

Requested by HOUSE COMMITTEE ON ENERGY AND ENVIRONMENT

**PROPOSED AMENDMENTS TO
SENATE BILL 100**

1 On page 1 of the printed bill, delete lines 6 through 8 and insert:

2
3 **“TRANSFER OF DUTIES RELATED TO OIL HEATED DWELLINGS**

4
5 **“SECTION 1. The duties, functions and powers of the State De-**
6 **partment of Energy under ORS 469.673 to 469.683 are imposed upon,**
7 **transferred to and vested in the Housing and Community Services**
8 **Department.**

9
10 **“(Records and Property)**

11
12 **“SECTION 2. (1) The Director of the State Department of Energy**
13 **shall deliver to the Housing and Community Services Department all**
14 **records and property within the jurisdiction of the director that relate**
15 **to the duties, functions and powers transferred by section 1 of this 2017**
16 **Act, and the Director of the Housing and Community Services De-**
17 **partment shall take possession of the records and property.**

18 **“(2) The Governor shall resolve any dispute between the State De-**
19 **partment of Energy and the Housing and Community Services De-**
20 **partment relating to transfers of records and property under this**
21 **section, and the Governor’s decision is final.**

1 “(Unexpended Revenues)
2

3 **“SECTION 3. (1) The unexpended balances of amounts authorized**
4 **to be expended by the State Department of Energy for the biennium**
5 **beginning July 1, 2017, from revenues dedicated, continuously appro-**
6 **priated, appropriated or otherwise made available for the purpose of**
7 **administering and enforcing the duties, functions and powers trans-**
8 **ferred by section 1 of this 2017 Act are transferred to and are available**
9 **for expenditure by the Housing and Community Services Department**
10 **for the biennium beginning July 1, 2017, for the purpose of adminis-**
11 **tering and enforcing the duties, functions and powers transferred by**
12 **section 1 of this 2017 Act.**

13 **“(2) The expenditure classifications, if any, established by Acts au-**
14 **thorizing or limiting expenditures by the State Department of Energy**
15 **remain applicable to expenditures by the Housing and Community**
16 **Services Department under this section.**

17
18 “(Action, Proceeding, Prosecution)
19

20 **“SECTION 4. The transfer of duties, functions and powers to the**
21 **Housing and Community Services Department by section 1 of this 2017**
22 **Act does not affect any action, proceeding or prosecution involving or**
23 **with respect to the duties, functions and powers begun before and**
24 **pending at the time of the transfer, except that the Housing and**
25 **Community Services Department is substituted for the State Depart-**
26 **ment of Energy in the action, proceeding or prosecution.**

27
28 “(Liability, Duty, Obligation)
29

30 **“SECTION 5. (1) Nothing in sections 1 to 7 of this 2017 Act relieves**

1 a person of a liability, duty or obligation accruing under or with re-
2 spect to the duties, functions and powers transferred by section 1 of
3 this 2017 Act. The Housing and Community Services Department may
4 undertake the collection or enforcement of any such liability, duty or
5 obligation.

6 “(2) The rights and obligations of the State Department of Energy
7 legally incurred under contracts, leases and business transactions ex-
8 ecuted, entered into or begun before the operative date of section 1
9 of this 2017 Act accruing under or with respect to the duties, functions
10 and powers transferred by section 1 of this 2017 Act are transferred to
11 the Housing and Community Services Department. For the purpose
12 of succession to these rights and obligations, the Housing and Com-
13 munity Services Department is a continuation of the State Depart-
14 ment of Energy and not a new authority.

15

16

“(Rules)”

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18 “SECTION 6. Notwithstanding the transfer of duties, functions and
19 powers by section 1 of this 2017 Act, the rules of the State Department
20 of Energy with respect to such duties, functions or powers that are in
21 effect on the operative date of section 1 of this 2017 Act continue in
22 effect until superseded or repealed by rules of the Housing and Com-
23 munity Services Department. References in the rules of the State De-
24 partment of Energy to the State Department of Energy or an officer
25 or employee of the State Department of Energy are considered to be
26 references to the Housing and Community Services Department or an
27 officer or employee of the Housing and Community Services Depart-
28 ment.

29

30 “SECTION 7. Whenever, in any uncodified law or resolution of the
Legislative Assembly or in any rule, document, record or proceeding

1 authorized by the Legislative Assembly, in the context of the duties,
2 functions and powers transferred by section 1 of this 2017 Act, refer-
3 ence is made to the State Department of Energy, or an officer or em-
4 ployee of the State Department of Energy, whose duties, functions or
5 powers are transferred by section 1 of this 2017 Act, the reference is
6 considered to be a reference to the Housing and Community Services
7 Department or an officer or employee of the Housing and Community
8 Services Department who by this 2017 Act is charged with carrying out
9 the duties, functions and powers.

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11

“REPEALS”.

12

13 In line 9, delete “1” and insert “8”.

14 After line 9, insert:

15

16

“AMENDMENTS TO STATUTES”.

17

18 In line 10, delete “2” and insert “9”.

19 In line 12, delete “State Department of Energy” and insert “Housing and
20 Community Services Department”.

21 On page 3, line 1, delete “3” and insert “10”.

22 In line 2, delete “State Department of Energy” and insert “Housing and
23 Community Services Department”.

24 In line 16, delete “State Department of Energy” and insert “Housing and
25 Community Services Department”.

26 In line 22, delete “State Department” and insert “Housing and Community
27 Services Department”.

28 In line 23, delete “of Energy”.

29 In line 31, delete “4” and insert “11”.

30 In line 43, delete “State Department of Energy” and insert “Housing and

1 Community Services Department”.

2 On page 4, line 8, delete “5” and insert “12” and delete “6” and insert
3 “13”.

4 In line 10, delete “6” and insert “13” and delete “State Department of
5 Energy” and insert “Housing and Community Services Department”.

6 In line 15, delete “7” and insert “14”.

7 In line 37, delete the second comma.

8 In line 38, delete “469.681”.

9 In line 39, delete “fuel oil dealer”.

10 In line 40, delete “or”.

11 On page 5, line 15, delete “8” and insert “15”.

12 In line 19, delete the comma and insert “or”.

13 In line 20, delete “or 469.681”.

14 After line 22, insert:

15

16 **“OPERATIVE DATE**

17

18 **“SECTION 16. (1) Sections 1 to 7, 12 and 13 of this 2017 Act, the**
19 **amendments to ORS 317.112, 469.673, 469.681, 469.683 and 469B.154 by**
20 **sections 9 to 11, 14 and 15 of this 2017 Act and the repeal of 469.675,**
21 **469.677 and 469.679 by section 8 of this 2017 Act become operative Jan-**
22 **uary 1, 2018.**

23 **“(2) The State Department of Energy and the Housing and Com-**
24 **munity Services Department may take any action before the operative**
25 **date specified in subsection (1) of this section that is necessary to en-**
26 **able the State Department of Energy and the Housing and Community**
27 **Services Department to exercise, on and after the operative date**
28 **specified in subsection (1) of this section, all the duties, functions and**
29 **powers conferred on the State Department of Energy and the Housing**
30 **and Community Services Department by sections 1 to 7, 12 and 13 of**

1 **this 2017 Act, the amendments to ORS 317.112, 469.673, 469.681, 469.683**
2 **and 469B.154 by sections 9 to 11, 14 and 15 of this 2017 Act and the re-**
3 **peal of 469.675, 469.677 and 469.679 by section 8 of this 2017 Act.”.**

4 In line 26, delete “9” and insert “17”.

5 In line 32, delete “10” and insert “18”.

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