

# B-Engrossed House Bill 2020

Ordered by the House June 30  
Including House Amendments dated April 21 and June 30

Sponsored by Representative HOLVEY; Representatives KENY-GUYER, MARSH, POWER

## 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.

Establishes Oregon Energy and Climate Board as oversight and advisory body for Oregon Department of Energy and Climate.

**Establishes Energy Industry Advisory Committee to provide certain information and recommendations to board.**

Establishes Interagency Climate Coordinating Committee to make recommendations to board and Legislative Assembly on ways to coordinate state policies, *[and]* programs, **projects and activities** related to energy and climate **and to develop certain recommendations and strategies related to mitigating and adapting to impacts of climate change.**

Changes name of State Department of Energy to Oregon Department of Energy and Climate. Changes name of Director of State Department of Energy to Energy and Climate Director.

Abolishes Oregon Global Warming Commission.

Modifies state energy policy.

Modifies general duties of department.

Requires department, in coordination with board, to develop proposal for restructuring policies and programs related to greenhouse gas emissions or climate change in pursuance of certain goals. Requires board and department to submit proposal to appropriate interim committees of Legislative Assembly no later than September 15, 2018.

Becomes operative January 1, 2018.

Takes effect on 91st day following adjournment sine die.

## A BILL FOR AN ACT

1  
2 Relating to State Department of Energy; creating new provisions; amending ORS 176.820, 244.050,  
3 352.823, 401.054, 469.010, 469.020, 469.030, 469.040, 469.110, 469.120 and 469.605; repealing ORS  
4 468A.210, 468A.215, 468A.220, 468A.225, 468A.230, 468A.235, 468A.240, 468A.245, 468A.250,  
5 468A.255, 468A.260 and 469.426; and prescribing an effective date.

6 **Be It Enacted by the People of the State of Oregon:**

## ENERGY POLICY

7  
8  
9  
10 **SECTION 1.** ORS 469.010 is amended to read:

11 469.010. The Legislative Assembly finds and declares that:

12 (1) Continued growth in demand for *[nonrenewable energy forms]* **energy, at affordable cost,**  
13 poses a serious and immediate, as well as future, **concern.** *[problem. It is essential that future gen-*  
14 *erations not be left a legacy of vanished or depleted resources, resulting in massive environmental, so-*  
15 *cial and financial impact.]*

16 (2) It is the goal of Oregon to promote the efficient use of energy resources *[and to develop*  
17 *permanently sustainable energy resources. The need exists for comprehensive state leadership in energy*  
18 *production, distribution and utilization.]* **consistent with state environmental policy.** It is, there-

**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 fore, the policy of Oregon:

2 (a) That **the** development and use of a diverse array of **affordable, sustainable energy re-**  
3 **sources be encouraged.** [*permanently sustainable energy resources be encouraged utilizing to the*  
4 *highest degree possible the private sector of our free enterprise system.*]

5 (b) That **the development of energy resources be accomplished consistent with state**  
6 **greenhouse gas reduction goals.**

7 [(b)] (c) That through state government example and **policy** [*other effective communications*], en-  
8 ergy conservation and elimination of wasteful and uneconomical uses of energy and materials be  
9 promoted. [*This conservation must include, but not be limited to, resource recovery and materials re-*  
10 *cyclng.*]

11 [(c) That the basic human needs of every citizen, present and future, shall be given priority in the  
12 allocation of energy resources, commensurate with perpetuation of a free and productive economy with  
13 special attention to the preservation and enhancement of environmental quality.]

14 (d) That state government assist every citizen and industry in adjusting to [*a diminished avail-*  
15 *ability of energy*] **changes in the available mix of energy resources and to climate change.**

16 (e) That energy-efficient modes of transportation [*for people and goods*] shall be encouraged[,  
17 *while energy-inefficient modes of transportation shall be discouraged*].

18 (f) That cost-effectiveness, **balanced with environmental policy considerations**, be considered  
19 in [*state*] agency decision-making relating to energy sources[, *facilities*] or conservation[, *and that*  
20 *cost-effectiveness be considered in all agency decision-making relating to energy facilities*].

21 (g) That state government shall provide a source of impartial and objective information in order  
22 that this energy policy may be enhanced.

23  
24 **OREGON ENERGY AND CLIMATE BOARD**

25  
26 **SECTION 2. Sections 3, 4, 6, 6a and 7 of this 2017 Act are added to and made a part of**  
27 **ORS 469.010 to 469.155.**

28  
29 **(Establishment)**

30  
31 **SECTION 3. (1) In order to ensure close correspondence among Oregon Department of**  
32 **Energy and Climate policies and programs, the public interest and state climate policies,**  
33 **there is created the Oregon Energy and Climate Board.**

34 (2) The Energy and Climate Director and an Oregon member of the Pacific Northwest  
35 Electric Power and Conservation Planning Council shall serve as nonvoting, ex officio mem-  
36 bers of the board.

37 (3) The Governor shall appoint seven members to the board, subject to confirmation by  
38 the Senate as provided in ORS 171.562 and 171.565. Members of the board appointed under  
39 this subsection must be residents of this state well informed in energy and climate issues  
40 and shall include the following:

41 (a) One member who is an economist;

42 (b) One member from an institution of higher education in Oregon with expertise in en-  
43 ergy and climate issues;

44 (c) One member who represents residential energy users;

45 (d) One member who represents commercial or industrial energy users;

1 (e) One member with expertise in transportation issues; and

2 (f) Two at-large members.

3 (4) A member of the board may not hold any pecuniary interest in, have any contract  
4 of employment with, or have any substantial voluntary transactions with any business entity  
5 conducting operations that, if conducted in this state, would be subject to the energy re-  
6 source supplier assessment imposed under ORS 469.421 (8).

7 **SECTION 4.** (1) The term of office of each member appointed to the Oregon Energy and  
8 Climate Board is four years, but the members of the board may be removed by the Governor.  
9 Before the expiration of the term of a member, the Governor shall appoint a successor to  
10 assume the duties of the member on July 1 of the next following year.

11 (2) A member is eligible for reappointment, but no member may serve more than two  
12 consecutive terms. In case of a vacancy for any cause, the Governor shall make an ap-  
13 pointment to become immediately effective for the unexpired term.

14 (3) The board shall select one of the voting members as chairperson and another as vice  
15 chairperson, for terms and with duties and powers necessary for the performance of the  
16 functions of the offices as the board determines.

17 (4) A majority of the voting members of the board constitutes a quorum for the trans-  
18 action of business.

19 (5) The board shall meet once during each calendar quarter at a time and place deter-  
20 mined by the chairperson. The board may hold additional meetings at times and places de-  
21 termined by the chairperson or the Energy and Climate Director, or as requested by a  
22 majority of the voting members.

23 (6) A member of the board is not entitled to compensation but may be reimbursed from  
24 funds available to the board for actual and necessary travel and other expenses incurred by  
25 the member in the performance of the member's official duties in the manner and amount  
26 provided in ORS 292.495.

27 **SECTION 5.** Notwithstanding the term of office specified by section 3 of this 2016 Act,  
28 of the members first appointed by the Governor to the Oregon Energy and Climate Board:

29 (1) One shall serve for a term ending July 1, 2019.

30 (2) One shall serve for a term ending July 1, 2020.

31 (3) One shall serve for a term ending July 1, 2021.

32 (4) Two shall serve for terms ending July 1, 2022.

33  
34 (Duties)

35  
36 **SECTION 6.** (1) The Oregon Energy and Climate Board shall advise the Oregon Depart-  
37 ment of Energy and Climate regarding:

38 (a) The implementation, administration and enforcement of department programs and  
39 activities;

40 (b) The development of department policies in accordance with the policy stated in ORS  
41 469.010 and state environmental policies; and

42 (c) The preparation for submission to the Governor budget forms under ORS 291.208 for  
43 purposes related to the compilation and preparation of the Governor's budget under ORS  
44 291.216.

45 (2) In advising the department under subsection (1) of this section the board shall give

1 due regard to the department's role in aiding agencies of the executive department as defined  
2 in ORS 174.122 in the achievement of the greenhouse gas reduction goals established by ORS  
3 468A.205.

4 (3) By arrangement with the chairperson, the Energy and Climate Director shall review  
5 with the board the activities of the department and, subject to policy direction by the board,  
6 outline the methods, policies and program of work for the department.

7 (4) The board shall receive regular reports from the Energy Facility Siting Council and  
8 the Oregon Hanford Cleanup Board.

9 (5) The board shall hold public hearings and provide an opportunity for public comment  
10 in carrying out the board's activities under this section.

11  
12 (Energy Industry Advisory Committee)

13  
14 **SECTION 6a.** (1) There is created an Energy Industry Advisory Committee consisting of  
15 nine members appointed by the Oregon Energy and Climate Board as follows:

16 (a) Two members who represent electric investor-owned utilities as that term is defined  
17 in ORS 469.631;

18 (b) One member who represents a natural gas investor-owned utility as that term is de-  
19 fined in ORS 469.631;

20 (c) Two members who represent consumer-owned utilities as that term is defined in ORS  
21 469A.005;

22 (d) One member who represents the interests of renewable energy developers;

23 (e) One member who represents the interests of energy efficiency contractors; and

24 (f) Two at-large members.

25 (2) The committee shall provide information and recommendations to the board on:

26 (a) Energy production, distribution and utilization;

27 (b) Energy portfolio resources and energy infrastructure resiliency;

28 (c) Energy industry trends related to matters described in paragraphs (a) and (b) of this  
29 subsection; and

30 (d) Proposals by the Oregon Department of Energy and Climate related to planning, pol-  
31 icy and technical analysis.

32 (3) Members of the committee shall be appointed to serve for terms of four years each.  
33 A vacancy on the committee shall be filled by appointment by the board for the unexpired  
34 term.

35 (4) The committee shall select from among themselves a chairperson and any other offi-  
36 cers with such terms and duties as the committee considers necessary. A majority of the  
37 members of the committee constitutes a quorum. The committee shall meet at least two  
38 times per year at the call of the chairperson of the board.

39 (5) Members of the committee are not entitled to compensation or reimbursement for  
40 expenses and shall serve as volunteers on the committee.

41 (6) The Oregon Department of Energy and Climate shall provide personnel services to  
42 assist the committee within the limits of available funds.

43  
44 INTERAGENCY CLIMATE COORDINATING COMMITTEE  
45



1 **prioritization;**

2 **(b) All state climate policies and programs are administered in a well-coordinated manner**  
3 **that positions this state to achieve the greenhouse gas emissions reduction goals set forth**  
4 **in ORS 468A.205; and**

5 **(c) All agencies of the executive department have systems in place to accurately evalu-**  
6 **ate:**

7 **(A) The effectiveness of climate policies or programs administered by the agencies;**

8 **(B) Future objectives related to climate and how those objectives may be best achieved**  
9 **in a coordinated manner; and**

10 **(C) Additional greenhouse gas mitigation strategies that may be pursued by the agencies.**

11 **(2) The department and the board shall submit the proposal required by this section to**  
12 **the appropriate interim committees of the Legislative Assembly no later than September 15,**  
13 **2018.**

14 **SECTION 9. Section 8 of this 2017 Act is repealed on December 31, 2018.**

15  
16 **PROVISIONS ABOLISHING GLOBAL WARMING COMMISSION**

17  
18 **SECTION 10. The Oregon Global Warming Commission is abolished.**

19 **SECTION 11. ORS 468A.210, 468A.215, 468A.220, 468A.225, 468A.230, 468A.235, 468A.240,**  
20 **468A.245, 468A.250, 468A.255 and 468A.260 are repealed.**

21 **SECTION 12. (1) The Chairperson of the Oregon Global Warming Commission shall:**

22 **(a) Deliver to the Oregon Department of Energy and Climate all records, property and**  
23 **work product within the jurisdiction of the chairperson that relate to the duties, functions**  
24 **and powers of the Oregon Global Warming Commission as those duties, functions and powers**  
25 **existed prior to the effective date of the abolishment of the commission by section 10 of this**  
26 **2017 Act.**

27 **(2) The Energy and Climate Director shall take possession of the records, property and**  
28 **work product.**

29 **(3) The Governor shall resolve any dispute between the Oregon Global Warming Com-**  
30 **mission and the Oregon Department of Energy and Climate relating to transfers of records,**  
31 **property and work product under this section, and the Governor's decision is final.**

32 **SECTION 13. ORS 352.823 is amended to read:**

33 **352.823. (1) The Oregon Climate Change Research Institute is established at Oregon State Uni-**  
34 **versity. In administering the institute, Oregon State University may seek the cooperation of other**  
35 **public universities listed in ORS 352.002.**

36 **(2) The purpose of the Oregon Climate Change Research Institute is to:**

37 **(a) Facilitate research by faculty at public universities listed in ORS 352.002 on climate change**  
38 **and its effects on natural and human systems in Oregon;**

39 **(b) Serve as a clearinghouse for climate change information;**

40 **(c) Provide climate change information to the public in integrated and accessible formats; **and****

41 ***[(d) Support the Oregon Global Warming Commission in developing strategies to prepare for and***  
42 ***to mitigate the effects of climate change on natural and human systems; and]***

43 ***[(e)] (d) Provide technical assistance to local governments to assist them in developing climate***  
44 ***change policies, practices and programs.***

45 **(3) The Oregon Climate Change Research Institute shall assess, at least once each biennium, the**

1 state of climate change science, including biological, physical and social science, as it relates to  
2 Oregon and the likely effects of climate change on the state. The institute shall submit the assess-  
3 ment to the Legislative Assembly in the manner provided in ORS 192.245 and to the Governor.

4 (4) State agencies may contract with the Oregon Climate Change Research Institute to fulfill  
5 agency needs regarding the collection, storage, integration, analysis, dissemination and monitoring  
6 of climate change information, research and training.

7  
8 **STATE DEPARTMENT OF ENERGY**

9  
10 **(Modification of General Duties; Name Change)**

11  
12 **SECTION 14.** ORS 469.030 is amended to read:

13 469.030. (1) There is created the [State] **Oregon Department of Energy and Climate.**

14 (2) [The State Department of Energy shall:] **Subject to the policy direction of the Oregon**  
15 **Energy and Climate Board, and in furtherance of the energy policies stated in ORS 469.010**  
16 **and 469.310, the Oregon Department of Energy and Climate shall:**

17 (a) **Provide technical analysis and expert advice to the Governor and the Legislative As-**  
18 **sembly on energy and climate policy;**

19 [(a)] (b) [Be] **Collect, compile and analyze energy data and serve as** the central repository  
20 within the state government for [the collection of data on energy resources;] **energy and climate**  
21 **information, to which all agencies shall send information on all energy and climate-related**  
22 **research;**

23 (c) **Monitor energy industry research and developments;**

24 [(b) Endeavor to utilize all public and private sources to inform and educate the public about en-  
25 ergy problems and ways in which the public can conserve energy resources;]

26 (d) **Track and evaluate:**

27 (A) **Progress toward achieving the greenhouse gas emissions reduction goals established**  
28 **by ORS 468A.205;**

29 (B) **The advancement of regional, national and international policies to reduce**  
30 **greenhouse gas emissions;**

31 (C) **Local and regional efforts to prepare for the effects of climate change; and**

32 (D) **Other information, policies or analyses that the department determines will aid in the**  
33 **achievement of the greenhouse gas emissions reduction goals established by ORS 468A.205;**

34 [(c)] (e) Engage in research, but whenever possible, contract with appropriate public or private  
35 agencies and dispense funds for research projects and other services related to energy resources  
36 **and climate**, except that the State Department of Energy shall endeavor to avoid duplication of  
37 research whether completed or in progress;

38 [(d)] (f) Qualify for, accept and disburse or utilize any private or federal moneys or services  
39 available for the administration of ORS [176.820,] 192.501 to 192.505, [192.690,] 469.010 to 469.155,  
40 469.300 to 469.563, 469.990, 757.710 and 757.720;

41 [(e)] (g) Administer federal and state energy allocation and conservation programs and energy  
42 research and development programs and apply for and receive available funds [therefor] **for the**  
43 **programs;**

44 [(f) Be a clearinghouse for energy research to which all agencies shall send information on all  
45 energy related research;]

1 [(g)] (h) Prepare contingent energy programs to include all forms of energy not otherwise pro-  
2 vided pursuant to ORS 757.710 and 757.720;

3 [(h)] *Maintain an inventory of energy research projects in Oregon and the results thereof;*

4 [(i)] *Collect, compile and analyze energy statistics, data and information;*

5 [(j)] (i) Contract with public and private agencies for energy activities consistent with ORS  
6 469.010 and this section;

7 [(k)] (j) Upon request of the governing body of any affected jurisdiction, coordinate a public re-  
8 view of a proposed transmission line according to the provisions of ORS 469.442; and

9 [(L)] *Advise the Governor on energy-related matters.*

10 (k) **Provide staff support to the Oregon Energy and Climate Board, the Oregon Hanford**  
11 **Cleanup Board and the Energy Facility Siting Council.**

12 **SECTION 15. (1) The amendments to ORS 469.030 by section 14 of this 2017 Act are in-**  
13 **tended to change the name of the “State Department of Energy” to the “Oregon Department**  
14 **of Energy and Climate.”**

15 **(2) For the purpose of harmonizing and clarifying statute sections published in Oregon**  
16 **Revised Statutes, the Legislative Counsel may substitute for words designating the “State**  
17 **Department of Energy,” wherever they occur in Oregon Revised Statutes, other words des-**  
18 **ignating the “Oregon Department of Energy and Climate.”**

19  
20 (Director)

21  
22 **SECTION 16.** ORS 469.040 is amended to read:

23 469.040. (1) The [State] **Oregon** Department of Energy **and Climate** shall be under the super-  
24 vision of the **Energy and Climate** Director [*of the State Department of Energy*], who shall, **subject**  
25 **to the policy direction of the Oregon Energy and Climate Board:**

26 (a) Supervise the day-to-day functions of the [State] **Oregon** Department of Energy **and**  
27 **Climate;**

28 (b) Supervise and facilitate the work and research on energy facility siting applications at the  
29 direction of the Energy Facility Siting Council;

30 (c) Hire, assign, reassign and coordinate personnel of the [State] department [*of Energy*], pre-  
31 scribe their duties and fix their compensation, subject to the State Personnel Relations Law; and

32 (d) Adopt rules and issue orders to carry out the duties of the director and the [State] depart-  
33 ment [*of Energy*] in accordance with ORS chapter 183 and the policy stated in ORS 469.010.

34 (2) The director may delegate to any officer or employee the exercise and discharge in the  
35 director’s name of any power, duty or function of whatever character vested in the director by law.  
36 The official act of any person acting in the director’s name and by the director’s authority shall be  
37 considered an official act of the director.

38 (3) The director shall be appointed by the Governor[,], **subject to confirmation by the Senate**  
39 **in the manner provided by ORS 171.562 and 171.565.**

40 **SECTION 17. (1) The amendments to ORS 469.040 by section 16 of this 2017 Act are in-**  
41 **tended to change the name of the “Director of the State Department of Energy” to the**  
42 **“Energy and Climate Director.”**

43 **(2) For the purpose of harmonizing and clarifying statute sections published in Oregon**  
44 **Revised Statutes, the Legislative Counsel may substitute for words designating the “Director**  
45 **of the State Department of Energy,” wherever they occur in Oregon Revised Statutes, other**



1 **words designating the “Energy and Climate Director.”**

2 **SECTION 18.** ORS 469.110 is amended to read:

3 469.110. (1) At the direction of the **Energy and Climate** Director [*of the State Department of*  
4 *Energy*] **and of the Oregon Energy and Climate Board**, the [*State*] **Oregon** Department of Energy  
5 **and Climate** may represent the state’s energy-related interests in any matter involving the federal  
6 government, its departments or agencies, which is within the scope of the power and duties of the  
7 [*State*] **Oregon** Department of Energy **and Climate**, and may, upon request, represent the interest  
8 of a county, city, state agency, federally recognized Native American or American Indian tribe,  
9 special district or owner or operator of an energy facility.

10 (2) At the direction of the director **and the board**, the department may intervene in any pro-  
11 ceeding undertaken by an agency for the purpose of expressing its views as to the effect of an  
12 agency action, upon state energy resources and state energy policy.

13  
14 **(Repeal of Energy Advisory Work Group)**

15  
16 **SECTION 19.** ORS 469.426 is repealed.

17  
18 **CONFORMING AMENDMENTS**

19  
20 **SECTION 20.** ORS 176.820 is amended to read:

21 176.820. There is continuously appropriated from the Motor Vehicle Division Account to the  
22 [*State*] **Oregon** Department of Energy **and Climate**, for deposit in the [*State*] **Oregon** Department  
23 of Energy **and Climate** Account, sufficient moneys for the payment of expenses incurred under  
24 chapter 606, Oregon Laws 1975, subject to limitations on payment of expenses as approved under  
25 legislative authority.

26 **SECTION 21.** ORS 244.050 is amended to read:

27 244.050. (1) On or before April 15 of each year the following persons shall file with the Oregon  
28 Government Ethics Commission a verified statement of economic interest as required under this  
29 chapter:

30 (a) The Governor, Secretary of State, State Treasurer, Attorney General, Commissioner of the  
31 Bureau of Labor and Industries, district attorneys and members of the Legislative Assembly.

32 (b) Any judicial officer, including justices of the peace and municipal judges, except any pro tem  
33 judicial officer who does not otherwise serve as a judicial officer.

34 (c) Any candidate for a public office designated in paragraph (a) or (b) of this subsection.

35 (d) The Deputy Attorney General.

36 (e) The Deputy Secretary of State.

37 (f) The Legislative Administrator, the Legislative Counsel, the Legislative Fiscal Officer, the  
38 Secretary of the Senate and the Chief Clerk of the House of Representatives.

39 (g) The president and vice presidents, or their administrative equivalents, in each public uni-  
40 versity listed in ORS 352.002.

41 (h) The following state officers:

42 (A) Adjutant General.

43 (B) Director of Agriculture.

44 (C) Manager of State Accident Insurance Fund Corporation.

45 (D) Water Resources Director.

- 1 (E) Director of Department of Environmental Quality.
- 2 (F) Director of Oregon Department of Administrative Services.
- 3 (G) State Fish and Wildlife Director.
- 4 (H) State Forester.
- 5 (I) State Geologist.
- 6 (J) Director of Human Services.
- 7 (K) Director of the Department of Consumer and Business Services.
- 8 (L) Director of the Department of State Lands.
- 9 (M) State Librarian.
- 10 (N) Administrator of Oregon Liquor Control Commission.
- 11 (O) Superintendent of State Police.
- 12 (P) Director of the Public Employees Retirement System.
- 13 (Q) Director of Department of Revenue.
- 14 (R) Director of Transportation.
- 15 (S) Public Utility Commissioner.
- 16 (T) Director of Veterans' Affairs.
- 17 (U) Executive director of Oregon Government Ethics Commission.
- 18 (V) [*Director of the State Department of Energy.*] **Energy and Climate Director.**
- 19 (W) Director and each assistant director of the Oregon State Lottery.
- 20 (X) Director of the Department of Corrections.
- 21 (Y) Director of the Oregon Department of Aviation.
- 22 (Z) Executive director of the Oregon Criminal Justice Commission.
- 23 (AA) Director of the Oregon Business Development Department.
- 24 (BB) Director of the Office of Emergency Management.
- 25 (CC) Director of the Employment Department.
- 26 (DD) Chief of staff for the Governor.
- 27 (EE) Administrator of the Office for Oregon Health Policy and Research.
- 28 (FF) Director of the Housing and Community Services Department.
- 29 (GG) State Court Administrator.
- 30 (HH) Director of the Department of Land Conservation and Development.
- 31 (II) Board chairperson of the Land Use Board of Appeals.
- 32 (JJ) State Marine Director.
- 33 (KK) Executive director of the Oregon Racing Commission.
- 34 (LL) State Parks and Recreation Director.
- 35 (MM) Public defense services executive director.
- 36 (NN) Chairperson of the Public Employees' Benefit Board.
- 37 (OO) Director of the Department of Public Safety Standards and Training.
- 38 (PP) Executive director of the Higher Education Coordinating Commission.
- 39 (QQ) Executive director of the Oregon Watershed Enhancement Board.
- 40 (RR) Director of the Oregon Youth Authority.
- 41 (SS) Director of the Oregon Health Authority.
- 42 (TT) Deputy Superintendent of Public Instruction.
- 43 (i) The First Partner, the legal counsel, the deputy legal counsel and all policy advisors within
- 44 the Governor's office.
- 45 (j) Every elected city or county official.

- 1 (k) Every member of a city or county planning, zoning or development commission.
- 2 (L) The chief executive officer of a city or county who performs the duties of manager or prin-  
3 cipal administrator of the city or county.
- 4 (m) Members of local government boundary commissions formed under ORS 199.410 to 199.519.
- 5 (n) Every member of a governing body of a metropolitan service district and the auditor and  
6 executive officer thereof.
- 7 (o) Each member of the board of directors of the State Accident Insurance Fund Corporation.
- 8 (p) The chief administrative officer and the financial officer of each common and union high  
9 school district, education service district and community college district.
- 10 (q) Every member of the following state boards and commissions:
- 11 (A) Board of Geologic and Mineral Industries.
- 12 (B) Oregon Business Development Commission.
- 13 (C) State Board of Education.
- 14 (D) Environmental Quality Commission.
- 15 (E) Fish and Wildlife Commission of the State of Oregon.
- 16 (F) State Board of Forestry.
- 17 (G) Oregon Government Ethics Commission.
- 18 (H) Oregon Health Policy Board.
- 19 (I) Oregon Investment Council.
- 20 (J) Land Conservation and Development Commission.
- 21 (K) Oregon Liquor Control Commission.
- 22 (L) Oregon Short Term Fund Board.
- 23 (M) State Marine Board.
- 24 (N) Mass transit district boards.
- 25 (O) Energy Facility Siting Council.
- 26 (P) Board of Commissioners of the Port of Portland.
- 27 (Q) Employment Relations Board.
- 28 (R) Public Employees Retirement Board.
- 29 (S) Oregon Racing Commission.
- 30 (T) Oregon Transportation Commission.
- 31 (U) Water Resources Commission.
- 32 (V) Workers' Compensation Board.
- 33 (W) Oregon Facilities Authority.
- 34 (X) Oregon State Lottery Commission.
- 35 (Y) Pacific Northwest Electric Power and Conservation Planning Council.
- 36 (Z) Columbia River Gorge Commission.
- 37 (AA) Oregon Health and Science University Board of Directors.
- 38 (BB) Capitol Planning Commission.
- 39 (CC) Higher Education Coordinating Commission.
- 40 (DD) Oregon Growth Board.
- 41 (EE) Early Learning Council.
- 42 **(FF) Oregon Energy and Climate Board.**
- 43 (r) The following officers of the State Treasurer:
- 44 (A) Deputy State Treasurer.
- 45 (B) Chief of staff for the office of the State Treasurer.

1 (C) Director of the Investment Division.

2 (s) Every member of the board of commissioners of a port governed by ORS 777.005 to 777.725  
3 or 777.915 to 777.953.

4 (t) Every member of the board of directors of an authority created under ORS 441.525 to 441.595.

5 (u) Every member of a governing board of a public university listed in ORS 352.002.

6 (v) Every member of the board of directors of an authority created under ORS 465.600 to  
7 465.621.

8 (2) By April 15 next after the date an appointment takes effect, every appointed public official  
9 on a board or commission listed in subsection (1) of this section shall file with the Oregon Govern-  
10 ment Ethics Commission a statement of economic interest as required under ORS 244.060, 244.070  
11 and 244.090.

12 (3) By April 15 next after the filing deadline for the primary election, each candidate described  
13 in subsection (1) of this section shall file with the commission a statement of economic interest as  
14 required under ORS 244.060, 244.070 and 244.090.

15 (4) Within 30 days after the filing deadline for the general election, each candidate described in  
16 subsection (1) of this section who was not a candidate in the preceding primary election, or who  
17 was nominated for public office described in subsection (1) of this section at the preceding primary  
18 election by write-in votes, shall file with the commission a statement of economic interest as re-  
19 quired under ORS 244.060, 244.070 and 244.090.

20 (5) Subsections (1) to (4) of this section apply only to persons who are incumbent, elected or  
21 appointed public officials as of April 15 and to persons who are candidates on April 15. Subsections  
22 (1) to (4) of this section also apply to persons who do not become candidates until 30 days after the  
23 filing deadline for the statewide general election.

24 (6) If a statement required to be filed under this section has not been received by the commis-  
25 sion within five days after the date the statement is due, the commission shall notify the public of-  
26 ficial or candidate and give the public official or candidate not less than 15 days to comply with the  
27 requirements of this section. If the public official or candidate fails to comply by the date set by the  
28 commission, the commission may impose a civil penalty as provided in ORS 244.350.

29 **SECTION 22.** ORS 244.050, as amended by section 10, chapter 88, Oregon Laws 2016, is  
30 amended to read:

31 244.050. (1) On or before April 15 of each year the following persons shall file with the Oregon  
32 Government Ethics Commission a verified statement of economic interest as required under this  
33 chapter:

34 (a) The Governor, Secretary of State, State Treasurer, Attorney General, Commissioner of the  
35 Bureau of Labor and Industries, district attorneys and members of the Legislative Assembly.

36 (b) Any judicial officer, including justices of the peace and municipal judges, except any pro tem  
37 judicial officer who does not otherwise serve as a judicial officer.

38 (c) Any candidate for a public office designated in paragraph (a) or (b) of this subsection.

39 (d) The Deputy Attorney General.

40 (e) The Deputy Secretary of State.

41 (f) The Legislative Administrator, the Legislative Counsel, the Legislative Fiscal Officer, the  
42 Legislative Policy and Research Director, the Secretary of the Senate and the Chief Clerk of the  
43 House of Representatives.

44 (g) The president and vice presidents, or their administrative equivalents, in each public uni-  
45 versity listed in ORS 352.002.

- 1 (h) The following state officers:  
2 (A) Adjutant General.  
3 (B) Director of Agriculture.  
4 (C) Manager of State Accident Insurance Fund Corporation.  
5 (D) Water Resources Director.  
6 (E) Director of Department of Environmental Quality.  
7 (F) Director of Oregon Department of Administrative Services.  
8 (G) State Fish and Wildlife Director.  
9 (H) State Forester.  
10 (I) State Geologist.  
11 (J) Director of Human Services.  
12 (K) Director of the Department of Consumer and Business Services.  
13 (L) Director of the Department of State Lands.  
14 (M) State Librarian.  
15 (N) Administrator of Oregon Liquor Control Commission.  
16 (O) Superintendent of State Police.  
17 (P) Director of the Public Employees Retirement System.  
18 (Q) Director of Department of Revenue.  
19 (R) Director of Transportation.  
20 (S) Public Utility Commissioner.  
21 (T) Director of Veterans' Affairs.  
22 (U) Executive director of Oregon Government Ethics Commission.  
23 (V) [*Director of the State Department of Energy.*] **Energy and Climate Director.**  
24 (W) Director and each assistant director of the Oregon State Lottery.  
25 (X) Director of the Department of Corrections.  
26 (Y) Director of the Oregon Department of Aviation.  
27 (Z) Executive director of the Oregon Criminal Justice Commission.  
28 (AA) Director of the Oregon Business Development Department.  
29 (BB) Director of the Office of Emergency Management.  
30 (CC) Director of the Employment Department.  
31 (DD) Chief of staff for the Governor.  
32 (EE) Administrator of the Office for Oregon Health Policy and Research.  
33 (FF) Director of the Housing and Community Services Department.  
34 (GG) State Court Administrator.  
35 (HH) Director of the Department of Land Conservation and Development.  
36 (II) Board chairperson of the Land Use Board of Appeals.  
37 (JJ) State Marine Director.  
38 (KK) Executive director of the Oregon Racing Commission.  
39 (LL) State Parks and Recreation Director.  
40 (MM) Public defense services executive director.  
41 (NN) Chairperson of the Public Employees' Benefit Board.  
42 (OO) Director of the Department of Public Safety Standards and Training.  
43 (PP) Executive director of the Higher Education Coordinating Commission.  
44 (QQ) Executive director of the Oregon Watershed Enhancement Board.  
45 (RR) Director of the Oregon Youth Authority.

- 1 (SS) Director of the Oregon Health Authority.  
2 (TT) Deputy Superintendent of Public Instruction.  
3 (i) The First Partner, the legal counsel, the deputy legal counsel and all policy advisors within  
4 the Governor's office.  
5 (j) Every elected city or county official.  
6 (k) Every member of a city or county planning, zoning or development commission.  
7 (L) The chief executive officer of a city or county who performs the duties of manager or prin-  
8 cipal administrator of the city or county.  
9 (m) Members of local government boundary commissions formed under ORS 199.410 to 199.519.  
10 (n) Every member of a governing body of a metropolitan service district and the auditor and  
11 executive officer thereof.  
12 (o) Each member of the board of directors of the State Accident Insurance Fund Corporation.  
13 (p) The chief administrative officer and the financial officer of each common and union high  
14 school district, education service district and community college district.  
15 (q) Every member of the following state boards and commissions:  
16 (A) Board of Geologic and Mineral Industries.  
17 (B) Oregon Business Development Commission.  
18 (C) State Board of Education.  
19 (D) Environmental Quality Commission.  
20 (E) Fish and Wildlife Commission of the State of Oregon.  
21 (F) State Board of Forestry.  
22 (G) Oregon Government Ethics Commission.  
23 (H) Oregon Health Policy Board.  
24 (I) Oregon Investment Council.  
25 (J) Land Conservation and Development Commission.  
26 (K) Oregon Liquor Control Commission.  
27 (L) Oregon Short Term Fund Board.  
28 (M) State Marine Board.  
29 (N) Mass transit district boards.  
30 (O) Energy Facility Siting Council.  
31 (P) Board of Commissioners of the Port of Portland.  
32 (Q) Employment Relations Board.  
33 (R) Public Employees Retirement Board.  
34 (S) Oregon Racing Commission.  
35 (T) Oregon Transportation Commission.  
36 (U) Water Resources Commission.  
37 (V) Workers' Compensation Board.  
38 (W) Oregon Facilities Authority.  
39 (X) Oregon State Lottery Commission.  
40 (Y) Pacific Northwest Electric Power and Conservation Planning Council.  
41 (Z) Columbia River Gorge Commission.  
42 (AA) Oregon Health and Science University Board of Directors.  
43 (BB) Capitol Planning Commission.  
44 (CC) Higher Education Coordinating Commission.  
45 (DD) Oregon Growth Board.

1 (EE) Early Learning Council.

2 **(FF) Oregon Energy and Climate Board.**

3 (r) The following officers of the State Treasurer:

4 (A) Deputy State Treasurer.

5 (B) Chief of staff for the office of the State Treasurer.

6 (C) Director of the Investment Division.

7 (s) Every member of the board of commissioners of a port governed by ORS 777.005 to 777.725  
8 or 777.915 to 777.953.

9 (t) Every member of the board of directors of an authority created under ORS 441.525 to 441.595.

10 (u) Every member of a governing board of a public university listed in ORS 352.002.

11 (v) Every member of the board of directors of an authority created under ORS 465.600 to  
12 465.621.

13 (2) By April 15 next after the date an appointment takes effect, every appointed public official  
14 on a board or commission listed in subsection (1) of this section shall file with the Oregon Govern-  
15 ment Ethics Commission a statement of economic interest as required under ORS 244.060, 244.070  
16 and 244.090.

17 (3) By April 15 next after the filing deadline for the primary election, each candidate described  
18 in subsection (1) of this section shall file with the commission a statement of economic interest as  
19 required under ORS 244.060, 244.070 and 244.090.

20 (4) Within 30 days after the filing deadline for the general election, each candidate described in  
21 subsection (1) of this section who was not a candidate in the preceding primary election, or who  
22 was nominated for public office described in subsection (1) of this section at the preceding primary  
23 election by write-in votes, shall file with the commission a statement of economic interest as re-  
24 quired under ORS 244.060, 244.070 and 244.090.

25 (5) Subsections (1) to (4) of this section apply only to persons who are incumbent, elected or  
26 appointed public officials as of April 15 and to persons who are candidates on April 15. Subsections  
27 (1) to (4) of this section also apply to persons who do not become candidates until 30 days after the  
28 filing deadline for the statewide general election.

29 (6) If a statement required to be filed under this section has not been received by the commis-  
30 sion within five days after the date the statement is due, the commission shall notify the public of-  
31 ficial or candidate and give the public official or candidate not less than 15 days to comply with the  
32 requirements of this section. If the public official or candidate fails to comply by the date set by the  
33 commission, the commission may impose a civil penalty as provided in ORS 244.350.

34 **SECTION 23.** ORS 401.054 is amended to read:

35 401.054. (1) Each of the following state agencies shall designate an individual within the agency  
36 to act as a liaison with the Office of Emergency Management:

37 (a) The Department of Consumer and Business Services;

38 (b) The Department of Corrections;

39 (c) The Department of Environmental Quality;

40 (d) The Department of Human Services;

41 (e) The Department of Justice;

42 (f) The Department of Land Conservation and Development;

43 (g) The Department of State Police;

44 (h) The Department of Transportation;

45 (i) The Judicial Department;

- 1 (j) The Oregon Department of Administrative Services;
- 2 (k) The Oregon Department of Aviation;
- 3 **(L) The Oregon Department of Energy and Climate;**
- 4 ~~[(L)]~~ (m) The Oregon Health Authority;
- 5 ~~[(m)]~~ (n) The Public Utility Commission of Oregon;
- 6 ~~[(n)]~~ (o) The State Department of Agriculture;
- 7 ~~[(o) The State Department of Energy;]~~
- 8 (p) The State Department of Fish and Wildlife;
- 9 (q) The State Department of Geology and Mineral Industries;
- 10 (r) The State Fire Marshal;
- 11 (s) The State Forestry Department;
- 12 (t) The State Marine Board;
- 13 (u) The State Parks and Recreation Department; and
- 14 (v) The Water Resources Department.

15 (2) Each state agency required to designate a liaison under this section shall designate an in-  
16 dividual who has authority during an emergency to allocate resources and assets of the agency.

17 (3) Each individual designated as a liaison under subsection (1) of this section shall assist in the  
18 coordination of the functions of the individual's agency that relate to emergency preparedness and  
19 response with similar functions of the Office of Emergency Management.

20 **NOTE:** Section 24 was deleted by amendment. Subsequent sections were not renumbered.

21 **SECTION 25.** ORS 469.020 is amended to read:

22 469.020. As used in ORS 176.820, 469.010 to 469.155, 469.860 (3), 469.880 to 469.895, 469.900 (3),  
23 469.990, 469.992, 757.710 and 757.720, unless the context requires otherwise:

24 (1) "Agency" includes a department or other agency of state government, city, county, municipal  
25 corporation, political subdivision, port, people's utility district, joint operating agency and electric  
26 cooperative.

27 **(2) "Board" means the Oregon Energy and Climate Board created under section 3 of this**  
28 **2017 Act.**

29 [(2)] (3) "Coal supplier" means any person engaged in the wholesale distribution in this state  
30 of coal intended for use in this state for an energy facility.

31 [(3)] (4) "Cost-effective" means that an energy resource, facility or conservation measure during  
32 its life cycle results in delivered power costs to the ultimate consumer no greater than the compa-  
33 rable incremental cost of the least cost alternative new energy resource, facility or conservation  
34 measure. Cost comparison under this definition shall include but not be limited to:

- 35 (a) Cost escalations and future availability of fuels;
- 36 (b) Waste disposal and decommissioning costs;
- 37 (c) Transmission and distribution costs;
- 38 (d) Geographic, climatic and other differences in the state; and
- 39 (e) Environmental impact.

40 [(4)] (5) "Council" means the Energy Facility Siting Council established under ORS 469.450.

41 [(5)] (6) "Department" means the ~~[State]~~ **Oregon Department of Energy and Climate** created  
42 under ORS 469.030.

43 [(6)] (7) "Director" means the **Energy and Climate** Director ~~[of the State Department of~~  
44 ~~Energy]~~ appointed under ORS 469.040.

45 [(7)] (8) "Energy facility" has the meaning given in ORS 469.300.



1           [(8)] (9) “Energy generation area” means an area within which the effects of two or more small  
2 generating plants may accumulate so the small generating plants have effects of a magnitude similar  
3 to a single generating plant of 25 megawatts or more. An energy generation area for facilities using  
4 a geothermal resource and covered by a unit agreement, as provided in ORS 522.405 to 522.545 or  
5 by federal law, shall be defined in that unit agreement. If no such unit agreement exists, an energy  
6 generation area for facilities using a geothermal resource shall be the area that is within two miles,  
7 measured from the electrical generating equipment of the facility, of an existing or proposed  
8 geothermal electric power generating plant, not including the site of any other such plant not owned  
9 or controlled by the same person.

10           [(9)] (10) “Geothermal reservoir” means an aquifer or aquifers containing a common geothermal  
11 fluid.

12           [(10)] (11) “Nominal electric generating capacity” has the meaning given in ORS 469.300.

13           [(11)] (12) “Person” means an individual, partnership, joint venture, private or public corpo-  
14 ration, association, firm, public service company, political subdivision, municipal corporation, gov-  
15 ernment agency, people’s utility district, or any other entity, public or private, however organized.

16           [(12)] (13) “Petroleum supplier” means a petroleum refiner in this state, or any person engaged  
17 in the wholesale distribution of crude petroleum or derivative thereof or of propane in this state.

18           [(13)] (14) “Related or supporting facilities” means any structure, proposed by the applicant, to  
19 be constructed or substantially modified in connection with the construction of an energy facility,  
20 including associated transmission lines, reservoirs, storage facilities, intake structure, road and rail  
21 access, pipelines, barge basins, office or public buildings, and commercial and industrial structures.  
22 “Related or supporting facilities” does not include geothermal or underground gas storage reser-  
23 voirs, production, injection or monitoring wells or wellhead equipment or pumps.

24           [(14)] (15) “Site” means a proposed location of an energy facility, and its related or supporting  
25 facilities.

26           [(15)] (16) “Thermal power plant” has the meaning given that term by ORS 469.300.

27           [(16)] (17) “Utility” includes:

28           (a) An individual, a regulated electrical company, a people’s utility district, a joint operating  
29 agency, an electric cooperative, municipality or any combination thereof, engaged in or authorized  
30 to engage in the business of generating, transmitting or distributing electric energy;

31           (b) A person or public agency generating electric energy from an energy facility for its own  
32 consumption; and

33           (c) A person engaged in this state in the transmission or distribution of natural or synthetic gas.

34           **SECTION 26.** ORS 469.120 is amended to read:

35           469.120. (1) The [State] **Oregon** Department of Energy **and Climate** Account is established.

36           (2) The account shall consist of all funds received by the [State] **Oregon** Department of Energy  
37 **and Climate** pursuant to law. All moneys in the account are continuously appropriated to the  
38 [State] **Oregon** Department of Energy **and Climate** for payment of expenses of the department and  
39 of the Energy Facility Siting Council.

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

43           (4) The **Energy and Climate** Director [of the State Department of Energy] shall keep a record  
44 of all moneys deposited in the account. The record shall indicate by special cumulative accounts the  
45 source from which moneys are derived and the individual activity or program, including any activ-

ities described in ORS 469.424, against which each withdrawal is charged. On or after October 1 of each year, the director shall make available, upon request, the record for the prior fiscal year to any energy resource supplier that has paid the assessment imposed under ORS 469.421 (8). The director shall make the record available within 30 days of receiving the request.

**SECTION 27.** ORS 469.605 is amended to read:

469.605. (1) No person shall ship or transport radioactive material identified by the Energy Facility Siting Council by rule as posing a significant hazard to public health and safety or the environment if improperly transported into or within the State of Oregon without first obtaining a permit from the [State] **Oregon Department of Energy and Climate**.

(2) Such permit shall be issued for a period not to exceed one year and shall be valid for all shipments within that period of time unless specifically limited by permit conditions.

(3) Application for a permit under this section shall be made in a form and manner prescribed by the **Energy and Climate Director** [*of the State Department of Energy*] and may include:

- (a) A description of the kind, quantity and radioactivity of the material to be transported;
- (b) A description of the route or routes proposed to be taken and the transport schedule;
- (c) A description of any mode of transportation; and
- (d) Other information required by the director to evaluate the application.

(4) The director shall collect a fee from all applicants for permits under this section in an amount reasonably calculated to provide for the costs to the department of performing the duties of the department under ORS 469.550 (3), 469.563, 469.603 to 469.619 and 469.992. Fees collected under this subsection shall be deposited in the [State] **Oregon Department of Energy and Climate Account** established under ORS 469.120.

(5) The director shall issue a permit only if the application demonstrates that the proposed transportation will comply with all applicable rules adopted under ORS 469.603 to 469.619 and if the proposed route complies with federal law as provided in ORS 469.606.

(6) The director may delegate the authority to issue permits for the transportation of radioactive material to the Department of Transportation. In exercising such authority, the Department of Transportation shall comply with the applicable provisions of ORS 469.603 to 469.619 and rules adopted by the director or the Energy Facility Siting Council under ORS 469.603 to 469.619. Permits issued by the Department of Transportation under this subsection shall be enforced according to the provisions of ORS 825.258. The director also may delegate other authority granted under ORS 469.605 to 469.619 to other state agencies if the delegation will maintain or enhance the quality of the transportation safety program.

#### **OPERATIVE DATE**

**SECTION 28.** (1) Sections 2 to 10, 12, 15 and 17 of this 2017 Act, the amendments to statutes by sections 1, 13, 14, 16, 18 and 20 to 27 of this 2017 Act and the repeal of statutes by sections 11 and 19 of this 2017 Act become operative January 1, 2018.

(2) The members of the Oregon Energy and Climate Board may be appointed, and the Oregon Energy and Climate Board, the Energy and Climate Director and the Oregon Department of Energy and Climate may take any action, before the operative date provided for in subsection (1) of this section that is necessary to enable the board, the director and the department to exercise, on and after the operative date specified in subsection (1) of this section, the duties, functions and powers of the administrator, the board and the department

1 pursuant to sections 2 to 10, 12, 15 and 17 of this 2017 Act, the amendments to statutes by  
2 sections 1, 13, 14, 16, 18 and 20 to 27 of this 2017 Act and the repeal of statutes by sections  
3 11 and 19 of this 2017 Act.

4  
5 **CAPTIONS**

6  
7 **SECTION 29.** The unit captions used in this 2017 Act are provided only for the conven-  
8 ience of the reader and do not become part of the statutory law of this state or express any  
9 legislative intent in the enactment of this 2017 Act.

10  
11 **EFFECTIVE DATE**

12  
13 **SECTION 30.** This 2017 Act takes effect on the 91st day after the date on which the 2017  
14 regular session of the Seventy-ninth Legislative Assembly adjourns sine die.