

Joint Committee on Ways and Means

Carrier – House: Rep. Bailey
Carrier – Senate: Sen. Edwards

Revenue: Minimal revenue impact, no statement issued

Fiscal: Minimal fiscal impact, no statement issued

Action: Do Pass the A-Engrossed Measure as Amended and as Printed B-Engrossed

Vote: 25 – 0 – 1

House

Yeas: Barker, Buckley, Frederick, Freeman, Hanna, Huffman, Jensen, Komp, McLane, Nathanson, Read, Richardson, Smith, Tomei, Williamson

Nays:

Exc:

Senate

Yeas: Bates, Devlin, Edwards, Girod, Hansell, Monroe, Steiner Hayward, Thomsen, Whitsett, Winters

Nays:

Exc: Johnson

Prepared By: Michelle Deister, Legislative Fiscal Office

Meeting Date: June 19, 2013

WHAT THE MEASURE DOES: Requires ODOE Director to convene a public meeting with energy resource suppliers and interested parties to provide accounting of projected revenue needed to fund ODOE programs and project allocation of outlays after determining projected revenues and prior to filing forms to compile the Governor's budget. Reduces energy resource supplier assessment cap to .375% of supplier's gross operating revenue. Adds electronic medium to acceptable methods of ODOE Director order notification to energy resource suppliers. Requires energy resource supplier to provide to ODOE Director most recent fiscal year statement by May 1 of each year. Requires ODOE Director to convene advisory group. Provides advisory group membership guidelines, minimum number of meetings to be held each year and policy areas to review. Modifies guidelines for ODOE intervention with federal government in state-related energy interests to requiring that intervention to be done at direction of ODOE Director. Requires ODOE Director to provide notification of intervention within 15 days of intervention. Transfers duties, functions, unexpended fund balances, records, staff and powers of EFSC to ODOE from Department of Administrative Services (DAS).

ISSUES DISCUSSED:

- Discussions with multiple stakeholders that led to the amendment

EFFECT OF COMMITTEE AMENDMENT: Specifies that additional fees from an assessment will fund programs in addition to actives of the council and the department. Modifies directions to the director to determine the projected, rather than actual, aggregate amount of revenue to be collected from energy resource suppliers. Deletes requirements for the director to determine specific revenue to be collected from each energy resource supplier. Changes eligible verified statement of operating revenues that energy supplier may use to submit to the director, and specifies that it must be the same as what was used for the purpose of reporting on federal income taxes. Restores language that allows the director to collect penalties from resource suppliers. Restores language that allows the department to express its views of an agency action in relation to energy resources and state energy policy. Adds additional requirements related to public notice of department testimony. Adds clarifying language regarding the State Department of Energy Account and states that moneys may only be expended for programs and activates that the council and department are responsible for. Requires the director to, upon request, make a record of the prior fiscal years energy resource supplier assessment. States that the Jobs, Energy and Schools Fund is to use fund moneys to help reduce the overall financing costs associated with the promotion of energy efficiency, renewable energy and energy conservation.

BACKGROUND: The energy supplier assessment (ESA) is an assessment on utilities and energy suppliers that is not to exceed .5% of the assessed company's yearly total gross operating revenues. For much of the ESA's history, the amount assessed was between .05% and .07% of the assessed company's yearly total gross operating revenues. The funds raised through this assessment represent a significant portion of the Oregon Department of Energy's budget.