

## SENATE AMENDMENTS TO SENATE BILL 952

By COMMITTEE ON BUSINESS AND TRANSPORTATION

April 24

- 1 On page 1 of the printed bill, line 2, after “183.530,” insert “192.502.”
- 2 In line 4, after “315.326,” insert “315.329.”
- 3 In line 6, delete “469.963, 469.966.”
- 4 In line 12, after “470.310,” insert “470.800, 470.805.”
- 5 In line 14, delete “, and section 9, chapter 774, Oregon Laws 2013”.
- 6 In line 15, after “469.679,” insert “469.960, 469.961, 469.962, 469.963, 469.964, 469.965, 469.966.”
- 7 On page 5, line 32, after “data” insert “from all available sources”.
- 8 In line 35, after “programs” insert “, while providing technical assistance and reporting to the
- 9 Legislative Assembly, the Governor and other agencies”.
- 10 On page 6, line 5, after “consistency” insert “, cost-effectiveness”.
- 11 In line 43, delete “Plan” and insert “Report”.
- 12 On page 7, delete lines 3 through 44 and insert:
- 13 **“SECTION 15. (1) The State Department of Energy shall develop a statewide strategic**
- 14 **energy report to implement the energy policies stated in ORS 469.010 and 469.310 in a manner**
- 15 **that:**
- 16 **“(a) Takes a balanced approach to addressing the competing interests affected by the**
- 17 **policies stated in ORS 469.010 and 469.310; and**
- 18 **“(b) Provides for transparency and accountability in the actions of the department and**
- 19 **the Oregon Energy Commission.**
- 20 **“(2) The statewide strategic energy report shall include:**
- 21 **“(a) A description of this state’s long-term energy requirements;**
- 22 **“(b) The objectives of the report;**
- 23 **“(c) Actions that are designed to achieve the objectives of the report;**
- 24 **“(d) Provisions to ensure communication and partnership with key stakeholders;**
- 25 **“(e) Quantitative and qualitative metrics for assessing the performance of the commis-**
- 26 **sion and the department in implementing the report, which shall include, but need not be**
- 27 **limited to, metrics related to:**
- 28 **“(A) The consumption, generation, transmission and production of energy, including fuel**
- 29 **energy;**
- 30 **“(B) Energy costs;**
- 31 **“(C) Energy sectors, markets, technologies, resources and facilities; and**
- 32 **“(D) Energy efficiency and conservation;**
- 33 **“(f) Specific functions and roles to be performed by other state agencies in coordinating**
- 34 **with the department to ensure a unified, statewide approach to addressing the energy needs**
- 35 **and goals of this state consistent with state environmental policy and the policies set forth**

1 in ORS 469.010 and 469.310; and

2 “(g) Public policy options and recommendations.

3 “(3) The statewide strategic energy report shall take effect upon adoption by the com-  
4 mission.

5 “(4) The commission shall periodically review and update the statewide strategic energy  
6 report. The review required by this section shall include an analysis of how each of the pro-  
7 grams of the department contributes to meeting the goals of the statewide strategic energy  
8 report and how each program can most effectively be administered in furtherance of the  
9 report. Revisions of the report shall take effect upon the commission’s adoption of the re-  
10 vised report by reference in rule.

11 “SECTION 16. (1) The Oregon Energy Commission shall initially adopt the statewide  
12 strategic energy report required by section 15 of this 2017 Act no later than January 1, 2020.

13 “(2) The State Department of Energy shall prepare a draft statewide strategic energy  
14 report, which may include recommendations for legislation. The department shall, no later  
15 than September 15, 2019, submit the draft report to the appropriate interim committees of  
16 the Legislative Assembly in the manner provided under ORS 192.245.”.

17 On page 8, line 5, delete “plan” and insert “report”.

18 In line 10, delete “plan” and insert “report”.

19 In line 11, delete “plan” and insert “report”.

20 In line 21, after “use” delete the rest of the line and insert a semicolon.

21 In line 27, delete “plan” and insert “report”.

22 In line 32, delete “plan” and insert “report”.

23 On page 14, delete lines 21 through 45 and insert:

24  
25 “SMALL SCALE LOCAL ENERGY PROJECTS  
26 AND CLEAN ENERGY DEPLOYMENT PROGRAM

27  
28 “(Transfer of Duties, Functions and Powers)

29  
30 “SECTION 22. Except for the duty to establish by rule standards and criteria for small  
31 scale local energy projects under ORS 470.080 (1), the duties, functions and powers of the  
32 State Department of Energy related to the issuance of loans for small scale local energy  
33 projects under ORS chapter 470 and to the clean energy deployment program are imposed  
34 upon, transferred to and vested in the Oregon Business Development Department.

35  
36 “(Records, Property, Employees)

37  
38 “SECTION 23. (1) The Director of the State Department of Energy shall deliver to the  
39 Oregon Business Development Department all records and property within the jurisdiction  
40 of the director that relate to the duties, functions and powers transferred by section 22 of  
41 this 2017 Act, and the Director of the Oregon Business Development Department shall take  
42 possession of the records and property.

43 “(2) The Governor shall resolve any dispute between the State Department of Energy and  
44 the Oregon Business Development Department relating to transfers of records and property  
45 under this section, and the Governor’s decision is final.”.

1 On page 15, delete lines 1 through 4.

2 On page 28, after line 25, insert:

3 “**SECTION 51a.** ORS 470.800 is amended to read:

4 “470.800. (1) The Clean Energy Deployment Fund is established in the State Treasury, separate  
5 and distinct from the General Fund. Interest earned by the Clean Energy Deployment Fund shall  
6 be credited to the Clean Energy Deployment Fund. Moneys in the fund are continuously appropri-  
7 ated to the [*State Department of Energy*] **Oregon Business Development Department** for use as  
8 provided in ORS 470.810.

9 “(2) The department may accept grants, donations, contributions or gifts from any source for  
10 deposit in the Clean Energy Deployment Fund.

11 “**SECTION 51b.** ORS 470.805 is amended to read:

12 “470.805. (1) The Renewable Energy Development Subaccount is established in the Clean Energy  
13 Deployment Fund established in ORS 470.800. Interest earned by the Renewable Energy Develop-  
14 ment Subaccount shall be credited to the subaccount. Moneys in the fund are continuously appro-  
15 priated to the [*State Department of Energy*] **Oregon Business Development Department** for  
16 purposes related to renewable energy development.

17 “(2) The department may accept grants, donations, contributions or gifts from any source for  
18 deposit in the Renewable Energy Development Subaccount.”.

19 In line 27, delete “State Department of Energy” and insert “Oregon Business Development De-  
20 partment”.

21 In line 29, restore the bracketed material and delete the boldfaced material.

22 On page 34, line 25, delete “and”.

23 In line 26, delete the period and insert “; and

24 “(e) The Alternative Fuel Vehicle Revolving Fund.”.

25 Delete lines 31 through 35.

26 In line 36, delete “59” and insert “58”.

27 In line 37, delete “\$3,000,000” and insert “\$\_\_\_\_\_”.

28 Delete lines 41 through 45.

29 On page 35, delete lines 1 through 6.

30 In line 10, delete “61” and insert “59”.

31 In line 15, delete “62” and insert “60” and delete “61” and insert “59”.

32 After line 15, insert:

33

34

#### “AUDITS

35

36 “**SECTION 61.** The State Department of Energy shall contract with an independent third  
37 party to conduct an audit, including a forensic audit, of all activities of the department re-  
38 lated to the issuance of loans for small scale local energy projects under ORS chapter 470  
39 to determine compliance with the provisions of ORS 223.680, 291.445, 470.050, 470.060, 470.070,  
40 470.080, 470.090, 470.100, 470.110, 470.120, 470.130, 470.135, 470.140, 470.145, 470.150, 470.160,  
41 470.170, 470.180, 470.190, 470.200, 470.210, 470.230, 470.270, 470.300, 470.310, 470.810 and 470.815,  
42 all as in effect before the operative date specified in section 157 of this 2017 Act. The audit  
43 required under this section shall be at the expense of the department. The auditor shall  
44 prepare a report of the results of the audit and make the report available to the Department  
45 of Justice.

1       **“SECTION 62. (1) The State Department of Energy shall contract with an independent**  
2 **third party to conduct an audit, including a forensic audit, of all activities of the department**  
3 **related to the issuance of tax credits under ORS 315.341. The auditor shall prepare a report**  
4 **of the results of the audit and make the report available to the Department of Justice.**

5       **“(2) The Department of Revenue shall conduct an audit to determine whether taxpayers**  
6 **who claimed a tax credit issued under ORS 315.341 failed to pay capital gains taxes on capital**  
7 **gains related to the purchase of tax credits issued under ORS 315.341. The Department of**  
8 **Revenue shall prepare a report of the results of the audit and make the report available to**  
9 **the Department of Justice.**

10       **“(3) The audits required under this section shall be conducted at the expense of the State**  
11 **Department of Energy.”.**

12       In line 18, after “PROGRAM” insert “AND ALTERNATIVE FUEL VEHICLE REVOLVING  
13 FUND LOAN PROGRAM”.

14       In line 20, after “ORS” insert “469.960, 469.961, 469.962, 469.963, 469.964, 469.965, 469.966,”.

15       On page 42, line 20, delete “State Department of Energy” and insert “Oregon Business Devel-  
16 opment Department”.

17       On page 43, after line 38, insert:

18       **“SECTION 89a.** ORS 192.502 is amended to read:

19       “192.502. The following public records are exempt from disclosure under ORS 192.410 to 192.505:

20       “(1) Communications within a public body or between public bodies of an advisory nature to the  
21 extent that they cover other than purely factual materials and are preliminary to any final agency  
22 determination of policy or action. This exemption shall not apply unless the public body shows that  
23 in the particular instance the public interest in encouraging frank communication between officials  
24 and employees of public bodies clearly outweighs the public interest in disclosure.

25       “(2) Information of a personal nature such as but not limited to that kept in a personal, medical  
26 or similar file, if public disclosure would constitute an unreasonable invasion of privacy, unless the  
27 public interest by clear and convincing evidence requires disclosure in the particular instance. The  
28 party seeking disclosure shall have the burden of showing that public disclosure would not consti-  
29 tute an unreasonable invasion of privacy.

30       “(3) Upon compliance with ORS 192.437, public body employee or volunteer residential ad-  
31 dresses, residential telephone numbers, personal cellular telephone numbers, personal electronic  
32 mail addresses, driver license numbers, employer-issued identification card numbers, emergency  
33 contact information, Social Security numbers, dates of birth and other telephone numbers contained  
34 in personnel records maintained by the public body that is the employer or the recipient of volunteer  
35 services. This exemption:

36       “(a) Does not apply to the addresses, dates of birth and telephone numbers of employees or  
37 volunteers who are elected officials, except that a judge or district attorney subject to election may  
38 seek to exempt the judge’s or district attorney’s address or telephone number, or both, under the  
39 terms of ORS 192.445;

40       “(b) Does not apply to employees or volunteers to the extent that the party seeking disclosure  
41 shows by clear and convincing evidence that the public interest requires disclosure in a particular  
42 instance pursuant to ORS 192.437;

43       “(c) Does not apply to a substitute teacher as defined in ORS 342.815 when requested by a  
44 professional education association of which the substitute teacher may be a member; and

45       “(d) Does not relieve a public employer of any duty under ORS 243.650 to 243.782.

1 “(4) Information submitted to a public body in confidence and not otherwise required by law to  
2 be submitted, where such information should reasonably be considered confidential, the public body  
3 has obliged itself in good faith not to disclose the information, and when the public interest would  
4 suffer by the disclosure.

5 “(5) Information or records of the Department of Corrections, including the State Board of  
6 Parole and Post-Prison Supervision, to the extent that disclosure would interfere with the rehabili-  
7 tation of a person in custody of the department or substantially prejudice or prevent the carrying  
8 out of the functions of the department, if the public interest in confidentiality clearly outweighs the  
9 public interest in disclosure.

10 “(6) Records, reports and other information received or compiled by the Director of the De-  
11 partment of Consumer and Business Services in the administration of ORS chapters 723 and 725 not  
12 otherwise required by law to be made public, to the extent that the interests of lending institutions,  
13 their officers, employees and customers in preserving the confidentiality of such information out-  
14 weighs the public interest in disclosure.

15 “(7) Reports made to or filed with the court under ORS 137.077 or 137.530.

16 “(8) Any public records or information the disclosure of which is prohibited by federal law or  
17 regulations.

18 “(9)(a) Public records or information the disclosure of which is prohibited or restricted or oth-  
19 erwise made confidential or privileged under Oregon law.

20 “(b) Subject to ORS 192.423, paragraph (a) of this subsection does not apply to factual informa-  
21 tion compiled in a public record when:

22 “(A) The basis for the claim of exemption is ORS 40.225;

23 “(B) The factual information is not prohibited from disclosure under any applicable state or  
24 federal law, regulation or court order and is not otherwise exempt from disclosure under ORS  
25 192.410 to 192.505;

26 “(C) The factual information was compiled by or at the direction of an attorney as part of an  
27 investigation on behalf of the public body in response to information of possible wrongdoing by the  
28 public body;

29 “(D) The factual information was not compiled in preparation for litigation, arbitration or an  
30 administrative proceeding that was reasonably likely to be initiated or that has been initiated by  
31 or against the public body; and

32 “(E) The holder of the privilege under ORS 40.225 has made or authorized a public statement  
33 characterizing or partially disclosing the factual information compiled by or at the attorney’s di-  
34 rection.

35 “(10) Public records or information described in this section, furnished by the public body ori-  
36 ginally compiling, preparing or receiving them to any other public officer or public body in con-  
37 nection with performance of the duties of the recipient, if the considerations originally giving rise  
38 to the confidential or exempt nature of the public records or information remain applicable.

39 “(11) Records of the Energy Facility Siting Council concerning the review or approval of secu-  
40 rity programs pursuant to ORS 469.530.

41 “(12) Employee and retiree address, telephone number and other nonfinancial membership re-  
42 cords and employee financial records maintained by the Public Employees Retirement System pur-  
43 suant to ORS chapters 238 and 238A.

44 “(13) Records of or submitted to the State Treasurer, the Oregon Investment Council or the  
45 agents of the treasurer or the council relating to active or proposed publicly traded investments

1 under ORS chapter 293, including but not limited to records regarding the acquisition, exchange or  
2 liquidation of the investments. For the purposes of this subsection:

3 “(a) The exemption does not apply to:

4 “(A) Information in investment records solely related to the amount paid directly into an in-  
5 vestment by, or returned from the investment directly to, the treasurer or council; or

6 “(B) The identity of the entity to which the amount was paid directly or from which the amount  
7 was received directly.

8 “(b) An investment in a publicly traded investment is no longer active when acquisition, ex-  
9 change or liquidation of the investment has been concluded.

10 “(14)(a) Records of or submitted to the State Treasurer, the Oregon Investment Council, the  
11 Oregon Growth Board or the agents of the treasurer, council or board relating to actual or proposed  
12 investments under ORS chapter 293 or 348 in a privately placed investment fund or a private asset  
13 including but not limited to records regarding the solicitation, acquisition, deployment, exchange or  
14 liquidation of the investments including but not limited to:

15 “(A) Due diligence materials that are proprietary to an investment fund, to an asset ownership  
16 or to their respective investment vehicles.

17 “(B) Financial statements of an investment fund, an asset ownership or their respective invest-  
18 ment vehicles.

19 “(C) Meeting materials of an investment fund, an asset ownership or their respective investment  
20 vehicles.

21 “(D) Records containing information regarding the portfolio positions in which an investment  
22 fund, an asset ownership or their respective investment vehicles invest.

23 “(E) Capital call and distribution notices of an investment fund, an asset ownership or their  
24 respective investment vehicles.

25 “(F) Investment agreements and related documents.

26 “(b) The exemption under this subsection does not apply to:

27 “(A) The name, address and vintage year of each privately placed investment fund.

28 “(B) The dollar amount of the commitment made to each privately placed investment fund since  
29 inception of the fund.

30 “(C) The dollar amount of cash contributions made to each privately placed investment fund  
31 since inception of the fund.

32 “(D) The dollar amount, on a fiscal year-end basis, of cash distributions received by the State  
33 Treasurer, the Oregon Investment Council, the Oregon Growth Board or the agents of the treasurer,  
34 council or board from each privately placed investment fund.

35 “(E) The dollar amount, on a fiscal year-end basis, of the remaining value of assets in a privately  
36 placed investment fund attributable to an investment by the State Treasurer, the Oregon Investment  
37 Council, the Oregon Growth Board or the agents of the treasurer, council or board.

38 “(F) The net internal rate of return of each privately placed investment fund since inception of  
39 the fund.

40 “(G) The investment multiple of each privately placed investment fund since inception of the  
41 fund.

42 “(H) The dollar amount of the total management fees and costs paid on an annual fiscal year-end  
43 basis to each privately placed investment fund.

44 “(I) The dollar amount of cash profit received from each privately placed investment fund on a  
45 fiscal year-end basis.

1       “(15) The monthly reports prepared and submitted under ORS 293.761 and 293.766 concerning  
2 the Public Employees Retirement Fund and the Industrial Accident Fund may be uniformly treated  
3 as exempt from disclosure for a period of up to 90 days after the end of the calendar quarter.

4       “(16) Reports of unclaimed property filed by the holders of such property to the extent permitted  
5 by ORS 98.352.

6       “(17)(a) The following records, communications and information submitted to the Oregon Busi-  
7 ness Development Commission, the Oregon Business Development Department, the State Department  
8 of Agriculture, the Oregon Growth Board, the Port of Portland or other ports as defined in ORS  
9 777.005, or a county or city governing body and any board, department, commission, council or  
10 agency thereof, by applicants for investment funds, grants, loans, services or economic development  
11 moneys, support or assistance including, but not limited to, those described in ORS 285A.224:

12       “(A) Personal financial statements.

13       “(B) Financial statements of applicants.

14       “(C) Customer lists.

15       “(D) Information of an applicant pertaining to litigation to which the applicant is a party if the  
16 complaint has been filed, or if the complaint has not been filed, if the applicant shows that such  
17 litigation is reasonably likely to occur; this exemption does not apply to litigation which has been  
18 concluded, and nothing in this subparagraph shall limit any right or opportunity granted by discov-  
19 ery or deposition statutes to a party to litigation or potential litigation.

20       “(E) Production, sales and cost data.

21       “(F) Marketing strategy information that relates to applicant’s plan to address specific markets  
22 and applicant’s strategy regarding specific competitors.

23       “(b) The following records, communications and information submitted to the [*State Department*  
24 *of Energy*] **Oregon Business Development Department** by applicants for tax credits or for grants  
25 awarded under ORS 469B.256:

26       “(A) Personal financial statements.

27       “(B) Financial statements of applicants.

28       “(C) Customer lists.

29       “(D) Information of an applicant pertaining to litigation to which the applicant is a party if the  
30 complaint has been filed, or if the complaint has not been filed, if the applicant shows that such  
31 litigation is reasonably likely to occur; this exemption does not apply to litigation which has been  
32 concluded, and nothing in this subparagraph shall limit any right or opportunity granted by discov-  
33 ery or deposition statutes to a party to litigation or potential litigation.

34       “(E) Production, sales and cost data.

35       “(F) Marketing strategy information that relates to applicant’s plan to address specific markets  
36 and applicant’s strategy regarding specific competitors.

37       “(18) Records, reports or returns submitted by private concerns or enterprises required by law  
38 to be submitted to or inspected by a governmental body to allow it to determine the amount of any  
39 transient lodging tax payable and the amounts of such tax payable or paid, to the extent that such  
40 information is in a form which would permit identification of the individual concern or enterprise.  
41 Nothing in this subsection shall limit the use which can be made of such information for regulatory  
42 purposes or its admissibility in any enforcement proceedings. The public body shall notify the tax-  
43 payer of the delinquency immediately by certified mail. However, in the event that the payment or  
44 delivery of transient lodging taxes otherwise due to a public body is delinquent by over 60 days, the  
45 public body shall disclose, upon the request of any person, the following information:

1           “(a) The identity of the individual concern or enterprise that is delinquent over 60 days in the  
2 payment or delivery of the taxes.

3           “(b) The period for which the taxes are delinquent.

4           “(c) The actual, or estimated, amount of the delinquency.

5           “(19) All information supplied by a person under ORS 151.485 for the purpose of requesting ap-  
6 pointed counsel, and all information supplied to the court from whatever source for the purpose of  
7 verifying the financial eligibility of a person pursuant to ORS 151.485.

8           “(20) Workers’ compensation claim records of the Department of Consumer and Business Ser-  
9 vices, except in accordance with rules adopted by the Director of the Department of Consumer and  
10 Business Services, in any of the following circumstances:

11           “(a) When necessary for insurers, self-insured employers and third party claim administrators to  
12 process workers’ compensation claims.

13           “(b) When necessary for the director, other governmental agencies of this state or the United  
14 States to carry out their duties, functions or powers.

15           “(c) When the disclosure is made in such a manner that the disclosed information cannot be used  
16 to identify any worker who is the subject of a claim.

17           “(d) When a worker or the worker’s representative requests review of the worker’s claim record.

18           “(21) Sensitive business records or financial or commercial information of the Oregon Health  
19 and Science University that is not customarily provided to business competitors.

20           “(22) Records of Oregon Health and Science University regarding candidates for the position of  
21 president of the university.

22           “(23) The records of a library, including:

23           “(a) Circulation records, showing use of specific library material by a named person;

24           “(b) The name of a library patron together with the address or telephone number of the patron;  
25 and

26           “(c) The electronic mail address of a patron.

27           “(24) The following records, communications and information obtained by the Housing and  
28 Community Services Department in connection with the department’s monitoring or administration  
29 of financial assistance or of housing or other developments:

30           “(a) Personal and corporate financial statements and information, including tax returns.

31           “(b) Credit reports.

32           “(c) Project appraisals, excluding appraisals obtained in the course of transactions involving an  
33 interest in real estate that is acquired, leased, rented, exchanged, transferred or otherwise disposed  
34 of as part of the project, but only after the transactions have closed and are concluded.

35           “(d) Market studies and analyses.

36           “(e) Articles of incorporation, partnership agreements and operating agreements.

37           “(f) Commitment letters.

38           “(g) Project pro forma statements.

39           “(h) Project cost certifications and cost data.

40           “(i) Audits.

41           “(j) Project tenant correspondence.

42           “(k) Personal information about a tenant.

43           “(L) Housing assistance payments.

44           “(25) Raster geographic information system (GIS) digital databases, provided by private  
45 forestland owners or their representatives, voluntarily and in confidence to the State Forestry De-



1 partment, that is not otherwise required by law to be submitted.

2 “(26) Sensitive business, commercial or financial information furnished to or developed by a  
3 public body engaged in the business of providing electricity or electricity services, if the information  
4 is directly related to a transaction described in ORS 261.348, or if the information is directly related  
5 to a bid, proposal or negotiations for the sale or purchase of electricity or electricity services, and  
6 disclosure of the information would cause a competitive disadvantage for the public body or its re-  
7 tail electricity customers. This subsection does not apply to cost-of-service studies used in the de-  
8 velopment or review of generally applicable rate schedules.

9 “(27) Sensitive business, commercial or financial information furnished to or developed by the  
10 City of Klamath Falls, acting solely in connection with the ownership and operation of the Klamath  
11 Cogeneration Project, if the information is directly related to a transaction described in ORS 225.085  
12 and disclosure of the information would cause a competitive disadvantage for the Klamath  
13 Cogeneration Project. This subsection does not apply to cost-of-service studies used in the develop-  
14 ment or review of generally applicable rate schedules.

15 “(28) Personally identifiable information about customers of a municipal electric utility or a  
16 people’s utility district or the names, dates of birth, driver license numbers, telephone numbers,  
17 electronic mail addresses or Social Security numbers of customers who receive water, sewer or  
18 storm drain services from a public body as defined in ORS 174.109. The utility or district may re-  
19 lease personally identifiable information about a customer, and a public body providing water, sewer  
20 or storm drain services may release the name, date of birth, driver license number, telephone num-  
21 ber, electronic mail address or Social Security number of a customer, if the customer consents in  
22 writing or electronically, if the disclosure is necessary for the utility, district or other public body  
23 to render services to the customer, if the disclosure is required pursuant to a court order or if the  
24 disclosure is otherwise required by federal or state law. The utility, district or other public body  
25 may charge as appropriate for the costs of providing such information. The utility, district or other  
26 public body may make customer records available to third party credit agencies on a regular basis  
27 in connection with the establishment and management of customer accounts or in the event such  
28 accounts are delinquent.

29 “(29) A record of the street and number of an employee’s address submitted to a special district  
30 to obtain assistance in promoting an alternative to single occupant motor vehicle transportation.

31 “(30) Sensitive business records, capital development plans or financial or commercial informa-  
32 tion of Oregon Corrections Enterprises that is not customarily provided to business competitors.

33 “(31) Documents, materials or other information submitted to the Director of the Department  
34 of Consumer and Business Services in confidence by a state, federal, foreign or international regu-  
35 latory or law enforcement agency or by the National Association of Insurance Commissioners, its  
36 affiliates or subsidiaries under ORS 86A.095 to 86A.198, 697.005 to 697.095, 697.602 to 697.842,  
37 705.137, 717.200 to 717.320, 717.900 or 717.905, ORS chapter 59, 723, 725 or 726, the Bank Act or the  
38 Insurance Code when:

39 “(a) The document, material or other information is received upon notice or with an under-  
40 standing that it is confidential or privileged under the laws of the jurisdiction that is the source of  
41 the document, material or other information; and

42 “(b) The director has obligated the Department of Consumer and Business Services not to dis-  
43 close the document, material or other information.

44 “(32) A county elections security plan developed and filed under ORS 254.074.

45 “(33) Information about review or approval of programs relating to the security of:

1 “(a) Generation, storage or conveyance of:  
2 “(A) Electricity;  
3 “(B) Gas in liquefied or gaseous form;  
4 “(C) Hazardous substances as defined in ORS 453.005 (7)(a), (b) and (d);  
5 “(D) Petroleum products;  
6 “(E) Sewage; or  
7 “(F) Water.  
8 “(b) Telecommunication systems, including cellular, wireless or radio systems.  
9 “(c) Data transmissions by whatever means provided.  
10 “(34) The information specified in ORS 25.020 (8) if the Chief Justice of the Supreme Court  
11 designates the information as confidential by rule under ORS 1.002.  
12 “(35)(a) Employer account records of the State Accident Insurance Fund Corporation.  
13 “(b) As used in this subsection, ‘employer account records’ means all records maintained in any  
14 form that are specifically related to the account of any employer insured, previously insured or un-  
15 der consideration to be insured by the State Accident Insurance Fund Corporation and any infor-  
16 mation obtained or developed by the corporation in connection with providing, offering to provide  
17 or declining to provide insurance to a specific employer. ‘Employer account records’ includes, but  
18 is not limited to, an employer’s payroll records, premium payment history, payroll classifications,  
19 employee names and identification information, experience modification factors, loss experience and  
20 dividend payment history.  
21 “(c) The exemption provided by this subsection may not serve as the basis for opposition to the  
22 discovery documents in litigation pursuant to applicable rules of civil procedure.  
23 “(36)(a) Claimant files of the State Accident Insurance Fund Corporation.  
24 “(b) As used in this subsection, ‘claimant files’ includes, but is not limited to, all records held  
25 by the corporation pertaining to a person who has made a claim, as defined in ORS 656.005, and all  
26 records pertaining to such a claim.  
27 “(c) The exemption provided by this subsection may not serve as the basis for opposition to the  
28 discovery documents in litigation pursuant to applicable rules of civil procedure.  
29 “(37) Except as authorized by ORS 408.425, records that certify or verify an individual’s dis-  
30 charge or other separation from military service.  
31 “(38) Records of or submitted to a domestic violence service or resource center that relate to  
32 the name or personal information of an individual who visits a center for service, including the date  
33 of service, the type of service received, referrals or contact information or personal information of  
34 a family member of the individual. As used in this subsection, ‘domestic violence service or resource  
35 center’ means an entity, the primary purpose of which is to assist persons affected by domestic or  
36 sexual violence by providing referrals, resource information or other assistance specifically of ben-  
37 efit to domestic or sexual violence victims.  
38 “(39) Information reported to the Oregon Health Authority under ORS 431A.860, except as pro-  
39 vided in ORS 431A.860 (2)(b) information disclosed by the authority under ORS 431A.865 and any  
40 information related to disclosures made by the authority under ORS 431A.865, including information  
41 identifying the recipient of the information.  
42 “(40)(a) Electronic mail addresses in the possession or custody of an agency or subdivision of  
43 the executive department, as defined in ORS 174.112, a local government or local service district,  
44 as defined in ORS 174.116, or a special government body, as defined in ORS 174.117.  
45 “(b) This subsection does not apply to electronic mail addresses assigned by a public body to

1 public employees for use by the employees in the ordinary course of their employment.

2 “(41) Residential addresses, residential telephone numbers, personal cellular telephone numbers,  
3 personal electronic mail addresses, driver license numbers, emergency contact information, Social  
4 Security numbers, dates of birth and other telephone numbers of individuals currently or previously  
5 certified or licensed by the Department of Public Safety Standards and Training contained in the  
6 records maintained by the department.

7 “(42) Personally identifiable information and contact information of veterans as defined in ORS  
8 408.225 and of persons serving on active duty or as reserve members with the Armed Forces of the  
9 United States, National Guard or other reserve component that was obtained by the Department of  
10 Veterans’ Affairs in the course of performing its duties and functions, including but not limited to  
11 names, residential and employment addresses, dates of birth, driver license numbers, telephone  
12 numbers, electronic mail addresses, Social Security numbers, marital status, dependents, the char-  
13 acter of discharge from military service, military rating or rank, that the person is a veteran or has  
14 provided military service, information relating to an application for or receipt of federal or state  
15 benefits, information relating to the basis for receipt or denial of federal or state benefits and in-  
16 formation relating to a home loan or grant application, including but not limited to financial infor-  
17 mation provided in connection with the application.”.

18 On page 50, line 28, delete “State Department of Energy” and insert “Oregon Business Devel-  
19 opment Department”.

20 In line 41, delete “Oregon Energy Commission” and insert “Oregon Business Development De-  
21 partment”.

22 On page 51, line 7, delete “State Department of Energy” and insert “Oregon Business Develop-  
23 ment Department”.

24 In line 12, delete “State Department of Energy” and insert “Oregon Business Development De-  
25 partment”.

26 After line 27, insert:

27 “**SECTION 97a.** ORS 315.329 is amended to read:

28 “315.329. (1) In any fiscal year, the amount of tax credits allowed under ORS 315.326 may be  
29 reduced or eliminated, and the Legislative Assembly may, no later than 30 days prior to the end of  
30 each fiscal year, in lieu of the issuance of certifications for tax credit under ORS 315.326 by the  
31 [*State Department of Energy*] **Oregon Business Development Department**, make an appropriation  
32 to the [*State Department of Energy*] **Oregon Business Development Department** for deposit into  
33 the Renewable Energy Development Subaccount, established in ORS 470.805, of the Clean Energy  
34 Deployment Fund established in ORS 470.800. Moneys deposited under this section are to be used  
35 only for purposes related to renewable energy development.

36 “(2) After a tax credit certificate has been sold as provided in ORS 315.326, the [*State Depart-*  
37 *ment of Energy*] **Oregon Business Development Department** may not revoke the certificate.”.

38 On page 61, delete lines 24 through 45 and insert:

39 “**NOTE:** Sections 115 and 116 were deleted by amendment. Subsequent sections were not re-  
40 numbered.”.

41 On page 62, delete lines 1 through 9.

42 On page 74, delete lines 33 through 45 and delete page 75.

43 On page 76, delete lines 1 through 32 and insert:

44 “**SECTION 129.** ORS 469B.253 is amended to read:

45 “469B.253. (1) Prior to the installation or construction of a renewable energy production system,

1 any person may apply to the [*State Department of Energy*] **Oregon Business Development De-**  
2 **partment** for a grant under ORS 469B.256 if:

3 “(a) The applicant will be the owner, contract purchaser or lessee of the system at the time of  
4 installation or construction of the proposed system;

5 “(b) The system does not exceed 35 megawatts of nameplate capacity;

6 “(c) The system is located in Oregon; and

7 “(d) The system complies with the standards or rules adopted by the [*Director of the State De-*  
8 *partment of Energy*] **Director of the Oregon Business Development Department.**

9 “(2) An application for a grant under ORS 469B.256 shall be made in writing on a form prepared  
10 by the department and shall contain:

11 “(a) A detailed description of the system and its operation and information showing that the  
12 system will operate as represented in the application and remain in operation for at least five years,  
13 unless the director by rule specifies another period of operation.

14 “(b) The anticipated total system cost.

15 “(c) Information on the number and type of jobs, directly connected to the awarding of the grant,  
16 that will be:

17 “(A) Created by the system; and

18 “(B) Sustained throughout the construction, installation and operation of the system.

19 “(d) Information demonstrating that the system will comply with applicable state and local laws  
20 and regulations and obtain required licenses and permits.

21 “(e) Any other information the director considers necessary to determine whether the system is  
22 in accordance with the provisions of ORS 469B.250 to 469B.265, and any applicable rules or stan-  
23 dards adopted by the director.

24 “(3) An application for a grant shall be accompanied by a fee established under ORS 469B.259.  
25 The director may refund all or a portion of the fee if the application for a grant is rejected.

26 “(4) The director may allow an applicant to file the application for a grant after the start of  
27 installation or construction of the system if the director finds that:

28 “(a) Filing the application before the start of installation or construction is inappropriate be-  
29 cause special circumstances render filing earlier unreasonable; and

30 “(b) The system would otherwise qualify for a grant under ORS 469B.250 to 469B.265.

31 “**SECTION 130.** ORS 469B.256 is amended to read:

32 “469B.256. (1) The [*Director of the State Department of Energy*] **Director of the Oregon Busi-**  
33 **ness Development Department** may require an applicant for a grant under this section for a  
34 renewable energy production system to submit plans, specifications and contract terms, and after  
35 examination of the plans, specifications and terms may request corrections and revisions.

36 “(2) If the director determines that the system is technically feasible and should operate in ac-  
37 cordance with the representations made by the applicant, and is in accordance with the provisions  
38 of ORS 469B.250 to 469B.265 and any applicable rules or standards adopted by the director, the di-  
39 rector may enter into a performance agreement with the applicant and award a grant under this  
40 section to the applicant. The grant provided for in the performance agreement may not exceed 35  
41 percent of the cost of the project and may not exceed \$250,000 per system. If construction does not  
42 begin within 12 months of an award under this section, the performance agreement shall be void and  
43 the [*State Department of Energy*] **Oregon Business Development Department** shall revoke the  
44 grant.

45 “(3) The director may, in accordance with ORS chapter 183, deny a grant under this section if

1 the director determines that:

2 “(a) The system does not comply with the provisions of ORS 469B.250 to 469B.265 and applicable  
3 rules and standards;

4 “(b) The applicant was directly involved in an act for which the director has levied civil penal-  
5 ties or revoked, canceled or suspended any certification under ORS 315.326 or 469B.130 to 469B.169,  
6 or any grant under ORS 469B.250 to 469B.265; or

7 “(c) The applicant or the principal, director, officer, owner, majority shareholder or member of  
8 the applicant, or the manager of the applicant if the applicant is a limited liability company, is in  
9 arrears for payments owed to any government agency while in any capacity with direct or indirect  
10 control over a business.

11 “(4) The department shall reduce the amount of grant allowable to an applicant if, when com-  
12 bined with other government incentives or grants available to the applicant, the amount calculated  
13 under subsection (2) of this section exceeds 75 percent of the total system cost calculated under this  
14 section.

15 “(5) Upon determination by the director that the applicant has violated the provisions of the  
16 performance agreement or ORS 469B.250 to 469B.265, the applicant will be liable to the department  
17 for all grant moneys disbursed to the applicant.

18 “**SECTION 131.** ORS 469B.259 is amended to read:

19 “469B.259. By rule and after hearing, the [*Director of the State Department of Energy*] **Director**  
20 **of the Oregon Business Development Department** may adopt a schedule of reasonable fees that  
21 the [*State Department of Energy*] **Oregon Business Development Department** may require of ap-  
22 plicants for a grant for a renewable energy production system under ORS 469B.250 to 469B.265 or  
23 for tax credit certification under ORS 315.326. Before the adoption or revision of the fees, the de-  
24 partment shall estimate the total cost of the program to the department. The fees shall be used to  
25 recover the anticipated cost of administering and enforcing the provisions of ORS 469B.250 to  
26 469B.265, including filing, investigating, granting and rejecting applications for grant or tax credit  
27 certification and ensuring compliance with ORS 315.326, 315.329 and 469B.250 to 469B.265 and shall  
28 be designed not to exceed the total cost estimated by the department. Any excess fees shall be held  
29 by the department and shall be used by the department to reduce any future fee increases. The fee  
30 may vary according to the size and complexity of the system. The fee is not considered part of the  
31 cost of the system for which a grant is being sought.

32 “**SECTION 132.** ORS 469B.262 is amended to read:

33 “469B.262. (1) The total amount of potential tax credits for certified renewable energy develop-  
34 ment contributions in this state may not, at the time of certification under ORS 315.326, exceed:

35 “(a) \$3 million for any biennium; or

36 “(b) \$750,000 for the six months beginning July 1, 2017, and ending December 31, 2017.

37 “(2) In the event that the [*Director of the State Department of Energy*] **Director of the Oregon**  
38 **Business Development Department** receives applications for grants under ORS 469B.256 in excess  
39 of the contributions received pursuant to ORS 315.326, the director shall allocate the issuance of  
40 grants according to standards and criteria established by rule by the director.

41 “**SECTION 133.** ORS 469B.265 is amended to read:

42 “469B.265. The [*State Department of Energy*] **Oregon Business Development Department** shall  
43 by rule establish policies and procedures for the administration and enforcement of the provisions  
44 of ORS 315.326, 315.329 and 469B.250 to 469B.265, including standards for what constitutes a single  
45 renewable energy production system.”.

- 1 On page 92, delete lines 40 through 45.
- 2 On page 93, delete lines 1 through 35 and insert:
- 3 **NOTE:** Section 154 was deleted by amendment. Subsequent sections were not renumbered.”.
- 4 On page 94, line 1, after “collect” insert “from all available sources”.
- 5 In line 13, after the semicolon insert “and”.
- 6 In line 16, delete “; and” and insert a period.
- 7 Delete lines 17 through 19.
- 8 In line 27, delete “58,” and delete the second “and”.
- 9 In line 28, delete “session law” and delete “154” and insert “153”.
- 10 In line 38, delete “58,”.
- 11 In line 39, delete “and session law”.
- 12 In line 40, delete “154” and insert “153”.
- 13 \_\_\_\_\_