

## HOUSE AMENDMENTS TO A-ENGROSSED HOUSE BILL 2807

By JOINT COMMITTEE ON WAYS AND MEANS

June 24

1 On page 1 of the printed A-engrossed bill, line 2, after “469.110,” delete the rest of the line and  
2 line 3 and insert “469.120, 469.421, 469.450 and 470.575 and section 47a, chapter 753, Oregon Laws  
3 2009.”.

4 On page 3, line 9, before “activities” insert “programs and”.

5 In line 15, before “aggregate” insert “projected” and delete “resources” and insert “resource”.

6 In line 17, after “biennium” delete the rest of the line and line 18 and insert “. After mak-”.

7 In line 22, after “program” insert “or activity”.

8 In line 24, after “program” insert “or activity”.

9 On page 4, delete lines 30 through 32 and insert “calendar or fiscal year that was used by the  
10 energy resource supplier for the purpose of reporting federal income taxes for the preceding calen-  
11 dar or fiscal year.”.

12 On page 5, line 41, restore the bracketed material.

13 On page 6, line 38, restore the bracketed material.

14 In line 39, restore the bracketed material and delete the boldfaced material.

15 Delete lines 40 through 45 and insert:

16 **“SECTION 5. Section 6 of this 2013 Act is added to and made a part of ORS 469.300 to**  
17 **469.563.**

18 **“SECTION 6. (1) As used in this section, ‘energy resource supplier’ has the meaning**  
19 **given that term in ORS 469.421.**

20 **“(2)(a) If the State Department of Energy submits comments or written or oral testi-**  
21 **mony in a rulemaking, contested case, ratemaking or other proceeding conducted by another**  
22 **agency, as defined in ORS 183.310, and if the comment or testimony is about a substantive**  
23 **matter at issue in the proceeding, the department shall provide, once for each proceeding,**  
24 **notice to energy resource suppliers as described in this section.**

25 **“(b) If the department submits written comments or intervenes in a proceeding con-**  
26 **ducted by a federal agency, the department shall provide, once for each proceeding, notice**  
27 **to energy resource suppliers as described in this section.**

28 **“(c) This section does not apply to:**

29 **“(A) The department’s participation in a procedural matter related to a proceeding de-**  
30 **scribed in paragraph (a) or (b) of this subsection;**

31 **“(B) The department’s participation in a federal facility siting proceeding;**

32 **“(C) The department’s work with the Energy Facility Siting Council;**

33 **“(D) The department’s work on nuclear safety and emergency preparedness; or**

34 **“(E) Federal judicial or legislative proceedings.**

35 **“(3) The department shall create and maintain a list of energy resource suppliers that**

1 request to receive notice described in subsection (2) of this section. The department may  
2 create separate lists for the different types of proceedings.

3 “(4) Notice provided under this section may be provided by electronic mail and must in-  
4 clude a description of the department’s interest in the proceeding.

5 “(5) Except as provided in subsection (6) of this section, notice must be provided under  
6 this section:

7 “(a) No later than seven days before submitting initial comments on a substantive matter  
8 at issue in a rulemaking proceeding described in subsection (2)(a) of this section or a pro-  
9 ceeding involving the adoption of federal regulations;

10 “(b) No later than 15 days before submitting initial comments or written or oral testi-  
11 mony on a substantive matter at issue in a contested case, ratemaking or other proceeding  
12 described in subsection (2)(a) of this section; or

13 “(c) No later than 15 days before submitting initial written comments or written testi-  
14 mony on a substantive matter at issue in a proceeding conducted by a federal agency other  
15 than a proceeding involving the adoption of federal regulations.

16 “(6) If providing notice in accordance with subsection (5) of this section is prejudicial to  
17 the department’s ability to participate in a rulemaking, contested case, ratemaking or other  
18 proceeding described in subsection (2) of this section, the department may provide notice as  
19 soon as it is practicable to provide notice. If the department provides notice as described in  
20 this subsection, the department shall include in the notice an explanation of why providing  
21 notice in accordance with subsection (5) of this section is prejudicial to the department.

22 “(7) The department may adopt rules as necessary to implement this section.”.

23 On page 7, line 3, delete “4a” and insert “7”.

24 After line 29, insert:

25  
26 “STATE DEPARTMENT OF ENERGY ACCOUNT  
27

28 “**SECTION 8.** ORS 469.120 is amended to read:

29 “469.120. (1) The State Department of Energy Account is established.

30 “(2) **The account shall consist of** all funds received by the State Department of Energy pur-  
31 suant to law [*shall be paid into the State Treasury and credited to the State Department of Energy*  
32 *Account*]. All moneys in the account are continuously appropriated to the State Department of En-  
33 ergy for payment of expenses of the [*State*] department [*of Energy, the Oregon Department of Ad-*  
34 *ministrative Services*] and **of** the Energy Facility Siting Council.

35 “(3) **Moneys collected under ORS 469.421 (8) may be expended only for the purposes of**  
36 **programs and activities that the council and the department are charged with administering**  
37 **and authorized to conduct under the laws of this state, including those enumerated in ORS**  
38 **469.030.**

39 “[~~(3)~~] (4) The Director of the State Department of Energy shall keep a record of all moneys de-  
40 posited in the [*State Department of Energy*] account. The record shall indicate by special cumulative  
41 accounts the source from which moneys are derived and the individual activity **or program, in-**  
42 **cluding any activities described in section 6 of this 2013 Act**, against which each withdrawal is  
43 charged. **On or after October 1 of each year, the director shall make available, upon request,**  
44 **the record for the prior fiscal year to any energy resource supplier that has paid the as-**  
45 **essment imposed under ORS 469.421 (8). The director shall make the record available within**

- 1 **30 days of receiving the request.”.**  
2 In line 33, delete “5” and insert “9”.  
3 In line 36, delete “6” and insert “10”.  
4 On page 8, line 16, delete “7” and insert “11”.  
5 In line 25, delete “8” and insert “12”.  
6 In line 29, delete “5” and insert “9”.  
7 In line 31, delete “5” and insert “9”.  
8 In line 34, delete “5” and insert “9”.  
9 In line 40, delete “9” and insert “13”.  
10 In line 44, delete “5” and insert “9”.  
11 On page 9, line 1, delete “5” and insert “9”.  
12 In line 6, delete “10” and insert “14”.  
13 In line 7, delete “5” and insert “9”.  
14 In line 11, delete “11” and insert “15” and delete “5 and 8 to 13” and insert “9 and 12 to 17”.  
15 In line 12, delete “6 and 7” and insert “10 and 11”.  
16 In line 14, delete “5” and insert “9”.  
17 In line 18, delete “5” and insert “9”.  
18 In line 19, delete “5” and insert “9”.  
19 In line 23, delete “12” and insert “16” and delete “5” and insert “9”.  
20 In line 25, delete “5” and insert “9”.  
21 In line 31, delete “13” and insert “17”.  
22 In line 33, delete “5” and insert “9”.  
23 In line 36, delete “5” and insert “9”.  
24 After line 39, insert:

25  
26 **“JOBS, ENERGY AND SCHOOLS FUND**  
27

28 **“SECTION 18.** ORS 470.575 is amended to read:

29 “470.575. (1) The Jobs, Energy and Schools Fund is established in the State Treasury, separate  
30 and distinct from the General Fund. Interest earned by the Jobs, Energy and Schools Fund shall be  
31 credited to the Jobs, Energy and Schools Fund. Moneys in the fund are continuously appropriated  
32 to the State Department of Energy for use as provided in this section.

33 “(2) The fund shall consist of any moneys directed by law, gift, grant or donation to the fund  
34 and moneys from base efficiency package fees collected pursuant to ORS 470.655.

35 “(3) The department shall use fund moneys:

36 “(a) To promote energy efficiency, renewable energy and energy conservation projects, including  
37 the clean energy deployment program established in ORS 470.810, that would otherwise result in a  
38 higher overall cost to the applicant when energy costs and the financing and repayment costs for  
39 the project are considered, [*by using the fund moneys to help produce a lower-or zero-interest cost of*  
40 *loans obtained through the Small Scale Local Energy Project Loan Fund established in section 1, Ar-*  
41 *ticle XI-J of the Oregon Constitution, or the Clean Energy Deployment Fund established in ORS*  
42 *470.800 for the applicant]* **by using the fund moneys to help reduce the overall financing costs**  
43 **associated with related projects;** or

44 “(b) To transfer to an appropriate fund for carrying out any purpose under this chapter specified  
45 as a condition of a gift, grant or donation.”.

- 1 In line 43, delete “14” and insert “19”.
- 2 In line 44, after “activities” insert “and programs”.
- 3 On page 10, line 5, delete “15” and insert “20”.
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