

Requested by Senator OLSEN

**PROPOSED AMENDMENTS TO
SENATE BILL 952**

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,
7 469.965, 469.966,”.

8 On page 5, line 32, after “data” insert “from all available sources”.

9 In line 35, after “programs” insert “, while providing technical assistance
10 and reporting to the Legislative Assembly, the Governor and other
11 agencies”.

12 On page 6, line 5, after “consistency” insert “, cost-effectiveness”.

13 In line 43, delete “Plan” and insert “Report”.

14 On page 7, delete lines 3 through 44 and insert:

15 **“SECTION 15. (1) The State Department of Energy shall develop a
16 statewide strategic energy report to implement the energy policies
17 stated in ORS 469.010 and 469.310 in a manner that:**

18 **“(a) Takes a balanced approach to addressing the competing inter-
19 ests affected by the policies stated in ORS 469.010 and 469.310; and**

20 **“(b) Provides for transparency and accountability in the actions of
21 the department and the Oregon Energy Commission.**

1 **“(2) The statewide strategic energy report shall include:**
2 **“(a) A description of this state’s long-term energy requirements;**
3 **“(b) The objectives of the report;**
4 **“(c) Actions that are designed to achieve the objectives of the re-**
5 **port;**
6 **“(d) Provisions to ensure communication and partnership with key**
7 **stakeholders;**
8 **“(e) Quantitative and qualitative metrics for assessing the per-**
9 **formance of the commission and the department in implementing the**
10 **report, which shall include, but need not be limited to, metrics related**
11 **to:**
12 **“(A) The consumption, generation, transmission and production of**
13 **energy, including fuel energy;**
14 **“(B) Energy costs;**
15 **“(C) Energy sectors, markets, technologies, resources and facilities;**
16 **and**
17 **“(D) Energy efficiency and conservation;**
18 **“(f) Specific functions and roles to be performed by other state**
19 **agencies in coordinating with the department to ensure a unified,**
20 **statewide approach to addressing the energy needs and goals of this**
21 **state consistent with state environmental policy and the policies set**
22 **forth in ORS 469.010 and 469.310; and**
23 **“(g) Public policy options and recommendations.**
24 **“(3) The statewide strategic energy report shall take effect upon**
25 **adoption by the commission.**
26 **“(4) The commission shall periodically review and update the**
27 **statewide strategic energy report. The review required by this section**
28 **shall include an analysis of how each of the programs of the depart-**
29 **ment contributes to meeting the goals of the statewide strategic en-**
30 **ergy report and how each program can most effectively be**

1 administered in furtherance of the report. Revisions of the report shall
2 take effect upon the commission’s adoption of the revised report by
3 reference in rule.

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

7 **“(2) The State Department of Energy shall prepare a draft statewide**
8 **strategic energy report, which may include recommendations for leg-**
9 **islation. The department shall, no later than September 15, 2019, sub-**
10 **mit the draft report to the appropriate interim committees of the**
11 **Legislative Assembly in the manner provided under ORS 192.245.”.**

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

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

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

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

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

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

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

19

20 **“SMALL SCALE LOCAL ENERGY PROJECTS**
21 **AND CLEAN ENERGY DEPLOYMENT PROGRAM**

22

23 **“(Transfer of Duties, Functions and Powers)**

24

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

1 **Development Department.**

2
3 **“(Records, Property, Employees)”**

4
5 **“SECTION 23. (1) The Director of the State Department of Energy**
6 **shall deliver to the Oregon Business Development Department all re-**
7 **ords and property within the jurisdiction of the director that relate**
8 **to the duties, functions and powers transferred by section 22 of this**
9 **2017 Act, and the Director of the Oregon Business Development De-**
10 **partment shall take possession of the records and property.**

11 **“(2) The Governor shall resolve any dispute between the State De-**
12 **partment of Energy and the Oregon Business Development Depart-**
13 **ment relating to transfers of records and property under this section,**
14 **and the Governor’s decision is final.”.**

15 On page 15, delete lines 1 through 4.

16 On page 28, after line 25, insert:

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

18 **“470.800. (1) The Clean Energy Deployment Fund is established in the**
19 **State Treasury, separate and distinct from the General Fund. Interest earned**
20 **by the Clean Energy Deployment Fund shall be credited to the Clean Energy**
21 **Deployment Fund. Moneys in the fund are continuously appropriated to the**
22 **[State Department of Energy] Oregon Business Development Department**
23 **for use as provided in ORS 470.810.**

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

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

27 **“470.805. (1) The Renewable Energy Development Subaccount is estab-**
28 **lished in the Clean Energy Deployment Fund established in ORS 470.800.**
29 **Interest earned by the Renewable Energy Development Subaccount shall be**
30 **credited to the subaccount. Moneys in the fund are continuously appropri-**

1 ated to the [*State Department of Energy*] **Oregon Business Development**
2 **Department** for purposes related to renewable energy development.

3 “(2) The department may accept grants, donations, contributions or gifts
4 from any source for deposit in the Renewable Energy Development Subac-
5 count.”.

6 In line 27, delete “State Department of Energy” and insert “Oregon
7 Business Development Department”.

8 In line 29, restore the bracketed material and delete the boldfaced mate-
9 rial.

10 On page 34, line 25, delete “and”.

11 In line 26, delete the period and insert “; and
12 “(e) The Alternative Fuel Vehicle Revolving Fund.”.

13 Delete lines 31 through 35.

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

15 In line 37, delete “\$3,000,000” and insert “\$_____”.

16 Delete lines 41 through 45.

17 On page 35, delete lines 1 through 6.

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

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

20 After line 15, insert:

21

22 **“AUDITS**

23

24 **“SECTION 61. The State Department of Energy shall contract with**
25 **an independent third party to conduct an audit, including a forensic**
26 **audit, of all activities of the department related to the issuance of**
27 **loans for small scale local energy projects under ORS chapter 470 to**
28 **determine compliance with the provisions of ORS 223.680, 291.445,**
29 **470.050, 470.060, 470.070, 470.080, 470.090, 470.100, 470.110, 470.120, 470.130,**
30 **470.135, 470.140, 470.145, 470.150, 470.160, 470.170, 470.180, 470.190, 470.200,**

1 470.210, 470.230, 470.270, 470.300, 470.310, 470.810 and 470.815, all as in ef-
2 fect before the operative date specified in section 157 of this 2017 Act.
3 The audit required under this section shall be at the expense of the
4 department. The auditor shall prepare a report of the results of the
5 audit and make the report available to the Department of Justice.

6 **“SECTION 62. (1) The State Department of Energy shall contract**
7 **with an independent third party to conduct an audit, including a**
8 **forensic audit, of all activities of the department related to the issu-**
9 **ance of tax credits under ORS 315.341. The auditor shall prepare a re-**
10 **port of the results of the audit and make the report available to the**
11 **Department of Justice.**

12 **“(2) The Department of Revenue shall conduct an audit to deter-**
13 **mine whether taxpayers who claimed a tax credit issued under ORS**
14 **315.341 failed to pay capital gains taxes on capital gains related to the**
15 **purchase of tax credits issued under ORS 315.341. The Department of**
16 **Revenue shall prepare a report of the results of the audit and make**
17 **the report available to the Department of Justice.**

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

20 In line 18, after “PROGRAM” insert “AND ALTERNATIVE FUEL VE-
21 HICLE REVOLVING FUND LOAN PROGRAM”.

22 In line 20, after “ORS” insert “469.960, 469.961, 469.962, 469.963, 469.964,
23 469.965, 469.966.”.

24 On page 42, line 20, delete “State Department of Energy” and insert
25 “Oregon Business Development Department”.

26 On page 43, after line 38, insert:

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

28 **“192.502. The following public records are exempt from disclosure under**
29 **ORS 192.410 to 192.505:**

30 **“(1) Communications within a public body or between public bodies of an**

1 advisory nature to the extent that they cover other than purely factual ma-
2 terials and are preliminary to any final agency determination of policy or
3 action. This exemption shall not apply unless the public body shows that in
4 the particular instance the public interest in encouraging frank communi-
5 cation between officials and employees of public bodies clearly outweighs the
6 public interest in disclosure.

7 “(2) Information of a personal nature such as but not limited to that kept
8 in a personal, medical or similar file, if public disclosure would constitute
9 an unreasonable invasion of privacy, unless the public interest by clear and
10 convincing evidence requires disclosure in the particular instance. The party
11 seeking disclosure shall have the burden of showing that public disclosure
12 would not constitute an unreasonable invasion of privacy.

13 “(3) Upon compliance with ORS 192.437, public body employee or volun-
14 teer residential addresses, residential telephone numbers, personal cellular
15 telephone numbers, personal electronic mail addresses, driver license num-
16 bers, employer-issued identification card numbers, emergency contact infor-
17 mation, Social Security numbers, dates of birth and other telephone numbers
18 contained in personnel records maintained by the public body that is the
19 employer or the recipient of volunteer services. This exemption:

20 “(a) Does not apply to the addresses, dates of birth and telephone numbers
21 of employees or volunteers who are elected officials, except that a judge or
22 district attorney subject to election may seek to exempt the judge’s or dis-
23 trict attorney’s address or telephone number, or both, under the terms of
24 ORS 192.445;

25 “(b) Does not apply to employees or volunteers to the extent that the
26 party seeking disclosure shows by clear and convincing evidence that the
27 public interest requires disclosure in a particular instance pursuant to ORS
28 192.437;

29 “(c) Does not apply to a substitute teacher as defined in ORS 342.815
30 when requested by a professional education association of which the substi-

1 tute teacher may be a member; and

2 “(d) Does not relieve a public employer of any duty under ORS 243.650 to
3 243.782.

4 “(4) Information submitted to a public body in confidence and not other-
5 wise required by law to be submitted, where such information should rea-
6 sonably be considered confidential, the public body has obliged itself in good
7 faith not to disclose the information, and when the public interest would
8 suffer by the disclosure.

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

15 “(6) Records, reports and other information received or compiled by the
16 Director of the Department of Consumer and Business Services in the ad-
17 ministration of ORS chapters 723 and 725 not otherwise required by law to
18 be made public, to the extent that the interests of lending institutions, their
19 officers, employees and customers in preserving the confidentiality of such
20 information outweighs the public interest in disclosure.

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

22 “(8) Any public records or information the disclosure of which is prohib-
23 ited by federal law or regulations.

24 “(9)(a) Public records or information the disclosure of which is prohibited
25 or restricted or otherwise made confidential or privileged under Oregon law.

26 “(b) Subject to ORS 192.423, paragraph (a) of this subsection does not
27 apply to factual information compiled in a public record when:

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

29 “(B) The factual information is not prohibited from disclosure under any
30 applicable state or federal law, regulation or court order and is not other-

1 wise exempt from disclosure under ORS 192.410 to 192.505;

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

5 “(D) The factual information was not compiled in preparation for liti-
6 gation, arbitration or an administrative proceeding that was reasonably
7 likely to be initiated or that has been initiated by or against the public body;
8 and

9 “(E) The holder of the privilege under ORS 40.225 has made or authorized
10 a public statement characterizing or partially disclosing the factual infor-
11 mation compiled by or at the attorney’s direction.

12 “(10) Public records or information described in this section, furnished
13 by the public body originally compiling, preparing or receiving them to any
14 other public officer or public body in connection with performance of the
15 duties of the recipient, if the considerations originally giving rise to the
16 confidential or exempt nature of the public records or information remain
17 applicable.

18 “(11) Records of the Energy Facility Siting Council concerning the review
19 or approval of security programs pursuant to ORS 469.530.

20 “(12) Employee and retiree address, telephone number and other nonfi-
21 nancial membership records and employee financial records maintained by
22 the Public Employees Retirement System pursuant to ORS chapters 238 and
23 238A.

24 “(13) Records of or submitted to the State Treasurer, the Oregon Invest-
25 ment Council or the agents of the treasurer or the council relating to active
26 or proposed publicly traded investments under ORS chapter 293, including
27 but not limited to records regarding the acquisition, exchange or liquidation
28 of the investments. For the purposes of this subsection:

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

30 “(A) Information in investment records solely related to the amount paid

1 directly into an investment by, or returned from the investment directly to,
2 the treasurer or council; or

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

5 “(b) An investment in a publicly traded investment is no longer active
6 when acquisition, exchange or liquidation of the investment has been con-
7 cluded.

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

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

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

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

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

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

26 “(F) Investment agreements and related documents.

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

28 “(A) The name, address and vintage year of each privately placed invest-
29 ment fund.

30 “(B) The dollar amount of the commitment made to each privately placed

1 investment fund since inception of the fund.

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

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

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

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

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

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

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

20 “(15) The monthly reports prepared and submitted under ORS 293.761 and
21 293.766 concerning the Public Employees Retirement Fund and the Industrial
22 Accident Fund may be uniformly treated as exempt from disclosure for a
23 period of up to 90 days after the end of the calendar quarter.

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

26 “(17)(a) The following records, communications and information submitted
27 to the Oregon Business Development Commission, the Oregon Business De-
28 velopment Department, the State Department of Agriculture, the Oregon
29 Growth Board, the Port of Portland or other ports as defined in ORS 777.005,
30 or a county or city governing body and any board, department, commission,

1 council or agency thereof, by applicants for investment funds, grants, loans,
2 services or economic development moneys, support or assistance including,
3 but not limited to, those described in ORS 285A.224:

4 “(A) Personal financial statements.

5 “(B) Financial statements of applicants.

6 “(C) Customer lists.

7 “(D) Information of an applicant pertaining to litigation to which the
8 applicant is a party if the complaint has been filed, or if the complaint has
9 not been filed, if the applicant shows that such litigation is reasonably likely
10 to occur; this exemption does not apply to litigation which has been con-
11 cluded, and nothing in this subparagraph shall limit any right or opportunity
12 granted by discovery or deposition statutes to a party to litigation or po-
13 tential litigation.

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

15 “(F) Marketing strategy information that relates to applicant’s plan to
16 address specific markets and applicant’s strategy regarding specific compet-
17 itors.

18 “(b) The following records, communications and information submitted to
19 the [*State Department of Energy*] **Oregon Business Development Depart-**
20 **ment** by applicants for tax credits or for grants awarded under ORS
21 469B.256:

22 “(A) Personal financial statements.

23 “(B) Financial statements of applicants.

24 “(C) Customer lists.

25 “(D) Information of an applicant pertaining to litigation to which the
26 applicant is a party if the complaint has been filed, or if the complaint has
27 not been filed, if the applicant shows that such litigation is reasonably likely
28 to occur; this exemption does not apply to litigation which has been con-
29 cluded, and nothing in this subparagraph shall limit any right or opportunity
30 granted by discovery or deposition statutes to a party to litigation or po-

1 tential litigation.

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

3 “(F) Marketing strategy information that relates to applicant’s plan to
4 address specific markets and applicant’s strategy regarding specific compet-
5 itors.

6 “(18) Records, reports or returns submitted by private concerns or enter-
7 prises required by law to be submitted to or inspected by a governmental
8 body to allow it to determine the amount of any transient lodging tax pay-
9 able and the amounts of such tax payable or paid, to the extent that such
10 information is in a form which would permit identification of the individual
11 concern or enterprise. Nothing in this subsection shall limit the use which
12 can be made of such information for regulatory purposes or its admissibility
13 in any enforcement proceedings. The public body shall notify the taxpayer
14 of the delinquency immediately by certified mail. However, in the event that
15 the payment or delivery of transient lodging taxes otherwise due to a public
16 body is delinquent by over 60 days, the public body shall disclose, upon the
17 request of any person, the following information:

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

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

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

22 “(19) All information supplied by a person under ORS 151.485 for the
23 purpose of requesting appointed counsel, and all information supplied to the
24 court from whatever source for the purpose of verifying the financial eligi-
25 bility of a person pursuant to ORS 151.485.

26 “(20) Workers’ compensation claim records of the Department of Con-
27 sumer and Business Services, except in accordance with rules adopted by the
28 Director of the Department of Consumer and Business Services, in any of the
29 following circumstances:

30 “(a) When necessary for insurers, self-insured employers and third party

1 claim administrators to process workers' compensation claims.

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

4 “(c) When the disclosure is made in such a manner that the disclosed in-
5 formation cannot be used to identify any worker who is the subject of a
6 claim.

7 “(d) When a worker or the worker's representative requests review of the
8 worker's claim record.

9 “(21) Sensitive business records or financial or commercial information
10 of the Oregon Health and Science University that is not customarily pro-
11 vided to business competitors.

12 “(22) Records of Oregon Health and Science University regarding candi-
13 dates for the position of president of the university.

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

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

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

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

20 “(24) The following records, communications and information obtained by
21 the Housing and Community Services Department in connection with the
22 department's monitoring or administration of financial assistance or of
23 housing or other developments:

24 “(a) Personal and corporate financial statements and information, in-
25 cluding tax returns.

26 “(b) Credit reports.

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

1 “(d) Market studies and analyses.

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

4 “(f) Commitment letters.

5 “(g) Project pro forma statements.

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

7 “(i) Audits.

8 “(j) Project tenant correspondence.

9 “(k) Personal information about a tenant.

10 “(L) Housing assistance payments.

11 “(25) Raster geographic information system (GIS) digital databases, pro-
12 vided by private forestland owners or their representatives, voluntarily and
13 in confidence to the State Forestry Department, that is not otherwise re-
14 quired by law to be submitted.

15 “(26) Sensitive business, commercial or financial information furnished to
16 or developed by a public body engaged in the business of providing electricity
17 or electricity services, if the information is directly related to a transaction
18 described in ORS 261.348, or if the information is directly related to a bid,
19 proposal or negotiations for the sale or purchase of electricity or electricity
20 services, and disclosure of the information would cause a competitive disad-
21 vantage for the public body or its retail electricity customers. This sub-
22 section does not apply to cost-of-service studies used in the development or
23 review of generally applicable rate schedules.

24 “(27) Sensitive business, commercial or financial information furnished to
25 or developed by the City of Klamath Falls, acting solely in connection with
26 the ownership and operation of the Klamath Cogeneration Project, if the
27 information is directly related to a transaction described in ORS 225.085 and
28 disclosure of the information would cause a competitive disadvantage for the
29 Klamath Cogeneration Project. This subsection does not apply to cost-of-
30 service studies used in the development or review of generally applicable rate

1 schedules.

2 “(28) Personally identifiable information about customers of a municipal
3 electric utility or a people’s utility district or the names, dates of birth,
4 driver license numbers, telephone numbers, electronic mail addresses or So-
5 cial Security numbers of customers who receive water, sewer or storm drain
6 services from a public body as defined in ORS 174.109. The utility or district
7 may release personally identifiable information about a customer, and a
8 public body providing water, sewer or storm drain services may release the
9 name, date of birth, driver license number, telephone number, electronic mail
10 address or Social Security number of a customer, if the customer consents
11 in writing or electronically, if the disclosure is necessary for the utility,
12 district or other public body to render services to the customer, if the dis-
13 closure is required pursuant to a court order or if the disclosure is otherwise
14 required by federal or state law. The utility, district or other public body
15 may charge as appropriate for the costs of providing such information. The
16 utility, district or other public body may make customer records available
17 to third party credit agencies on a regular basis in connection with the es-
18 tablishment and management of customer accounts or in the event such ac-
19 counts are delinquent.

20 “(29) A record of the street and number of an employee’s address submit-
21 ted to a special district to obtain assistance in promoting an alternative to
22 single occupant motor vehicle transportation.

23 “(30) Sensitive business records, capital development plans or financial
24 or commercial information of Oregon Corrections Enterprises that is not
25 customarily provided to business competitors.

26 “(31) Documents, materials or other information submitted to the Director
27 of the Department of Consumer and Business Services in confidence by a
28 state, federal, foreign or international regulatory or law enforcement agency
29 or by the National Association of Insurance Commissioners, its affiliates or
30 subsidiaries under ORS 86A.095 to 86A.198, 697.005 to 697.095, 697.602 to

1 697.842, 705.137, 717.200 to 717.320, 717.900 or 717.905, ORS chapter 59, 723,
2 725 or 726, the Bank Act or the Insurance Code when:

3 “(a) The document, material or other information is received upon notice
4 or with an understanding that it is confidential or privileged under the laws
5 of the jurisdiction that is the source of the document, material or other in-
6 formation; and

7 “(b) The director has obligated the Department of Consumer and Business
8 Services not to disclose the document, material or other information.

9 “(32) A county elections security plan developed and filed under ORS
10 254.074.

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

13 “(a) Generation, storage or conveyance of:

14 “(A) Electricity;

15 “(B) Gas in liquefied or gaseous form;

16 “(C) Hazardous substances as defined in ORS 453.005 (7)(a), (b) and (d);

17 “(D) Petroleum products;

18 “(E) Sewage; or

19 “(F) Water.

20 “(b) Telecommunication systems, including cellular, wireless or radio
21 systems.

22 “(c) Data transmissions by whatever means provided.

23 “(34) The information specified in ORS 25.020 (8) if the Chief Justice of
24 the Supreme Court designates the information as confidential by rule under
25 ORS 1.002.

26 “(35)(a) Employer account records of the State Accident Insurance Fund
27 Corporation.

28 “(b) As used in this subsection, ‘employer account records’ means all re-
29 cords maintained in any form that are specifically related to the account of
30 any employer insured, previously insured or under consideration to be in-

1 sured by the State Accident Insurance Fund Corporation and any informa-
2 tion obtained or developed by the corporation in connection with providing,
3 offering to provide or declining to provide insurance to a specific employer.
4 ‘Employer account records’ includes, but is not limited to, an employer’s
5 payroll records, premium payment history, payroll classifications, employee
6 names and identification information, experience modification factors, loss
7 experience and dividend payment history.

8 “(c) The exemption provided by this subsection may not serve as the basis
9 for opposition to the discovery documents in litigation pursuant to applicable
10 rules of civil procedure.

11 “(36)(a) Claimant files of the State Accident Insurance Fund Corporation.

12 “(b) As used in this subsection, ‘claimant files’ includes, but is not limited
13 to, all records held by the corporation pertaining to a person who has made
14 a claim, as defined in ORS 656.005, and all records pertaining to such a
15 claim.

16 “(c) The exemption provided by this subsection may not serve as the basis
17 for opposition to the discovery documents in litigation pursuant to applicable
18 rules of civil procedure.

19 “(37) Except as authorized by ORS 408.425, records that certify or verify
20 an individual’s discharge or other separation from military service.

21 “(38) Records of or submitted to a domestic violence service or resource
22 center that relate to the name or personal information of an individual who
23 visits a center for service, including the date of service, the type of service
24 received, referrals or contact information or personal information of a family
25 member of the individual. As used in this subsection, ‘domestic violence
26 service or resource center’ means an entity, the primary purpose of which is
27 to assist persons affected by domestic or sexual violence by providing refer-
28 rals, resource information or other assistance specifically of benefit to do-
29 mestic or sexual violence victims.

30 “(39) Information reported to the Oregon Health Authority under ORS

1 431A.860, except as provided in ORS 431A.860 (2)(b) information disclosed by
2 the authority under ORS 431A.865 and any information related to disclosures
3 made by the authority under ORS 431A.865, including information identifying
4 the recipient of the information.

5 “(40)(a) Electronic mail addresses in the possession or custody of an
6 agency or subdivision of the executive department, as defined in ORS 174.112,
7 a local government or local service district, as defined in ORS 174.116, or a
8 special government body, as defined in ORS 174.117.

9 “(b) This subsection does not apply to electronic mail addresses assigned
10 by a public body to public employees for use by the employees in the ordi-
11 nary course of their employment.

12 “(41) Residential addresses, residential telephone numbers, personal cel-
13 lular telephone numbers, personal electronic mail addresses, driver license
14 numbers, emergency contact information, Social Security numbers, dates of
15 birth and other telephone numbers of individuals currently or previously
16 certified or licensed by the Department of Public Safety Standards and
17 Training contained in the records maintained by the department.

18 “(42) Personally identifiable information and contact information of vet-
19 erans as defined in ORS 408.225 and of persons serving on active duty or as
20 reserve members with the Armed Forces of the United States, National
21 Guard or other reserve component that was obtained by the Department of
22 Veterans’ Affairs in the course of performing its duties and functions, in-
23 cluding but not limited to names, residential and employment addresses,
24 dates of birth, driver license numbers, telephone numbers, electronic mail
25 addresses, Social Security numbers, marital status, dependents, the character
26 of discharge from military service, military rating or rank, that the person
27 is a veteran or has provided military service, information relating to an ap-
28 plication for or receipt of federal or state benefits, information relating to
29 the basis for receipt or denial of federal or state benefits and information
30 relating to a home loan or grant application, including but not limited to

1 financial information provided in connection with the application.”.

2 On page 50, line 28, delete “State Department of Energy” and insert
3 “Oregon Business Development Department”.

4 In line 41, delete “Oregon Energy Commission” and insert “Oregon Busi-
5 ness Development Department”.

6 On page 51, line 7, delete “State Department of Energy” and insert
7 “Oregon Business Development Department”.

8 In line 12, delete “State Department of Energy” and insert “Oregon
9 Business Development Department”.

10 After line 27, insert:

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

12 “315.329. (1) In any fiscal year, the amount of tax credits allowed under
13 ORS 315.326 may be reduced or eliminated, and the Legislative Assembly
14 may, no later than 30 days prior to the end of each fiscal year, in lieu of the
15 issuance of certifications for tax credit under ORS 315.326 by the [*State De-*
16 *partment of Energy*] **Oregon Business Development Department**, make an
17 appropriation to the [*State Department of Energy*] **Oregon Business Devel-**
18 **opment Department** for deposit into the Renewable Energy Development
19 Subaccount, established in ORS 470.805, of the Clean Energy Deployment
20 Fund established in ORS 470.800. Moneys deposited under this section are
21 to be used only for purposes related to renewable energy development.

22 “(2) After a tax credit certificate has been sold as provided in ORS
23 315.326, the [*State Department of Energy*] **Oregon Business Development**
24 **Department** may not revoke the certificate.”.

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

26 “**NOTE:** Sections 115 and 116 were deleted by amendment. Subsequent
27 sections were not renumbered.”.

28 On page 62, delete lines 1 through 9.

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

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

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

2 “469B.253. (1) Prior to the installation or construction of a renewable
3 energy production system, any person may apply to the [*State Department of*
4 *Energy*] **Oregon Business Development Department** for a grant under
5 ORS 469B.256 if:

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

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

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

10 “(d) The system complies with the standards or rules adopted by the [*Di-*
11 *rector of the State Department of Energy*] **Director of the Oregon Business**
12 **Development Department.**

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

15 “(a) A detailed description of the system and its operation and informa-
16 tion showing that the system will operate as represented in the application
17 and remain in operation for at least five years, unless the director by rule
18 specifies another period of operation.

19 “(b) The anticipated total system cost.

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

22 “(A) Created by the system; and

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

25 “(d) Information demonstrating that the system will comply with appli-
26 cable state and local laws and regulations and obtain required licenses and
27 permits.

28 “(e) Any other information the director considers necessary to determine
29 whether the system is in accordance with the provisions of ORS 469B.250 to
30 469B.265, and any applicable rules or standards adopted by the director.

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

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

7 “(a) Filing the application before the start of installation or construction
8 is inappropriate because special circumstances render filing earlier unrea-
9 sonable; and

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

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

13 “469B.256. (1) The [*Director of the State Department of Energy*] **Director**
14 **of the Oregon Business Development Department** may require an appli-
15 cant for a grant under this section for a renewable energy production system
16 to submit plans, specifications and contract terms, and after examination of
17 the plans, specifications and terms may request corrections and revisions.

18 “(2) If the director determines that the system is technically feasible and
19 should operate in accordance with the representations made by the applicant,
20 and is in accordance with the provisions of ORS 469B.250 to 469B.265 and
21 any applicable rules or standards adopted by the director, the director may
22 enter into a performance agreement with the applicant and award a grant
23 under this section to the applicant. The grant provided for in the perform-
24 ance agreement may not exceed 35 percent of the cost of the project and may
25 not exceed \$250,000 per system. If construction does not begin within 12
26 months of an award under this section, the performance agreement shall be
27 void and the [*State Department of Energy*] **Oregon Business Development**
28 **Department** shall revoke the grant.

29 “(3) The director may, in accordance with ORS chapter 183, deny a grant
30 under this section if the director determines that:

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

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

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

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

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

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

22 “469B.259. By rule and after hearing, the [*Director of the State Department*
23 *of Energy*] **Director of the Oregon Business Development Department**
24 may adopt a schedule of reasonable fees that the [*State Department of*
25 *Energy*] **Oregon Business Development Department** may require of ap-
26 plicants for a grant for a renewable energy production system under ORS
27 469B.250 to 469B.265 or for tax credit certification under ORS 315.326. Before
28 the adoption or revision of the fees, the department shall estimate the total
29 cost of the program to the department. The fees shall be used to recover the
30 anticipated cost of administering and enforcing the provisions of ORS

1 469B.250 to 469B.265, including filing, investigating, granting and rejecting
2 applications for grant or tax credit certification and ensuring compliance
3 with ORS 315.326, 315.329 and 469B.250 to 469B.265 and shall be designed not
4 to exceed the total cost estimated by the department. Any excess fees shall
5 be held by the department and shall be used by the department to reduce any
6 future fee increases. The fee may vary according to the size and complexity
7 of the system. The fee is not considered part of the cost of the system for
8 which a grant is being sought.

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

10 “469B.262. (1) The total amount of potential tax credits for certified
11 renewable energy development contributions in this state may not, at the
12 time of certification under ORS 315.326, exceed:

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

14 “(b) \$750,000 for the six months beginning July 1, 2017, and ending De-
15 cember 31, 2017.

16 “(2) In the event that the [*Director of the State Department of Energy*]
17 **Director of the Oregon Business Development Department** receives ap-
18 plications for grants under ORS 469B.256 in excess of the contributions re-
19 ceived pursuant to ORS 315.326, the director shall allocate the issuance of
20 grants according to standards and criteria established by rule by the direc-
21 tor.

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

23 “469B.265. The [*State Department of Energy*] **Oregon Business Develop-**
24 **ment Department** shall by rule establish policies and procedures for the
25 administration and enforcement of the provisions of ORS 315.326, 315.329 and
26 469B.250 to 469B.265, including standards for what constitutes a single
27 renewable energy production system.”.

28 On page 92, delete lines 40 through 45.

29 On page 93, delete lines 1 through 35 and insert:

30 **“NOTE:** Section 154 was deleted by amendment. Subsequent sections were

- 1 not renumbered.”.
- 2 On page 94, line 1, after “collect” insert “from all available sources”.
- 3 In line 13, after the semicolon insert “and”.
- 4 In line 16, delete “; and” and insert a period.
- 5 Delete lines 17 through 19.
- 6 In line 27, delete “58,” and delete the second “and”.
- 7 In line 28, delete “session law” and delete “154” and insert “153”.
- 8 In line 38, delete “58,”.
- 9 In line 39, delete “and session law”.
- 10 In line 40, delete “154” and insert “153”.
- 11 _____