

House Bill 3229

Sponsored by Representative RESCHKE

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Repeals provisions of law related to collection of surcharge for removal of Klamath River dams upon failure of relevant parties to begin dam removal.

Establishes Klamath Fish Habitat Enhancement Fund. Directs certain moneys collected for removal of Klamath River dams to be transferred to fund for watershed enhancement projects that serve to improve salmon and trout habitat near Klamath River dams. Directs certain moneys collected for removal of Klamath River dams to be used by PacifiCorp for activities related to compliance with federal regulatory requirements.

Repeals, on January 2, 2021, the repeal of provisions of law related to collection of surcharge for removal of Klamath River dams removal if Public Utility Commission reports to Legislative Counsel and Legislative Assembly that dam removal began on or before December 31, 2019.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to Klamath river dams; creating new provisions; repealing ORS 757.732, 757.734, 757.736,
3 757.738, 757.740, 757.742 and 757.744; and declaring an emergency.

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

5 **SECTION 1. As used in sections 1 to 4 of this 2019 Act:**

6 (1) **"Customer"** means a retail electricity customer of PacifiCorp that is located in this
7 state.

8 (2) **"Klamath River dam"** means the J.C. Boyle Dam located in Oregon, the Copco 1 Dam
9 located in California, the Copco 2 Dam located in California or the Iron Gate Dam located in
10 California.

11 **SECTION 2. ORS 757.732, 757.734, 757.736, 757.738, 757.740, 757.742 and 757.744 are repealed**
12 **on January 2, 2020, if the physical act of removing a Klamath River dam has not begun on**
13 **or before December 31, 2019.**

14 **SECTION 3. If the physical act of removing a Klamath River dam has not begun on or**
15 **before December 31, 2019:**

16 (1) **On January 2, 2020, each trust account established by the Public Utility Commission**
17 **under ORS 757.738 is abolished.**

18 (2) **All moneys in each trust account established by the commission under ORS 757.738**
19 **are transferred to the Klamath Fish Habitat Enhancement Fund established under section 4**
20 **of this 2019 Act for use as provided for in section 4 of this 2019 Act.**

21 (3) **PacifiCorp shall dedicate an amount equal to the total amount of all moneys collected**
22 **from customers as a surcharge pursuant to ORS 757.736 to be used, subject to oversight by**
23 **the commission, to finance activities related to meeting licensing or relicensing requirements**
24 **for the Klamath River dams imposed by the Federal Energy Regulatory Commission, includ-**
25 **ing but not limited to certification requirements under ORS 468B.040 and 33 U.S.C. 1341.**

26 **SECTION 4. (1) The Klamath Fish Habitat Enhancement Fund is established in the State**

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 Treasury, separate and distinct from the General Fund. Interest earned by the Klamath Fish
2 Habitat Enhancement Fund shall be credited to the fund. All moneys in the fund are con-
3 tinuously appropriated to the Oregon Watershed Enhancement Board to be used for
4 watershed enhancement projects that serve to improve salmon and trout habitat near the
5 Klamath River dams.

6 (2) The Klamath Fish Habitat Enhancement Fund shall consist of moneys deposited in
7 the fund pursuant to subsection (3) of this section and section 3 (2) of this 2019 Act.

8 (3) The board may accept gifts, grants or contributions from any source, whether public
9 or private, for deposit in the Klamath Fish Habitat Enhancement Fund.

10 SECTION 5. (1) No later than September 15, 2020, the Public Utility Commission shall
11 provide in writing to the Legislative Counsel, and to an interim committee of the Legislative
12 Assembly related to energy, a statement identifying whether the physical act of removing a
13 Klamath River dam began on or before December 31, 2019.

14 (2) If the statement provided by the commission provides that the physical act of re-
15 moving a Klamath River dam did begin on or before December 31, 2019, then sections 1 to 4
16 of this 2019 Act are repealed on January 2, 2021.

17 SECTION 6. This 2019 Act being necessary for the immediate preservation of the public
18 peace, health and safety, an emergency is declared to exist, and this 2019 Act takes effect
19 on its passage.