

**PROPOSED AMENDMENTS TO
HOUSE BILL 2807**

1 In line 2 of the printed bill, after “energy;” delete the rest of the line and
2 insert “; creating new provisions; and amending ORS 184.345, 469.030, 469.110,
3 469.421 and 469.450 and section 47a, chapter 753, Oregon Laws 2009.”.

4 Delete lines 4 through 14 and insert:
5

6 **“ANNUAL ENERGY RESOURCE SUPPLIER ASSESSMENT**
7

8 **“SECTION 1. ORS 469.421 is amended to read:**

9 “469.421. (1) Subject to the provisions of ORS 469.441, any person sub-
10 mitting a notice of intent, a request for exemption under ORS 469.320, a re-
11 quest for an expedited review under ORS 469.370, a request for an expedited
12 review under ORS 469.373, a request for the State Department of Energy to
13 approve a pipeline under ORS 469.405 (3), an application for a site certificate
14 or a request to amend a site certificate shall pay all expenses incurred by
15 the Energy Facility Siting Council[, *the State Department of Energy and the*
16 *Oregon Department of Administrative Services*] **and the department** related
17 to the review and decision of the council. These expenses may include legal
18 expenses, expenses incurred in processing and evaluating the application,
19 issuing a final order or site certificate, commissioning an independent study
20 by a contractor, state agency or local government under ORS 469.360, and
21 changes to the rules of the council that are specifically required and related
22 to the particular site certificate.

1 “(2) Every person submitting a notice of intent to file for a site certifi-
2 cate, a request for exemption or a request for expedited review shall submit
3 the fee required under the fee schedule established under ORS 469.441 to the
4 [*State*] department [*of Energy*] when the notice or request is submitted to the
5 council. To the extent possible, the full cost of the evaluation shall be paid
6 from the fee paid under this subsection. However, if costs of the evaluation
7 exceed the fee, the person submitting the notice or request shall pay any
8 excess costs shown in an itemized statement prepared by the council. In no
9 event shall the council incur evaluation expenses in excess of 110 percent
10 of the fee initially paid unless the council provides prior notification to the
11 applicant and a detailed projected budget the council believes necessary to
12 complete the project. If costs are less than the fee paid, the excess shall be
13 refunded to the person submitting the notice or request.

14 “(3) Before submitting a site certificate application, the applicant shall
15 request from the [*State*] department [*of Energy*] an estimate of the costs ex-
16 pected to be incurred in processing the application. The department shall
17 inform the applicant of that amount and require the applicant to make pe-
18 riodic payments of the costs pursuant to a cost reimbursement agreement.
19 The cost reimbursement agreement shall provide for payment of 25 percent
20 of the estimated costs when the applicant submits the application. If costs
21 of the evaluation exceed the estimate, the applicant shall pay any excess
22 costs shown in an itemized statement prepared by the council. In no event
23 shall the council incur evaluation expenses in excess of 110 percent of the
24 fee initially estimated unless the council provided prior notification to the
25 applicant and a detailed projected budget the council believes is necessary
26 to complete the project. If costs are less than the fee paid, the council shall
27 refund the excess to the applicant.

28 “(4) Any person who is delinquent in the payment of fees under sub-
29 sections (1) to (3) of this section shall be subject to the provisions of sub-
30 section (11) of this section.

1 “(5) Subject to the provisions of ORS 469.441, each holder of a certificate
2 shall pay an annual fee, due every July 1 following issuance of a site cer-
3 tificate. For each fiscal year, upon approval of the [*State Department of*
4 *Energy’s*] **department’s** budget authorization by an odd-numbered year reg-
5 ular session of the Legislative Assembly or as revised by the Emergency
6 Board meeting in an interim period or by the Legislative Assembly meeting
7 in special session or in an even-numbered year regular session, the Director
8 of the State Department of Energy promptly shall enter an order establishing
9 an annual fee based on the amount of revenues that the director estimates
10 is needed to fund the cost of ensuring that the facility is being operated
11 consistently with the terms and conditions of the site certificate, any order
12 issued by the department under ORS 469.405 (3) and any applicable health
13 or safety standards. In determining this cost, the director shall include both
14 the actual direct cost to be incurred by the council[, *the State Department*
15 *of Energy and the Oregon Department of Administrative Services*] **and the**
16 **department** to ensure that the facility is being operated consistently with
17 the terms and conditions of the site certificate, any order issued by the
18 [*State*] department [*of Energy*] under ORS 469.405 (3) and any applicable
19 health or safety standards, and the general costs to be incurred by the
20 council[, *the State Department of Energy and the Oregon Department of Ad-*
21 *ministrative Services*] **and the department** to ensure that all certificated
22 facilities are being operated consistently with the terms and conditions of
23 the site certificates, any orders issued by the [*State*] department [*of Energy*]
24 under ORS 469.405 (3) and any applicable health or safety standards that
25 cannot be allocated to an individual, licensed facility. Not more than 35
26 percent of the annual fee charged each facility shall be for the recovery of
27 these general costs. The fees for direct costs shall reflect the size and com-
28 plexity of the facility and its certificate conditions.

29 “(6) Each holder of a site certificate executed after July 1 of any fiscal
30 year shall pay a fee for the remaining portion of the year. The amount of the

1 fee shall be set at the cost of regulating the facility during the remaining
2 portion of the year determined in the same manner as the annual fee.

3 “(7) When the actual costs of regulation incurred by the council[, *the*
4 *State Department of Energy and the Oregon Department of Administrative*
5 *Services*] **and the department** for the year, including that portion of the
6 general regulation costs that have been allocated to a particular facility, are
7 less than the annual fees for that facility, the unexpended balance shall be
8 refunded to the site certificate holder. When the actual regulation costs in-
9 curred by the council[, *the State Department of Energy and the Oregon De-*
10 *partment of Administrative Services*] **and the department** for the year,
11 including that portion of the general regulation costs that have been allo-
12 cated to a particular facility, are projected to exceed the annual fee for that
13 facility, the director [*of the State Department of Energy*] may issue an order
14 revising the annual fee.

15 “(8)(a) In addition to any other fees required by law, each energy resource
16 supplier shall pay to the [*State*] department [*of Energy*] annually its share
17 of an assessment to fund the activities of the [*Energy Facility Siting Council,*
18 *the Oregon Department of Administrative Services and the State Department*
19 *of Energy, determined by the Director of the State Department of Energy in*
20 *the following manner:*] **council and the department.**

21 “(b) **Prior to filing budget forms under ORS 291.208 for purposes**
22 **related to the compilation and preparation of the Governor’s budget**
23 **under ORS 291.216, the director shall determine the aggregate amount**
24 **of revenue to be collected from energy resources suppliers under this**
25 **subsection that will be necessary to fund the programs and activities**
26 **of the council and the department for each fiscal year of the upcoming**
27 **biennium and the specific amount of revenue to be collected from each**
28 **energy resource supplier under this subsection. After making that de-**
29 **termination, the director shall convene a public meeting with repre-**
30 **sentatives of energy resource suppliers and other interested parties for**

1 **the purpose of providing energy resource suppliers with a full ac-**
2 **counting of:**

3 **“(A) The projected revenue needed to fund each department pro-**
4 **gram; and**

5 **“(B) The projected allocation of moneys derived from the assess-**
6 **ment imposed under this subsection to each department program.**

7 “[*a*] (c) Upon approval of the budget authorization of the [*Energy Fa-*
8 *cility Siting Council, the Oregon Department of Administrative Services and*
9 *the State Department of Energy*] **council and the department** by an odd-
10 numbered year regular session of the Legislative Assembly, the director [*of*
11 *the State Department of Energy*] shall promptly enter an order establishing
12 the amount of revenues required to be derived from an assessment pursuant
13 to this subsection in order to fund [*the activities of the Energy Facility Siting*
14 *Council, the Oregon Department of Administrative Services and the State De-*
15 *partment of Energy, including those enumerated in ORS 469.030 and others*
16 *authorized by law,*] **programs and activities that the council and the**
17 **department are charged with administering and authorized to conduct**
18 **under the laws of this state, including those enumerated in ORS**
19 **469.030**, for the first fiscal year of the forthcoming biennium. On or before
20 June 1 of each even-numbered year, the director [*of the State Department of*
21 *Energy*] shall enter an order establishing the amount of revenues required
22 to be derived from an assessment pursuant to this subsection in order to fund
23 the [*activities of the Energy Facility Siting Council, the Oregon Department*
24 *of Administrative Services and the State Department of Energy, including*
25 *those enumerated in ORS 469.030 and others authorized by law,*] **programs**
26 **and activities that the council and the department are charged with**
27 **administering and authorized to conduct under the laws of this state,**
28 **including those enumerated in ORS 469.030**, for the second fiscal year of
29 the biennium. The order shall take into account any revisions to the biennial
30 budget of the [*Energy Facility Siting Council, the State Department of Energy*

1 *and the Oregon Department of Administrative Services]* **council and the de-**
2 **partment** made by the Emergency Board meeting in an interim period or
3 by the Legislative Assembly meeting in special session or in an even-
4 numbered year regular session. [*However, an assessment under this section*
5 *may not be used to derive revenue for funding State Department of Energy*
6 *activities related to the energy efficiency and sustainable technology loan pro-*
7 *gram described in ORS chapter 470.]*

8 “[(b)] **(d)** Each order issued by the director pursuant to paragraph [(a)]
9 **(c)** of this subsection shall allocate the aggregate assessment set forth
10 [*therein*] **in the order** to energy resource suppliers in accordance with par-
11 agraph [(c)] **(e)** of this subsection.

12 “[(c)] **(e)** The amount assessed to an energy resource supplier shall be
13 based on the ratio which that supplier’s annual gross operating revenue de-
14 rived within this state in the preceding calendar year bears to the total gross
15 operating revenue derived within this state during that year by all energy
16 resource suppliers. The assessment against an energy resource supplier shall
17 not exceed [*five-tenths of one*] **0.375** percent of the supplier’s gross operating
18 revenue derived within this state in the preceding calendar year. The direc-
19 tor shall exempt from payment of an assessment any individual energy re-
20 source supplier whose calculated share of the annual assessment is less than
21 \$250.

22 “[(d)] **(f)** The director shall send each energy resource supplier subject to
23 assessment pursuant to this subsection a copy of each order issued[,] by
24 registered or certified mail **or through use of an electronic medium with**
25 **electronic receipt verification.** The amount assessed to the energy re-
26 source supplier pursuant to the order shall be considered to the extent oth-
27 erwise permitted by law a government-imposed cost and recoverable by the
28 energy resource supplier as a cost included within the price of the service
29 or product supplied.

30 “[(e)] **(g)** The amounts assessed to individual energy resource suppliers

1 pursuant to paragraph [(c)] (e) of this subsection shall be paid to the
2 [State] department [of Energy] as follows:

3 “(A) Amounts assessed for the first fiscal year of a biennium shall be paid
4 not later than 90 days following adjournment sine die of the odd-numbered
5 year regular session of the Legislative Assembly; and

6 “(B) Amounts assessed for the second fiscal year of a biennium shall be
7 paid not later than July 1 of each even-numbered year or 90 days following
8 adjournment sine die of the even-numbered year regular session of the Leg-
9 islative Assembly, whichever is later.

10 “[f)] (h) An energy resource supplier shall provide the director, on or
11 before May 1 of each year, a verified statement showing its gross operating
12 revenues derived within the state for the [preceding calendar year.] **most**
13 **recently completed fiscal year, as long as the gross operating revenues**
14 **included in the statement were collected no more than 18 months from**
15 **the date that the director issued the energy resource supplier the order**
16 **under paragraph (f) of this subsection.** The statement [shall] **must** be in
17 the form prescribed by the director and is subject to audit by the director.
18 The statement [shall] **must** include an entry showing the total operating
19 revenue derived by petroleum suppliers from fuels sold that are subject to
20 the requirements of [section 3a,] Article IX, **section 3a**, of the Oregon Con-
21 stitution, and ORS 319.020 with reference to aircraft fuel and motor vehicle
22 fuel, and ORS 319.530. The director may grant an extension of not more than
23 15 days for the requirements of this subsection if:

24 “(A) The energy supplier makes a showing of hardship caused by the
25 deadline;

26 “(B) The energy supplier provides reasonable assurance that the energy
27 supplier can comply with the revised deadline; and

28 “(C) The extension of time does not prevent the [Energy Facility Siting
29 Council, the Oregon Department of Administrative Services or the State De-
30 partment of Energy] **council or the department** from fulfilling [their] **its**

1 statutory responsibilities.

2 “[g] (i) As used in this section:

3 “(A) ‘Energy resource supplier’ means an electric utility, natural gas
4 utility or petroleum supplier supplying, generating, transmitting or distrib-
5 uting electricity, natural gas or petroleum products in Oregon.

6 “(B) ‘Gross operating revenue’ means gross receipts from sales or service
7 made or provided within this state during the regular course of the energy
8 supplier’s business, but does not include either revenue derived from interu-
9 tility sales within the state or revenue received by a petroleum supplier from
10 the sale of fuels that are subject to the requirements of [section 3a,] Article
11 IX, **section 3a**, of the Oregon Constitution, or ORS 319.020 or 319.530.

12 “(C) ‘Petroleum supplier’ has the meaning given that term in ORS 469.020.

13 “[h] (j) In determining the amount of revenues that must be derived from
14 any class of energy resource suppliers by assessment pursuant to this sub-
15 section, the director shall take into account all other known or readily
16 ascertainable sources of revenue to the [*Energy Facility Siting Council, the*
17 *Oregon Department of Administrative Services and the State Department of*
18 *Energy*] **council and department**, including, but not limited to, fees imposed
19 under this section and federal funds, and may take into account any funds
20 previously assessed pursuant to ORS 469.420 (1979 Replacement Part) or
21 section 7, chapter 792, Oregon Laws 1981.

22 “[i] (k) Orders issued by the director pursuant to this section shall be
23 subject to judicial review under ORS 183.484. The taking of judicial review
24 shall not operate to stay the obligation of an energy resource supplier to pay
25 amounts assessed to it on or before the statutory deadline.

26 “(9)(a) In addition to any other fees required by law, each operator of a
27 nuclear fueled thermal power plant or nuclear installation within this state
28 shall pay to the [*State*] department [*of Energy*] annually on July 1[,] an as-
29 sessment in an amount determined by the director to be necessary to fund
30 the activities of the state and the counties associated with emergency

1 preparedness for a nuclear fueled thermal power plant or nuclear installa-
2 tion. The assessment shall not exceed \$461,250 per year. Moneys collected
3 as assessments under this subsection are continuously appropriated to the
4 [State] department [of Energy] for this purpose.

5 “(b) The [State] department [of Energy] shall maintain and [shall] cause
6 other state agencies and counties to maintain time and billing records for
7 the expenditure of any fees collected from an operator of a nuclear fueled
8 thermal power plant under paragraph (a) of this subsection.

9 “(10) Reactors operated by a college, university or graduate center for
10 research purposes and electric utilities not connected to the Northwest
11 Power Grid are exempt from the fee requirements of subsections (5), (8) and
12 (9) of this section.

13 “(11)(a) All fees assessed by the director against holders of site certifi-
14 cates for facilities that have an installed capacity of 500 megawatts or
15 greater may be paid in several installments, the schedule for which shall be
16 negotiated between the director and the site certificate holder.

17 “(b) Energy resource suppliers or applicants or holders of a site certifi-
18 cate who fail to pay a fee provided under subsections (1) to (9) of this sec-
19 tion or the fees required under ORS 469.360 after it is due and payable shall
20 pay, in addition to that fee, a penalty of two percent of the fee a month for
21 the period that the fee is past due. Any payment made according to the terms
22 of a schedule negotiated under paragraph (a) of this subsection shall not be
23 considered past due. The director may bring an action to collect an unpaid
24 fee [or penalty] in the name of the State of Oregon in a court of competent
25 jurisdiction. The court may award reasonable attorney fees to the director
26 if the director prevails in an action under this subsection. The court may
27 award reasonable attorney fees to a defendant who prevails in an action
28 under this subsection if the court determines that the director had no ob-
29 jectively reasonable basis for asserting the claim or no reasonable basis for
30 appealing an adverse decision of the trial court.

1 **SECTION 2.** Section 47a, chapter 753, Oregon Laws 2009, is amended to
2 read:

3 **“Sec. 47a.** Notwithstanding ORS 469.441, in addition to any assessment
4 imposed under ORS 469.421 (8), the State Department of Energy may impose
5 a special assessment on energy resource suppliers that are subject to the
6 assessment described in ORS 469.421 (8). The special assessment authorized
7 under this section may not exceed \$300,000. The department shall calculate
8 the share of the special assessment to be paid by an energy resource supplier
9 based on the most recent gross operating revenue ratio determined for that
10 supplier under ORS 469.421 [(8)(c)] **(8)(e)** as of the special assessment date.
11 The department may not impose the special assessment authorized under this
12 section more than once and may not impose the special assessment after July
13 1, 2010. Moneys received by the department from the special assessment
14 must be deposited to the Energy Project Supplemental Fund and used to pay
15 costs incurred by the department or the Director of the State Department
16 of Energy in implementing or administering loan programs for small scale
17 local energy projects.

18 **SECTION 3. (1) The Director of the State Department of Energy**
19 **shall convene an advisory work group composed of stakeholders re-**
20 **presenting energy resource suppliers, the customers who ultimately**
21 **pay for the energy supplier assessment imposed under ORS 469.421 (8)**
22 **through their energy bills and other groups that have an interest in**
23 **the provision and regulation of energy in this state.**

24 **“(2) The advisory work group shall review and make recommen-**
25 **dations on the State Department of Energy’s proposals related to:**

26 **“(a) Planning, policy and technical analysis;**

27 **“(b) Legislative concepts; and**

28 **“(c) The department’s requested budget.**

29 **“(3) The work group shall meet at least two times per year at the**
30 **call of the director.**

1 **“ENERGY-RELATED PROCEEDINGS**

2
3 **“SECTION 4.** ORS 469.110 is amended to read:

4 “469.110. (1) [*As to*] **At the direction of the Director of the State De-**
5 **partment of Energy, the State Department of Energy may represent**
6 **the state’s energy-related interests in** any matter involving the federal
7 government, its departments or agencies, which is within the scope of the
8 power and duties of the State Department of Energy, [*the department may*
9 *represent its interest or, upon request, may*] **and may, upon request,** repre-
10 sent the interest of [*any*] **a county, city, state agency, federally recognized**
11 **Native American or American Indian tribe,** special district or owner or
12 operator of [*any*] **an energy facility.**

13 “(2) **At the direction of the director,** the department may intervene in
14 any proceeding undertaken by an agency for the purpose of [*expressing its*
15 *views as to the effect of an agency action, upon state energy resources and state*
16 *energy policy*] **representing the state’s energy-related interests.**

17 “(3) **The department may use moneys derived from the energy re-**
18 **source supplier assessment imposed under ORS 469.421 (8) to fund in-**
19 **tervening in a proceeding as described in subsection (2) of this section.**
20 **The director shall notify energy resource suppliers, as defined in ORS**
21 **469.421, of the intervention no later than 15 days before filing a petition**
22 **to intervene or instigating any other initial action related to the**
23 **intervention. The director shall adopt rules to implement this sub-**
24 **section.**

25
26 **“DUTIES**

27
28 **“SECTION 4a.** ORS 469.030 is amended to read:

29 “469.030. (1) There is created the State Department of Energy.

30 “(2) The State Department of Energy shall:

1 “(a) Be the central repository within the state government for the col-
2 lection of data on energy resources;

3 “(b) Endeavor to utilize all public and private sources to inform and ed-
4 ucate the public about energy problems and ways in which the public can
5 conserve energy resources;

6 “(c) Engage in research, but whenever possible, contract with appropriate
7 public or private agencies and dispense funds for research projects and other
8 services related to energy resources, except that the State Department of
9 Energy shall endeavor to avoid duplication of research whether completed
10 or in progress;

11 “(d) Qualify for, accept and disburse or utilize any private or federal
12 moneys or services available for the administration of ORS 176.820, 192.501
13 to 192.505, 192.690, 469.010 to 469.155, 469.300 to 469.563, 469.990, 757.710 and
14 757.720;

15 “(e) Administer federal and state energy allocation and conservation pro-
16 grams and energy research and development programs and apply for and re-
17 ceive available funds therefor;

18 “(f) Be a clearinghouse for energy research to which all agencies shall
19 send information on all energy related research;

20 “(g) Prepare contingent energy programs to include all forms of energy
21 not otherwise provided pursuant to ORS 757.710 and 757.720;

22 “(h) Maintain an inventory of energy research projects in Oregon and the
23 results thereof;

24 “(i) Collect, compile and analyze energy statistics, data and information;

25 “(j) Contract with public and private agencies for energy activities con-
26 sistent with ORS 469.010 and this section; [*and*]

27 “(k) Upon request of the governing body of any affected jurisdiction, co-
28 ordinate a public review of a proposed transmission line according to the
29 provisions of ORS 469.442[.]; **and**

30 **“(L) Advise the Governor on energy-related matters.**

1 **“TRANSFER OF ENERGY FACILITY SITING COUNCIL**

2
3 **“SECTION 5. The duties, functions and powers of the Oregon De-**
4 **partment of Administrative Services relating to the Energy Facility**
5 **Siting Council are imposed upon, transferred to and vested in the**
6 **State Department of Energy.**

7 **“SECTION 6. ORS 469.450 is amended to read:**

8 “469.450. (1) There is established **in the State Department of Energy**
9 an Energy Facility Siting Council, [*to be located within the Oregon Depart-*
10 *ment of Administrative Services and*] consisting of seven public members, who
11 shall be appointed by the Governor, subject to confirmation by the Senate
12 in the manner prescribed in ORS 171.562 and 171.565.

13 “(2) The term of office of each member is four years, but a member serves
14 at the pleasure of the Governor. Before the expiration of the term of a
15 member, the Governor shall appoint a successor whose term begins on July
16 1 next following. A member is eligible for reappointment, but no member
17 shall serve more than two full terms. If there is a vacancy for any cause, the
18 Governor shall make an appointment to become immediately effective for the
19 unexpired term.

20 “(3) No member of the council shall be an employee, director or retired
21 employee or director of, or a consultant to, or have any pecuniary interest,
22 other than an incidental interest which is disclosed and made a matter of
23 public record at the time of the appointment to the council, in:

24 **“(a) Any corporation or utility operating or interested in establishing an**
25 **energy facility in this state; or [in]**

26 **“(b) Any manufacturer of [related] equipment related to the operation**
27 **or establishment of an energy facility in this state.**

28 “(4) No member shall for two years after the expiration of the term of the
29 member accept employment with [*any*] **an** owner or operator of [*any*] **an** en-
30 ergy facility that is subject to ORS 469.300 to 469.563, 469.590 to 469.619,

1 469.930 and 469.992.

2 “(5) Employment of a person in violation of this section shall be grounds
3 for revocation of any license issued by this state or [any] **an** agency [thereof
4 and] **of this state that is** held by the owner or operator of the energy fa-
5 cility that employs [such] **the** person.

6 “(6) **The State Department of Energy shall provide clerical and staff**
7 **support to the council and fund the activities of the council through**
8 **fees collected under ORS 469.421.**

9 “**SECTION 7.** ORS 184.345 is amended to read:

10 “184.345. [(1)] The Oregon Department of Administrative Services shall
11 provide on a reimbursable basis administrative and other services, as agreed
12 to, to:

13 “[a] (1) The Department of Corrections;

14 “[b] (2) The Department of Human Services;

15 “[c] (3) The Oregon Health Authority; and

16 “[d] (4) The State Board of Education.

17 “[2] *In addition to its duties under subsection (1) of this section, the*
18 *Oregon Department of Administrative Services shall provide clerical support*
19 *to the Energy Facility Siting Council.]*

20 “**SECTION 8. (1) On the effective date of this 2013 Act:**

21 “(a) **The Director of the Oregon Department of Administrative**
22 **Services shall:**

23 “(A) **Deliver to the State Department of Energy all records and**
24 **property within the jurisdiction of the director that relate to the du-**
25 **ties, functions and powers transferred by section 5 of this 2013 Act; and**

26 “(B) **Transfer to the State Department of Energy those employees**
27 **engaged primarily in the exercise of the duties, functions and powers**
28 **transferred by section 5 of this 2013 Act.**

29 “(b) **The Director of the State Department of Energy shall take**
30 **possession of the records and property, and shall take charge of the**

1 employees and employ them in the exercise of the duties, functions
2 and powers transferred by section 5 of this 2013 Act, without reduction
3 of compensation but subject to change or termination of employment
4 or compensation as provided by law.

5 “(2) The Governor shall resolve any dispute between the Oregon
6 Department of Administrative Services and the State Department of
7 Energy relating to transfers of records, property and employees under
8 this section, and the Governor’s decision is final.

9 **“SECTION 9. (1) The unexpended balances of amounts authorized**
10 **to be expended by the Oregon Department of Administrative Services**
11 **for the biennium beginning July 1, 2013, from revenues dedicated,**
12 **continuously appropriated, appropriated or otherwise made available**
13 **for the purpose of administering and enforcing the duties, functions**
14 **and powers transferred by section 5 of this 2013 Act are transferred to**
15 **and are available for expenditure by the State Department of Energy**
16 **for the biennium beginning July 1, 2013, for the purpose of adminis-**
17 **tering and enforcing the duties, functions and powers transferred by**
18 **section 5 of this 2013 Act.**

19 “(2) The expenditure classifications, if any, established by Acts au-
20 thorizing or limiting expenditures by the Oregon Department of Ad-
21 ministrative Services remain applicable to expenditures by the State
22 Department of Energy under this section.

23 **“SECTION 10. The transfer of duties, functions and powers to the**
24 **State Department of Energy by section 5 of this 2013 Act does not af-**
25 **fect any action, proceeding or prosecution involving or with respect**
26 **to such duties, functions and powers begun before and pending at the**
27 **time of the transfer, except that the State Department of Energy is**
28 **substituted for the Oregon Department of Administrative Services in**
29 **the action, proceeding or prosecution.**

30 **“SECTION 11. (1) Nothing in sections 5 and 8 to 13 of this 2013 Act**

1 or the amendments to ORS 184.345, 469.421 and 469.450 by sections 1, 6
2 and 7 of this 2013 Act relieves a person of a liability, duty or obligation
3 accruing under or with respect to the duties, functions and powers
4 transferred by section 5 of this 2013 Act. The State Department of
5 Energy may undertake the collection or enforcement of any such li-
6 ability, duty or obligation.

7 “(2) The rights and obligations of the Oregon Department of Ad-
8 ministrative Services legally incurred under contracts, leases and
9 business transactions executed, entered into or begun before the ef-
10 fective date of section 5 of this 2013 Act accruing under or with respect
11 to the duties, functions and powers transferred by section 5 of this 2013
12 Act are transferred to the State Department of Energy. For the pur-
13 pose of succession to these rights and obligations, the State Depart-
14 ment of Energy is a continuation of the Oregon Department of
15 Administrative Services and not a new authority.

16 “SECTION 12. Notwithstanding the transfer of duties, functions and
17 powers by section 5 of this 2013 Act, the rules of the Oregon Depart-
18 ment of Administrative Services with respect to such duties, functions
19 or powers that are in effect on the effective date of section 5 of this
20 2013 Act continue in effect until superseded or repealed by rules of the
21 State Department of Energy. References in such rules of the Oregon
22 Department of Administrative Services to the Oregon Department of
23 Administrative Services or an officer or employee of the Oregon De-
24 partment of Administrative Services are considered to be references
25 to the State Department of Energy or an officer or employee of the
26 State Department of Energy.

27 “SECTION 13. Whenever, in any uncodified law or resolution of the
28 Legislative Assembly or in any rule, document, record or proceeding
29 authorized by the Legislative Assembly, in the context of the duties,
30 functions and powers transferred by section 5 of this 2013 Act, refer-

1 **ence is made to the Oregon Department of Administrative Services,**
2 **or an officer or employee of the Oregon Department of Administrative**
3 **Services, whose duties, functions or powers are transferred by section**
4 **5 of this 2013 Act, the reference is considered to be a reference to the**
5 **State Department of Energy or an officer or employee of the State**
6 **Department of Energy who by this 2013 Act is charged with carrying**
7 **out such duties, functions and powers.**

8

9

“APPLICABILITY

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11 **“SECTION 14. The amendments to ORS 469.421 by section 1 of this**
12 **2013 Act apply to the establishment of the amount required to fund the**
13 **activities of the Energy Facility Siting Council and the State Depart-**
14 **ment of Energy for the 2015-2017 biennium and subsequent biennia.**

15

16

“CAPTIONS

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18 **“SECTION 15. The unit captions used in this 2013 Act are provided**
19 **only for the convenience of the reader and do not become part of the**
20 **statutory law of this state or express any legislative intent in the**
21 **enactment of this 2013 Act.”.**

22
