

**PROPOSED AMENDMENTS TO
SENATE BILL 259**

1 On page 1 of the printed bill, delete lines 5 through 25.

2 On page 2, delete lines 1 through 14 and insert:

3 **“SECTION 1.** ORS 469.360 is amended to read:

4 “469.360. (1) The Energy Facility Siting Council shall evaluate each **no-**
5 **tice of intent**, site certificate application **or request for expedited**
6 **review**. [*As part of its evaluation, the council may commission an independent*
7 *study by an independent contractor, state agency, local government or any*
8 *other person, of any aspect of the proposed facility within its statutory au-*
9 *thority to review. The council may compensate a state agency or local govern-*
10 *ment for expenses related to:]*

11 **“(2) Pursuant to a written contract or agreement, the council may**
12 **compensate a state agency or a local government affected by the ap-**
13 **plication for expenses directly related to participation by the compen-**
14 **sated agency or local government in the following evaluation**
15 **activities:**

16 **“(a) Consultation initiated by an applicant after payment of the fee**
17 **under ORS 469.421 (2) for the notice of intent or request for expedited**
18 **review but prior to submittal of the notice or request;**

19 **“[(a)] (b) Review of the notice of intent, the application or a request for**
20 **an expedited review; and**

21 **“[(b)] (c) [The state agency’s or local government’s] Participation in a**
22 **council proceeding[; and], excluding legal expenses of the agency or local**

1 **government incurred as a result of participation by the state agency**
2 **or local government as a party in a contested case conducted by the**
3 **council pursuant to ORS 469.370 (5).**

4 *“(c) The performance of specific studies necessary to complete the council’s*
5 *statutory evaluation of the application.]*

6 **“(3) Compensation for consultation expenses under subsection (2)(a)**
7 **of this section shall be limited to the expenses established in an esti-**
8 **mate provided by the council and agreed to by the applicant. The ap-**
9 **plicant may request that the estimate be revised to allow for additional**
10 **consultation activities at any time prior to submitting the notice of**
11 **intent.**

12 **“(4) Pursuant to a written agreement, the council may compensate**
13 **a tribe identified by the Commission on Indian Services as affected by**
14 **the application for expenses directly related to the tribe’s review of a**
15 **notice of intent, site certificate application or request for expedited**
16 **review.**

17 *“[(2)] (5) [The council may enter into a contract under subsection (1) of this*
18 *section] As part of its evaluation, the council also may commission an*
19 **independent study by an independent contractor, state agency, local**
20 **government or any other person, of any aspect of the proposed facility**
21 **within its statutory authority to review. The council may commission**
22 **an independent study under this subsection only after the council makes**
23 **a determination that the council is unable to fully evaluate the application**
24 **without assistance and identifies specific issues to be addressed and only**
25 **pursuant to a written contract or agreement with the independent contrac-**
26 **tor, state agency, local government or other person. The council shall com-**
27 **pensate the independent contractor, state agency, local government or other**
28 **person only to the extent the costs are directly related to issues identified**
29 **by the council.**

30 *“[(3)] (6) The council shall provide funding to state agencies, cities or*

1 counties required to contract with another entity to complete comments and
2 recommendations pursuant to ORS 469.350.

3 “[~~(4)~~] (7) In addition to compensating state agencies, **tribes** and local
4 governments pursuant to [*subsection (1) of*] this section, the council may
5 provide funding to the Department of Environmental Quality for the depart-
6 ment to conduct modeling and provide technical assistance to expedite
7 preparation, submission and review of applications for permits under ORS
8 468A.040 required for energy facilities.”

9 In line 29, delete “(2)”.

10 In line 30, after “tribe” delete the rest of the line and delete lines 31 and
11 32 and insert “or a local government pursuant to a written contract or
12 agreement relating to compensation as provided for in ORS 469.360; or”.

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