this 2010 Act shall be transferred to the General
2 Fund.

3 **SECTION 5.** Notwithstanding any other law limiting expenditures, the amount of \$1 is
4 established for the biennium beginning July 1, 2009, as the maximum limit for payment of
5 expenses by the Department of Land Conservation and Development from the Marine
6 Renewable Energy Resources Study Fund established by section 3 of this 2010 Act.

7 **SECTION 6.** This 2010 Act being necessary for the immediate preservation of the public
8 peace, health and safety, an emergency is declared to exist, and this 2010 Act takes effect
9 on its passage.

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