On page 1 of the printed bill, line 8, after “469.097,” insert “469.100,”.
In line 9, after “469.300,” insert “469.310,”.
In line 10, after “469.450,” insert “469.470, 469.501,”.
In line 23, after “701.532,” insert “757.230,”.
In line 24, after “2007,” delete the rest of the line.
In line 25, delete “Oregon Laws 2007,”.
In line 26, delete “184.425, 184.427, 184.429, 184.431, 184.433, 184.435,”.
On page 2, line 1, after “468A.260,” insert “469.010,”.
In line 6, after “701.119” insert “and sections 8a and 8b, chapter 739, Oregon Laws 2007”.
Delete line 14 and insert “469.010 to 469.155.”.
Delete lines 21 through 24 and insert:
“(3) It is the goal of Oregon to promote the efficient use of energy resources, to develop low-carbon technologies, resources and services to enhance this state’s economic competitiveness and to assist Oregon industries and households with the equitable transition to an affordable and reliable energy system and a mix of energy resources that can achieve the state’s greenhouse gas emissions reduction goals.”.
In line 29, after “conservation” insert “, energy efficiency”.
Delete lines 40 and 41 and insert:
“(f) That the state pursue opportunities to conserve energy, to increase energy efficiency, to enhance resilience to the impacts of climate change and to reduce emissions associated with the built environment.”.
On page 3, line 2, after “that” insert “promote innovation and”.
In line 21, delete “clean”.
Delete line 22 and insert “energy conservation, energy efficiency and energy safety.”.
In line 23, after “cooperate” insert “as requested”.
In line 24, delete “any proceedings and all”.
In line 27, after “Governor” insert “and the Legislative Assembly”.
In line 29, delete “problems” and insert “challenges”.
In line 37, after “192.355,” insert “192.690,”.
In line 38, after “469.563,” insert “469.579,”.
In line 42, delete “clean”.
In line 43, delete “clean”.
On page 4, line 5, delete “clean”.
In line 6, delete “ORS 469.010” and insert “section 2 of this 2019 Act”.
On page 5, line 1, delete “and”.

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In line 2, delete the period and insert “;
“(g) The Director of Agriculture or the designee of the director;
“(h) The Director of the Department of Environmental Quality or the director’s designee;
“(i) A member of the Public Utility Commission or the designee of the chairperson of the com-
mission;
“(j) The Director of Transportation or the director’s designee;
“(k) The Director of the Housing and Community Services Department or the director’s
designee;
“(L) The Water Resources Director or the director’s designee; and
“(m) The Director of the Oregon Health Authority or the director’s designee.”.
Delete lines 36 through 41 and insert:
“SECTION 7. Notwithstanding the term of office specified by section 6 of this 2019 Act, of the
members first appointed by the Governor to the Oregon Climate Board:
“(1) Two shall serve for terms ending July 1, 2020.
“(2) Two shall serve for terms ending July 1, 2021.
“(3) Two shall serve for terms ending July 1, 2022.
“(4) Three shall serve for terms ending July 1, 2023.”.
On page 6, line 1, after “development of the” insert “rules and”. After line 16, insert:
“SECTION 8a. (1) No later than September 15 of each year, the Oregon Climate Board shall submit a report, in the manner provided in ORS 192.245, to the Legislative Assembly on activities related to implementing the establishment of the Oregon Climate Authority.
“(2) The report shall include, but need not be limited to, information on:
“(a) The transfer of programs between the authority and other state agencies as provided for by law; and
“(b) The development of capacity by the authority to implement, administer and enforce the programs and activities of the authority.
“(3) The report may include recommendations for legislation.
“SECTION 8b. Section 8a of this 2019 Act is repealed on January 2, 2023.”.
Delete lines 19 through 22 and insert:
“(Amendments to statute, operative on effective date of Act)
“SECTION 8c. ORS 468A.280 is amended to read:
“468A.280. (1) [In addition to any registration and reporting that may be required under ORS 468A.050, the Environmental Quality Commission by rule may require registration and reporting by:]
As used in this section:
“(a) ‘Air contamination source’ has the meaning given that term in ORS 468A.005.
“(b) ‘Greenhouse gas’ includes, but is not limited to, carbon dioxide, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons, sulfur hexafluoride and nitrogen trifluoride.
“(2) The Environmental Quality Commission by rule may require registration and reporting of information necessary to determine greenhouse gas emissions by:
“(a) A person in control of an air contamination source of any class for which registration and reporting is required under ORS 468A.050.
“(a) A person in control of an air contamination source of any class for which registration and reporting is required under ORS 468A.050.
“(b) A person who imports, sells, allocates or distributes electricity for use in this
state [electricity, the generation of which emits greenhouse gases].

“[(b) (e) [Any] A person who imports, sells or distributes for use in this state fossil fuel that
generates greenhouse gases when combusted.

“(3) A person required to register and report under subsection (2) of this section shall
register with the Department of Environmental Quality and make reports containing infor-
mination that the commission by rule may require that is relevant to determining and verify-
ishing greenhouse gas emissions. The commission may by rule require the person to provide an
audit by an independent and disinterested party to verify that the greenhouse gas emissions
information reported by the person is true and accurate.

“[(2)] (4) Rules adopted by the commission under this section for electricity that is imported,
sold, allocated or distributed for use in this state may require reporting of information necessary to
determine greenhouse gas emissions from generating facilities used to produce the electricity and
related electricity transmission line losses.

“[(3)] (5) (a) The commission shall allow consumer-owned utilities, as defined in ORS 757.270,
to comply with reporting requirements imposed under this section by the submission of a report
prepared by a third party. A report submitted under this paragraph may include information for
more than one consumer-owned utility, but must include all information required by the commission
for each individual utility.

“(b) For the purpose of determining greenhouse gas emissions related to electricity purchased
from the Bonneville Power Administration by a consumer-owned utility, as defined in ORS 757.270,
the commission may require only that the utility report:

“(A) The number of megawatt-hours of electricity purchased by the utility from the Bonneville
Power Administration, segregated by the types of contracts entered into by the utility with the
Bonneville Power Administration; and

“(B) The percentage of each fuel or energy type used to produce electricity purchased under
each type of contract.

“[(4)] (6) (a) Rules adopted by the commission pursuant to this section for electricity that is
purchased, imported, sold, allocated or distributed for use in this state by an electric company, as
defined in ORS 757.600, must be limited to the reporting of:

“(A) The generating facility fuel type and greenhouse gas emissions emitted from generating
facilities owned or operated by the electric company;

“(B) The megawatt-hours of electricity generated by the electric company for use in this
state;

“(C) Greenhouse gas emissions emitted from transmission equipment owned or operated by
the electric company;

“(D) The number of megawatt-hours of electricity purchased by the electric company for
use in this state, including information, if known, on:

“(i) The seller of the electricity to the electric company; and

“(ii) The original generating facility fuel type or types; and

“(D) (E) An estimate of the amount of greenhouse gas emissions, using default greenhouse gas
emissions factors established by the commission by rule, attributable to:

“(i) Electricity purchases made by a particular seller to the electric company;

“(ii) Electricity purchases from an unknown origin or from a seller who is unable to identify the
original generating facility fuel type or types;

“(iii) Electricity purchases for which a renewable energy certificate under ORS 469A.130 has
been issued but subsequently transferred or sold to a person other than the electric company;
“(iv) Electricity transmitted for others by the electric company; and
“(v) Total energy losses from electricity transmission and distribution equipment owned or op-
erated by the electric company.
“(b) Pursuant to paragraph (a) of this subsection, a multijurisdictional electric company may rely
upon a cost allocation methodology approved by the Public Utility Commission for reporting emis-
sions allocated in this state.
“[(5)] (7) Rules adopted by the commission under this section for [fossil] fuel that is imported,
sold or distributed for use in this state may require reporting of the type and quantity of the fuel
and any additional information necessary to determine the [carbon content] greenhouse gas emis-
sions associated with the use or combustion of the fuel. [For the purpose of determining
greenhouse gas emissions related to liquefied petroleum gas, the commission shall allow reporting using
publications or submission of data by the American Petroleum Institute but may require reporting of
such other information necessary to achieve the purposes of the rules adopted by the commission under
this section.]
“[(6)] (8) To an extent that is consistent with the purposes of the rules adopted by the commis-
sion under this section, the commission shall minimize the burden of the reporting required under
this section by:
“(a) Allowing concurrent reporting of information that is also reported to another state agency;
“(b) Allowing electronic reporting;
“(c) Allowing use of good engineering practice calculations in reports, or of emission factors
published by the United States Environmental Protection Agency;
“(d) Establishing thresholds for the amount of specific greenhouse gases that may be emitted or
generated without reporting;
“(e) Requiring reporting by the fewest number of persons in a fuel distribution system that will
allow the commission to acquire the information needed by the commission; or
“(f) Other appropriate means and procedures determined by the commission.
“[(7) As used in this section, ‘greenhouse gas’ has the meaning given that term in ORS
468A.210.]”
“(9) The department may require a person for which registration and reporting is re-
quired under subsection (2) of this section to provide any pertinent records related to ver-
ification of greenhouse gas emissions in order to determine compliance with and to enforce
this section and rules adopted pursuant to this section.
“(10) If a person required to register and report under subsection (2) of this section fails
to submit a report under this section, the department may develop an assigned emissions
level for the person if necessary for the purpose of regulating persons under any program
for the regulation of greenhouse gas emissions adopted by the Legislative Assembly.
“(11)(a) By rule the commission may establish a schedule of fees for registration and
reporting under this section. Before establishing fees pursuant to this subsection, the com-
misson shall consider the total fees for each person subject to registration and reporting
under this section.
“(b) The commission shall limit the fees established under this subsection to the antici-
pated cost of developing, implementing and analyzing data collected under greenhouse gas
emissions registration and reporting programs.
“(Transfer from Department of Environmental Quality to Oregon Climate Authority, operative January 1, 2022)”.

On page 8, delete lines 11 through 45 and delete page 9.
On page 10, delete lines 1 through 22 and insert:

“SECTION 16. ORS 468A.280, as amended by section 8c of this 2019 Act is amended to read:

468A.280. (1) As used in this section:
   “(a) ‘Air contamination source’ has the meaning given that term in ORS 468A.005.
   “(b) ‘Greenhouse gas’ includes, but is not limited to, carbon dioxide, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons, sulfur hexafluoride and nitrogen trifluoride.
   “(2) The [Environmental Quality Commission] Director of the Oregon Climate Authority by rule may require registration and reporting of information necessary to determine greenhouse gas emissions by:
      “(a) A person in control of an air contamination source of any class for which registration and reporting is required under ORS 468A.050.
      “(b) A person who imports, sells, allocates or distributes electricity for use in this state.
      “(c) A person who imports, sells or distributes for use in this state fossil fuel that generates greenhouse gases when combusted.
   “(3) A person required to register and report under subsection (2) of this section shall register with the [Department of Environmental Quality] Oregon Climate Authority and make reports containing information that the [commission] director by rule may require that is relevant to determining and verifying greenhouse gas emissions. The [commission] director may by rule require the person to provide an audit by an independent and disinterested party to verify that the greenhouse gas emissions information reported by the person is true and accurate.
   “(4) Rules adopted by the [commission] director under this section for electricity that is imported, sold, allocated or distributed for use in this state may require reporting of information necessary to determine greenhouse gas emissions from generating facilities used to produce the electricity and related electricity transmission line losses.
   “(5)(a) The [commission] director shall allow consumer-owned utilities, as defined in ORS 757.270, to comply with reporting requirements imposed under this section by the submission of a report prepared by a third party. A report submitted under this paragraph may include information for more than one consumer-owned utility, but must include all information required by the [commission] director for each individual utility.
   “(b) For the purpose of determining greenhouse gas emissions related to electricity purchased from the Bonneville Power Administration by a consumer-owned utility, as defined in ORS 757.270, the [commission] director may require only that the utility report:
      “(A) The number of megawatt-hours of electricity purchased by the utility from the Bonneville Power Administration, segregated by the types of contracts entered into by the utility with the Bonneville Power Administration; and
      “(B) The percentage of each fuel or energy type used to produce electricity purchased under each type of contract.
   “(6)(a) Rules adopted by the [commission] director pursuant to this section for electricity that is purchased, imported, sold, allocated or distributed for use in this state by an electric company, as defined in ORS 757.600, must be limited to the reporting of:
      “(A) The generating facility fuel type and greenhouse gas emissions emitted from generating
facilities owned or operated by the electric company;

“(B) The megawatt-hours of electricity generated by the electric company for use in this state;

“(C) Greenhouse gas emissions emitted from transmission equipment owned or operated by the
electric company;

“(D) The number of megawatt-hours of electricity purchased by the electric company for use in
this state, including information, if known, on:

“(i) The seller of the electricity to the electric company; and

“(ii) The original generating facility fuel type or types; and

“(E) An estimate of the amount of greenhouse gas emissions attributable to:

“(i) Electricity purchases made by a particular seller to the electric company;

“(ii) Electricity purchases from an unknown origin or from a seller who is unable to identify the
original generating facility fuel type or types;

“(iii) Electricity purchases for which a renewable energy certificate under ORS 469A.130 has
been issued but subsequently transferred or sold to a person other than the electric company;

“(iv) Electricity transmitted for others by the electric company; and

“(v) Total energy losses from electricity transmission and distribution equipment owned or op-
erated by the electric company.

“(b) Pursuant to paragraph (a) of this subsection, a multijurisdictional electric company may rely
upon a cost allocation methodology approved by the Public Utility Commission for reporting emis-
sions allocated in this state.

“(7) Rules adopted by the [commission] director under this section for fuel that is imported, sold
or distributed for use in this state may require reporting of the type and quantity of the fuel and
any additional information necessary to determine the greenhouse gas emissions associated with the
use or combustion of the fuel.

“(8) To an extent that is consistent with the purposes of the rules adopted by the [commission]
director under this section, the [commission] director shall minimize the burden of the reporting
required under this section by:

“(a) Allowing concurrent reporting of information that is also reported to another state agency;

“(b) Allowing electronic reporting;

“(c) Allowing use of good engineering practice calculations in reports, or of emission factors
published by the United States Environmental Protection Agency;

“(d) Establishing thresholds for the amount of specific greenhouse gases that may be emitted or
generated without reporting;

“(e) Requiring reporting by the fewest number of persons in a fuel distribution system that will
allow the [commission] director to acquire the information needed by the [commission] director; or

“(f) Other appropriate means and procedures determined by the [commission] director.

“(9) The [department] authority may require a person for which registration and reporting is
required under subsection (2) of this section to provide any pertinent records related to verification
of greenhouse gas emissions in order to determine compliance with and to enforce this section and
rules adopted pursuant to this section.

“(10) If a person required to register and report under subsection (2) of this section fails to
submit a report under this section, the [department] authority may develop an assigned emissions
level for the person if necessary for the purpose of regulating persons under any program for the
regulation of greenhouse gas emissions adopted by the Legislative Assembly.

“(11)(a) By rule the [commission] director may establish a schedule of fees for registration and
reporting under this section. Before establishing fees pursuant to this subsection, the [commission] director shall consider the total fees for each person subject to registration and reporting under this section.

“(b) The [commission] director shall limit the fees established under this subsection to the anticipated cost of developing, implementing and analyzing data collected under greenhouse gas emissions registration and reporting programs.”.

In line 32, after “192.355,” insert “192.690.”.
In line 36, after “469.563,” insert “469.566 to 469.583, 469.584, 469.585, 469.586, 469.587.”.
In line 42, delete “sections 8a and”.
In line 43, delete “8b (2), chapter 739, Oregon Laws 2007.”.
On page 13, delete lines 32 through 45 and delete pages 14 through 19.
On page 20, delete lines 1 through 32 and insert:

“(Provisions Related to the Energy Supplier Assessment, operative July 1, 2020)

“SECTION 26. ORS 469.120 is amended to read:

“469.120. (1) The [State Department of Energy] Oregon Climate Authority Account is established.

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

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

“(4) The Director of the [State Department of Energy] Oregon Climate Authority shall keep a record of all moneys deposited in the account. The record shall indicate by special cumulative accounts the source from which moneys are derived and the individual activity or program, including any activities described in ORS 469.424, against which each withdrawal is charged. On or after October 1 of each year, the director shall make available, upon request, the record for the prior fiscal year to any energy resource supplier that has paid the assessment imposed under ORS 469.421 (8).

The director shall make the record available within 30 days of receiving the request.

“SECTION 27. ORS 469.421 is amended to read:

“469.421. (1) Subject to the provisions of ORS 469.441, any person submitting a notice of intent, a request for exemption under ORS 469.320, a request for an expedited review under ORS 469.370, a request for an expedited review under ORS 469.373, a request for the [State Department of Energy] Oregon Climate Authority to approve a pipeline under ORS 469.405 (3), an application for a site certificate or a request to amend a site certificate shall pay all expenses incurred by the Energy Facility Siting Council and the [department] authority related to the review and decision of the council. Expenses under this subsection may include:

“(a) Legal expenses;

“(b) Expenses incurred in processing and evaluating the application;

“(c) Expenses incurred in issuing a final order or site certificate;

“(d) Expenses incurred in commissioning an independent study under ORS 469.360;
“(e) Compensation paid to a state agency, a tribe or a local government pursuant to a written contract or agreement relating to compensation as provided for in ORS 469.360; or

“(f) Expenses incurred by the council in making rule changes that are specifically required and related to the particular site certificate.

“(2) Every person submitting a notice of intent to file for a site certificate, a request for exemption or a request for expedited review shall pay the fee required under the fee schedule established under ORS 469.441 to the [department] authority prior to submitting the notice or request to the council. To the extent possible, the full cost of the evaluation shall be paid from the fee paid under this subsection. However, if costs of the evaluation exceed the fee, the person submitting the notice or request shall pay any excess costs shown in an itemized statement prepared by the council. In no event shall the council incur evaluation expenses in excess of 110 percent of the fee initially paid unless the council provides prior notification to the applicant and a detailed projected budget the council believes necessary to complete the project. If costs are less than the fee paid, the excess shall be refunded to the person submitting the notice or request.

“(3) Before submitting a site certificate application, the applicant shall request from the [department] authority an estimate of the costs expected to be incurred in processing the application. The [department] authority shall inform the applicant of that amount and require the applicant to make periodic payments of the costs pursuant to a cost reimbursement agreement. The cost reimbursement agreement shall provide for payment of 25 percent of the estimated costs when the applicant submits the application. If costs of the evaluation exceed the estimate, the applicant shall pay any excess costs shown in an itemized statement prepared by the council. In no event shall the council incur evaluation expenses in excess of 110 percent of the fee initially estimated unless the council provided prior notification to the applicant and a detailed projected budget the council believes is necessary to complete the project. If costs are less than the fee paid, the council shall refund the excess to the applicant.

“(4) Any person who is delinquent in the payment of fees under subsections (1) to (3) of this section shall be subject to the provisions of subsection (11) of this section.

“(5) Subject to the provisions of ORS 469.441, each holder of a certificate shall pay an annual fee, due every July 1 following issuance of a site certificate. For each fiscal year, upon approval of the [department’s] authority’s budget authorization by an odd-numbered year regular session of the Legislative Assembly or as revised by the Emergency Board meeting in an interim period or by the Legislative Assembly meeting in special session or in an even-numbered year regular session, the Director of the [State Department of Energy] Oregon Climate Authority promptly shall enter an order establishing an annual fee based on the amount of revenues that the director estimates is needed to fund the cost of ensuring that the facility is being operated consistently with the terms and conditions of the site certificate, any order issued by the [department] authority under ORS 469.405 (3) and any applicable health or safety standards. In determining this cost, the director shall include both the actual direct cost to be incurred by the council and the [department] authority to ensure that the facility is being operated consistently with the terms and conditions of the site certificate, any order issued by the [department] authority under ORS 469.405 (3) and any applicable health or safety standards, and the general costs to be incurred by the council and the [department] authority to ensure that all certificated facilities are being operated consistently with the terms and conditions of the site certificates, any orders issued by the [department] authority under ORS 469.405 (3) and any applicable health or safety standards that cannot be allocated to an individual, licensed facility. Not more than 35 percent of the annual fee charged each facility shall
be for the recovery of these general costs. The fees for direct costs shall reflect the size and complexity of the facility, the anticipated costs of ensuring compliance with site certificate conditions, the anticipated costs of conducting site inspections and compliance reviews as described in ORS 469.430, and the anticipated costs of compensating state agencies and local governments for participating in site inspection and compliance enforcement activities at the request of the council.

“(6) Each holder of a site certificate executed after July 1 of any fiscal year shall pay a fee for the remaining portion of the year. The amount of the fee shall be set at the cost of regulating the facility during the remaining portion of the year determined in the same manner as the annual fee.

“(7) When the actual costs of regulation incurred by the council and the [department] authority for the year, including that portion of the general regulation costs that have been allocated to a particular facility, are less than the annual fees for that facility, the unexpended balance shall be refunded to the site certificate holder. When the actual regulation costs incurred by the council and the [department] authority for the year, including that portion of the general regulation costs that have been allocated to a particular facility, are projected to exceed the annual fee for that facility, the director may issue an order revising the annual fee.

“(8)(a) In addition to any other fees required by law, each energy resource supplier shall pay to the [department] authority annually its share of an assessment to fund the programs and activities of the council and the [department] authority.

“(b) Prior to filing an agency request budget under ORS 291.208 for purposes related to the compilation and preparation of the Governor’s budget under ORS 291.216, the director shall determine the projected aggregate amount of revenue to be collected from energy resource suppliers under this subsection that will be necessary to fund the programs and activities of the council and the [department] authority for each fiscal year of the upcoming biennium. After making that determination, the director shall convene a public meeting with representatives of energy resource suppliers and other interested parties for the purpose of providing energy resource suppliers with a full accounting of:

“(A) The projected revenue needed to fund each [department] program or activity of the authority; and

“(B) The projected allocation of moneys derived from the assessment imposed under this subsection to each [department] program or activity of the authority.

“(c) Upon approval of the budget authorization of the council and the [department] authority by an odd-numbered year regular session of the Legislative Assembly, the director shall promptly enter an order establishing the amount of revenues required to be derived from an assessment pursuant to this subsection in order to fund programs and activities that the council and the [department] authority are charged with administering and authorized to conduct under the laws of this state, including those enumerated in ORS 469.030, for the first fiscal year of the forthcoming biennium. On or before June 1 of each even-numbered year, the director shall enter an order establishing the amount of revenues required to be derived from an assessment pursuant to this subsection in order to fund the programs and activities that the council and the [department] authority are charged with administering and authorized to conduct under the laws of this state, including those enumerated in ORS 469.030, for the second fiscal year of the biennium. The order shall take into account any revisions to the biennial budget of the council and the [department] authority made by the Emergency Board meeting in an interim period or by the Legislative Assembly meeting in special session or in an even-numbered year regular session.

“(d) Each order issued by the director pursuant to paragraph (c) of this subsection shall allocate
the aggregate assessment set forth in the order to energy resource suppliers in accordance with paragraph (e) of this subsection.

“(e) The amount assessed to an energy resource supplier shall be based on the ratio which that supplier’s annual gross operating revenue derived within this state in the preceding calendar year bears to the total gross operating revenue derived within this state during that year by all energy resource suppliers. The assessment against an energy resource supplier shall not exceed 0.375 percent of the supplier’s gross operating revenue derived within this state in the preceding calendar year. The director shall exempt from payment of an assessment any individual energy resource supplier whose calculated share of the annual assessment is less than $250.

“(f) The director shall send each energy resource supplier subject to assessment pursuant to this subsection a copy of each order issued by registered or certified mail or through use of an electronic medium with electronic receipt verification. The amount assessed to the energy resource supplier pursuant to the order shall be considered to the extent otherwise permitted by law a government-imposed cost and recoverable by the energy resource supplier as a cost included within the price of the service or product supplied.

“(g) The amounts assessed to individual energy resource suppliers pursuant to paragraph (e) of this subsection shall be paid to the [department] authority as follows:

“(A) Amounts assessed for the first fiscal year of a biennium shall be paid not later than 90 days following adjournment sine die of the odd-numbered year regular session of the Legislative Assembly; and

“(B) Amounts assessed for the second fiscal year of a biennium shall be paid not later than July 1 of each even-numbered year or 90 days following adjournment sine die of the even-numbered year regular session of the Legislative Assembly, whichever is later.

“(h) An energy resource supplier shall provide the director, on or before May 1 of each year, a verified statement showing its gross operating revenues derived within the state for the calendar or fiscal year that was used by the energy resource supplier for the purpose of reporting federal income taxes for the preceding calendar or fiscal year. The statement must be in the form prescribed by the director and is subject to audit by the director. The statement must include an entry showing the total operating revenue derived by petroleum suppliers from fuels sold that are subject to the requirements of Article IX, section 3a, of the Oregon Constitution, and ORS 319.020 with reference to aircraft fuel and motor vehicle fuel, and ORS 319.530. The director may grant an extension of not more than 15 days for the requirements of this subsection if:

“(A) The energy supplier makes a showing of hardship caused by the deadline;

“(B) The energy supplier provides reasonable assurance that the energy supplier can comply with the revised deadline; and

“(C) The extension of time does not prevent the council or the [department] authority from fulfilling its statutory responsibilities.

“(i) As used in this section:

“(A) ‘Energy resource supplier’ means an electric utility, natural gas utility or petroleum supplier supplying, generating, transmitting or distributing electricity, natural gas or petroleum products in Oregon.

“(B) ‘Gross operating revenue’ means gross receipts from sales or service made or provided within this state during the regular course of the energy supplier’s business, but does not include either revenue derived from interutility sales within the state or revenue received by a petroleum supplier from the sale of fuels that are subject to the requirements of Article IX, section 3a, of the...
Oregon Constitution, or ORS 319.020 or 319.530.

“(C) ‘Petroleum supplier’ has the meaning given that term in ORS 469.020.

“(j) In determining the amount of revenues that must be derived from any class of energy resource suppliers by assessment pursuant to this subsection, the director shall take into account all other known or readily ascertainable sources of revenue to the council and [department] authority, including, but not limited to, fees imposed under this section and federal funds, and may take into account any funds previously assessed pursuant to ORS 469.420 (1979 Replacement Part) or section 7, chapter 792, Oregon Laws 1981.

“(k) Orders issued by the director pursuant to this section shall be subject to judicial review under ORS 183.484. The taking of judicial review shall not operate to stay the obligation of an energy resource supplier to pay amounts assessed to it on or before the statutory deadline.

“(9)(a) In addition to any other fees required by law, each operator of a nuclear fueled thermal power plant or nuclear installation within this state shall pay to the [department] authority annually on July 1 an assessment in an amount determined by the director to be necessary to fund the activities of the state and the counties associated with emergency preparedness for a nuclear fueled thermal power plant or nuclear installation. The assessment shall not exceed $461,250 per year. Moneys collected as assessments under this subsection are continuously appropriated to the [department] authority for this purpose.

“(b) The [department] authority shall maintain and cause other state agencies and counties to maintain time and billing records for the expenditure of any fees collected from an operator of a nuclear fueled thermal power plant under paragraph (a) of this subsection.

“(10) Reactors operated by a college, university or graduate center for research purposes and electric utilities not connected to the Northwest Power Grid are exempt from the fee requirements of subsections (5), (8) and (9) of this section.

“(11)(a) All fees assessed by the [director] authority against holders of site certificates for facilities that have an installed capacity of 500 megawatts or greater may be paid in several installments, the schedule for which shall be negotiated between the [director] authority and the site certificate holder.

“(b) Energy resource suppliers or applicants or holders of a site certificate who fail to pay a fee provided under subsections (1) to (9) of this section after it is due and payable shall pay, in addition to that fee, a penalty of two percent of the fee a month for the period that the fee is past due. Any payment made according to the terms of a schedule negotiated under paragraph (a) of this subsection shall not be considered past due. The director may bring an action to collect an unpaid fee or penalty in the name of the State of Oregon in a court of competent jurisdiction. The court may award reasonable attorney fees to the director if the director prevails in an action under this subsection. The court may award reasonable attorney fees to a defendant who prevails in an action under this subsection if the court determines that the director had no objectively reasonable basis for asserting the claim or no reasonable basis for appealing an adverse decision of the trial court.

“SECTION 28. ORS 469.426 is amended to read:

“469.426. (1) The Director of the [State Department of Energy] Oregon Climate Authority shall convene an advisory work group composed of stakeholders representing energy resource suppliers, the customers who ultimately pay for the energy supplier assessment imposed under ORS 469.421 (8) through their energy bills and other groups that have an interest in the provision and regulation of energy in this state.

“(2) The advisory work group shall review and make recommendations to the director on the
**State Department of Energy's** Oregon Climate Authority's proposals related to:

“(a) Planning, policy and technical analysis;
“(b) Legislative concepts; and
“(c) The department’s requested budget.

“(3) The work group shall meet at least two times per year at the call of the director.

“(Provisions Related to the Energy Supplier Assessment, operative July 1, 2021)

**SECTION 28a.** ORS 469.120, as amended by section 26 of this 2019 Act, is amended to read:

“469.120. (1) The Oregon Climate Authority Account is established.
“(2) The account shall consist of all funds received by the Oregon Climate Authority pursuant to law. All moneys in the account are continuously appropriated to the Oregon Climate Authority for payment of expenses of the authority and of the Energy Facility Siting Council.
“(3) Moneys collected under ORS 469.421 (8) may be expended only for the purposes of programs and activities that the council and the department are charged with administering and authorized to conduct under the laws of this state, including those enumerated in ORS 469.030. specified in ORS 469.421 (8)(a).
“(4) The Director of the Oregon Climate Authority shall keep a record of all moneys deposited in the account. The record shall indicate by special cumulative accounts the source from which moneys are derived and the individual activity or program, including any activities described in ORS 469.424, against which each withdrawal is charged. On or after October 1 of each year, the director shall make available, upon request, the record for the prior fiscal year to any energy resource supplier that has paid the assessment imposed under ORS 469.421 (8). The director shall make the record available within 30 days of receiving the request.

**SECTION 28b.** ORS 469.421, as amended by section 27 of this 2019 Act, is amended to read:

“469.421. (1) Subject to the provisions of ORS 469.441, any person submitting a notice of intent, a request for exemption under ORS 469.320, a request for an expedited review under ORS 469.370, a request for an expedited review under ORS 469.373, a request for the Oregon Climate Authority to approve a pipeline under ORS 469.405 (3), an application for a site certificate or a request to amend a site certificate shall pay all expenses incurred by the Energy Facility Siting Council and the authority related to the review and decision of the council. Expenses under this subsection may include:
“(a) Legal expenses;
“(b) Expenses incurred in processing and evaluating the application;
“(c) Expenses incurred in issuing a final order or site certificate;
“(d) Expenses incurred in commissioning an independent study under ORS 469.360;
“(e) Compensation paid to a state agency, a tribe or a local government pursuant to a written contract or agreement relating to compensation as provided for in ORS 469.360; or
“(f) Expenses incurred by the council in making rule changes that are specifically required and related to the particular site certificate.
“(2) Every person submitting a notice of intent to file for a site certificate, a request for exemption or a request for expedited review shall pay the fee required under the fee schedule established under ORS 469.441 to the authority prior to submitting the notice or request to the council. To the extent possible, the full cost of the evaluation shall be paid from the fee paid under this
subsection. However, if costs of the evaluation exceed the fee, the person submitting the notice or request shall pay any excess costs shown in an itemized statement prepared by the council. In no event shall the council incur evaluation expenses in excess of 110 percent of the fee initially paid unless the council provides prior notification to the applicant and a detailed projected budget the council believes necessary to complete the project. If costs are less than the fee paid, the excess shall be refunded to the person submitting the notice or request.

“(3) Before submitting a site certificate application, the applicant shall request from the authority an estimate of the costs expected to be incurred in processing the application. The authority shall inform the applicant of that amount and require the applicant to make periodic payments of the costs pursuant to a cost reimbursement agreement. The cost reimbursement agreement shall provide for payment of 25 percent of the estimated costs when the applicant submits the application. If costs of the evaluation exceed the estimate, the applicant shall pay any excess costs shown in an itemized statement prepared by the council. In no event shall the council incur evaluation expenses in excess of 110 percent of the fee initially estimated unless the council provided prior notification to the applicant and a detailed projected budget the council believes is necessary to complete the project. If costs are less than the fee paid, the council shall refund the excess to the applicant.

“(4) Any person who is delinquent in the payment of fees under subsections (1) to (3) of this section shall be subject to the provisions of subsection (11) of this section.

“(5) Subject to the provisions of ORS 469.441, each holder of a certificate shall pay an annual fee, due every July 1 following issuance of a site certificate. For each fiscal year, upon approval of the authority's budget authorization by an odd-numbered year regular session of the Legislative Assembly or as revised by the Emergency Board meeting in an interim period or by the Legislative Assembly meeting in special session or in an even-numbered year regular session, the Director of the Oregon Climate Authority promptly shall enter an order establishing an annual fee based on the amount of revenues that the director estimates is needed to fund the cost of ensuring that the facility is being operated consistently with the terms and conditions of the site certificate, any order issued by the authority under ORS 469.405 (3) and any applicable health or safety standards. In determining this cost, the director shall include both the actual direct cost to be incurred by the council and the authority to ensure that the facility is being operated consistently with the terms and conditions of the site certificate, any order issued by the authority under ORS 469.405 (3) and any applicable health or safety standards, and the general costs to be incurred by the council and the authority to ensure that all certificated facilities are being operated consistently with the terms and conditions of the site certificates, any orders issued by the authority under ORS 469.405 (3) and any applicable health or safety standards that cannot be allocated to an individual, licensed facility. Not more than 35 percent of the annual fee charged each facility shall be for the recovery of these general costs. The fees for direct costs shall reflect the size and complexity of the facility, the anticipated costs of ensuring compliance with site certificate conditions, the anticipated costs of conducting site inspections and compliance reviews as described in ORS 469.430, and the anticipated costs of compensating state agencies and local governments for participating in site inspection and compliance enforcement activities at the request of the council.

“(6) Each holder of a site certificate executed after July 1 of any fiscal year shall pay a fee for the remaining portion of the year. The amount of the fee shall be set at the cost of regulating the facility during the remaining portion of the year determined in the same manner as the annual fee.

“(7) When the actual costs of regulation incurred by the council and the authority for the year, including that portion of the general regulation costs that have been allocated to a particular fa-
ility, are less than the annual fees for that facility, the unexpended balance shall be refunded to
the site certificate holder. When the actual regulation costs incurred by the council and the au-
thority for the year, including that portion of the general regulation costs that have been allocated
to a particular facility, are projected to exceed the annual fee for that facility, the director may is-
sue an order revising the annual fee.

“(8)(a) In addition to any other fees required by law, each energy resource supplier shall pay to
the authority annually its share of an assessment to fund:

“(A) The programs and activities of the council [and the authority.];

“(B) The energy services programs of the authority; and

“(C) The administrative overhead and shared services costs of the authority that are
attributable to the programs and activities described in subparagraphs (A) and (B) of this
paragraph, unless the administrative overhead or shared services costs are funded by ex-
penses or fees paid pursuant to subsection (1), (5) or (6) of this section.

“(b) Prior to filing an agency request budget under ORS 291.208 for purposes related to the
compilation and preparation of the Governor’s budget under ORS 291.216, the director shall deter-
mine the projected aggregate amount of revenue to be collected from energy resource suppliers un-
der this subsection that will be necessary to fund the programs and activities of the council and the
authority described in paragraph (a) of this subsection for each fiscal year of the upcoming
biennium. After making that determination, the director shall convene a public meeting with repre-
sentatives of energy resource suppliers and other interested parties for the purpose of providing
energy resource suppliers with a full accounting of:

“(A) The projected revenue needed to fund each [program or activity] energy services program
of the authority; and

“(B) The projected allocation of moneys derived from the assessment imposed under this sub-
section to each [program or activity] energy services program of the authority.

“(c) Upon approval of the budget authorization of the council and the authority by an odd-
numbered year regular session of the Legislative Assembly, the director shall promptly enter an
order establishing the amount of revenues required to be derived from an assessment pursuant to
this subsection in order to fund programs and activities described in paragraph (a) of this sub-
section that the council and the authority are charged with administering and authorized to con-
duct under the laws of this state[, including those enumerated in ORS 469.030,] for the first fiscal
year of the forthcoming biennium. On or before June 1 of each even-numbered year, the director
shall enter an order establishing the amount of revenues required to be derived from an assessment
pursuant to this subsection in order to fund the programs and activities described in paragraph
(a) of this subsection that the council and the authority are charged with administering and au-
thorized to conduct under the laws of this state[, including those enumerated in ORS 469.030,] for the
second fiscal year of the biennium. The order shall take into account any revisions to the biennial
budget of the council and the authority made by the Emergency Board meeting in an interim period
or by the Legislative Assembly meeting in special session or in an even-numbered year regular ses-

“(d) Each order issued by the director pursuant to paragraph (c) of this subsection shall allocate
the aggregate assessment set forth in the order to energy resource suppliers in accordance with
paragraph (e) of this subsection.

“(e) The amount assessed to an energy resource supplier shall be based on the ratio which that
supplier’s annual gross operating revenue derived within this state in the preceding calendar year.
bears to the total gross operating revenue derived within this state during that year by all energy
resource suppliers. The assessment against an energy resource supplier shall not exceed [0.375] 0.25
percent of the supplier’s gross operating revenue derived within this state in the preceding calendar
year. The director shall exempt from payment of an assessment any individual energy resource
supplier whose calculated share of the annual assessment is less than $250.

“(f) The director shall send each energy resource supplier subject to assessment pursuant to this
subsection a copy of each order issued by registered or certified mail or through use of an electronic
medium with electronic receipt verification. The amount assessed to the energy resource supplier
pursuant to the order shall be considered to the extent otherwise permitted by law a government-
imposed cost and recoverable by the energy resource supplier as a cost included within the price
of the service or product supplied.

“(g) The amounts assessed to individual energy resource suppliers pursuant to paragraph (e) of
this subsection shall be paid to the authority as follows:

“(A) Amounts assessed for the first fiscal year of a biennium shall be paid not later than 90 days
following adjournment sine die of the odd-numbered year regular session of the Legislative Assem-
by; and

“(B) Amounts assessed for the second fiscal year of a biennium shall be paid not later than July
1 of each even-numbered year or 90 days following adjournment sine die of the even-numbered year
regular session of the Legislative Assembly, whichever is later.

“(h) An energy resource supplier shall provide the director, on or before May 1 of each year,
a verified statement showing its gross operating revenues derived within the state for the calendar
or fiscal year that was used by the energy resource supplier for the purpose of reporting federal
income taxes for the preceding calendar or fiscal year. The statement must be in the form prescribed
by the director and is subject to audit by the director. The statement must include an entry showing
the total operating revenue derived by petroleum suppliers from fuels sold that are subject to the
requirements of Article IX, section 3a, of the Oregon Constitution, and ORS 319.020 with reference
to aircraft fuel and motor vehicle fuel, and ORS 319.530. The director may grant an extension of not
more than 15 days for the requirements of this subsection if:

“(A) The energy supplier makes a showing of hardship caused by the deadline;

“(B) The energy supplier provides reasonable assurance that the energy supplier can comply
with the revised deadline; and

“(C) The extension of time does not prevent the council or the authority from fulfilling its
statutory responsibilities.

“(i) As used in this section:

“(A) ‘Energy resource supplier’ means an electric utility, natural gas utility or petroleum sup-
plier supplying, generating, transmitting or distributing electricity, natural gas or petroleum pro-
ducts in Oregon.

“(B)(i) ‘Energy services program’ means a program or activity undertaken pursuant to
the duties, functions and powers of the authority that:

“(I) Provides expertise or technical or research support related to the administration of
state energy policies and programs;

“(II) Provides energy data, analysis and tools; or

“(III) Supports energy conservation, energy efficiency, energy system planning, reliability
and safety, energy storage, renewable energy resources, or alternative energy resources or
fuels.
“(ii) ‘Energy services program’ does not mean any program adopted by the Legislative Assembly and administered by the authority to place a cap on anthropogenic greenhouse gas emissions and to provide for a market-based mechanism for covered entities to demonstrate compliance with the program.

“(B) (C) ‘Gross operating revenue’ means gross receipts from sales or service made or provided within this state during the regular course of the energy supplier’s business, but does not include either revenue derived from interutility sales within the state or revenue received by a petroleum supplier from the sale of fuels that are subject to the requirements of Article IX, section 3a, of the Oregon Constitution, or ORS 319.020 or 319.530.

“(C) (D) ‘Petroleum supplier’ has the meaning given that term in ORS 469.020.

“(j) In determining the amount of revenues that must be derived from any class of energy resource suppliers by assessment pursuant to this subsection, the director shall take into account all other known or readily ascertainable sources of revenue to the council and authority, including, but not limited to, fees imposed under this section and federal funds, and may take into account any funds previously assessed pursuant to ORS 469.420 (1979 Replacement Part) or section 7, chapter 792, Oregon Laws 1981.

“(k) Orders issued by the director pursuant to this section shall be subject to judicial review under ORS 183.484. The taking of judicial review shall not operate to stay the obligation of an energy resource supplier to pay amounts assessed to it on or before the statutory deadline.

“(L) No later than September 15 of each even-numbered year, the Secretary of State shall conduct an audit to determine whether the assessment and uses of the energy resource supplier assessment by the authority during the previous biennium complied with the provisions of this subsection. The secretary shall provide a copy of the audit report issued for an audit under this section to the director and to the Oregon Climate Board.

“(9)(a) In addition to any other fees required by law, each operator of a nuclear fueled thermal power plant or nuclear installation within this state shall pay to the authority annually on July 1 an assessment in an amount determined by the director to be necessary to fund the activities of the state and the counties associated with emergency preparedness for a nuclear fueled thermal power plant or nuclear installation. The assessment shall not exceed $461,250 per year. Moneys collected as assessments under this subsection are continuously appropriated to the authority for this purpose.

“(b) The authority shall maintain and cause other state agencies and counties to maintain time and billing records for the expenditure of any fees collected from an operator of a nuclear fueled thermal power plant under paragraph (a) of this subsection.

“(10) Reactors operated by a college, university or graduate center for research purposes and electric utilities not connected to the Northwest Power Grid are exempt from the fee requirements of subsections (5), (8) and (9) of this section.

“(11)(a) All fees assessed by the authority against holders of site certificates for facilities that have an installed capacity of 500 megawatts or greater may be paid in several installments, the schedule for which shall be negotiated between the authority and the site certificate holder.

“(b) Energy resource suppliers or applicants or holders of a site certificate who fail to pay a fee provided under subsections (1) to (9) of this section after it is due and payable shall, in addition to that fee, a penalty of two percent of the fee a month for the period that the fee is past due. Any payment made according to the terms of a schedule negotiated under paragraph (a) of this subsection shall not be considered past due. The director may bring an action to collect an unpaid fee or penalty in the name of the State of Oregon in a court of competent jurisdiction. The court may
award reasonable attorney fees to the director if the director prevails in an action under this subsection. The court may award reasonable attorney fees to a defendant who prevails in an action under this subsection if the court determines that the director had no objectively reasonable basis for asserting the claim or no reasonable basis for appealing an adverse decision of the trial court.

"SECTION 28c. ORS 469.426, as amended by section 28 of this 2019 Act, is amended to read:

"469.426. (1) The Director of the Oregon Climate Authority shall convene an advisory work group composed of stakeholders representing energy resource suppliers, the customers who ultimately pay for the energy supplier assessment imposed under ORS 469.421(8) through their energy bills and other groups that have an interest in the provision and regulation of energy in this state.

"(2) The advisory work group shall review and make recommendations to the director on the Oregon Climate Authority's proposals related to:

"[(a) Planning, policy and technical analysis;]

"[(b) Legislative concepts; and]

"[(c) The department's requested budget.]

"(a) Planning, policy and technical analysis as it pertains to the provision of energy in this state;

"(b) The programs of the Oregon Climate Authority that are energy services programs, as defined in ORS 469.421; and

"(c) The portion of the authority's requested biennial budget that is eligible for funding through the energy supplier assessment pursuant to ORS 469.421(8)(a).

"(3) The work group shall meet at least two times per year at the call of the director.

"(Provisions Related to the Energy Supplier Assessment, operative January 1, 2022)

"SECTION 28d. ORS 469.421, as amended by sections 27 and 28b of this 2019 Act, is amended to read:

"469.421. (1) Subject to the provisions of ORS 469.441, any person submitting a notice of intent, a request for exemption under ORS 469.320, a request for an expedited review under ORS 469.370, a request for an expedited review under ORS 469.373, a request for the Oregon Climate Authority to approve a pipeline under ORS 469.405(3), an application for a site certificate or a request to amend a site certificate shall pay all expenses incurred by the Energy Facility Siting Council and the authority related to the review and decision of the council. Expenses under this subsection may include:

"(a) Legal expenses;

"(b) Expenses incurred in processing and evaluating the application;

"(c) Expenses incurred in issuing a final order or site certificate;

"(d) Expenses incurred in commissioning an independent study under ORS 469.360;

"(e) Compensation paid to a state agency, a tribe or a local government pursuant to a written contract or agreement relating to compensation as provided for in ORS 469.360; or

"(f) Expenses incurred by the council in making rule changes that are specifically required and related to the particular site certificate.

"(2) Every person submitting a notice of intent to file for a site certificate, a request for exemption or a request for expedited review shall pay the fee required under the fee schedule established under ORS 469.441 to the authority prior to submitting the notice or request to the council.
To the extent possible, the full cost of the evaluation shall be paid from the fee paid under this subsection. However, if costs of the evaluation exceed the fee, the person submitting the notice or request shall pay any excess costs shown in an itemized statement prepared by the council. In no event shall the council incur evaluation expenses in excess of 110 percent of the fee initially paid unless the council provides prior notification to the applicant and a detailed projected budget the council believes necessary to complete the project. If costs are less than the fee paid, the excess shall be refunded to the person submitting the notice or request.

“(3) Before submitting a site certificate application, the applicant shall request from the authority an estimate of the costs expected to be incurred in processing the application. The authority shall inform the applicant of that amount and require the applicant to make periodic payments of the costs pursuant to a cost reimbursement agreement. The cost reimbursement agreement shall provide for payment of 25 percent of the estimated costs when the applicant submits the application. If costs of the evaluation exceed the estimate, the applicant shall pay any excess costs shown in an itemized statement prepared by the council. In no event shall the council incur evaluation expenses in excess of 110 percent of the fee initially estimated unless the council provided prior notification to the applicant and a detailed projected budget the council believes is necessary to complete the project. If costs are less than the fee paid, the council shall refund the excess to the applicant.

“(4) Any person who is delinquent in the payment of fees under subsections (1) to (3) of this section shall be subject to the provisions of subsection (11) of this section.

“(5) Subject to the provisions of ORS 469.441, each holder of a certificate shall pay an annual fee, due every July 1 following issuance of a site certificate. For each fiscal year, upon approval of the authority’s budget authorization by an odd-numbered year regular session of the Legislative Assembly or as revised by the Emergency Board meeting in an interim period or by the Legislative Assembly meeting in special session or in an even-numbered year regular session, the Director of the Oregon Climate Authority promptly shall enter an order establishing an annual fee based on the amount of revenues that the director estimates is needed to fund the cost of ensuring that the facility is being operated consistently with the terms and conditions of the site certificate, any order issued by the authority under ORS 469.405 (3) and any applicable health or safety standards. In determining this cost, the director shall include both the actual direct cost to be incurred by the council and the authority to ensure that the facility is being operated consistently with the terms and conditions of the site certificate, any order issued by the authority under ORS 469.405 (3) and any applicable health or safety standards, and the general costs to be incurred by the council and the authority to ensure that all certificated facilities are being operated consistently with the terms and conditions of the site certificates, any orders issued by the authority under ORS 469.405 (3) and any applicable health or safety standards that cannot be allocated to an individual, licensed facility. Not more than 35 percent of the annual fee charged each facility shall be for the recovery of these general costs. The fees for direct costs shall reflect the size and complexity of the facility, the anticipated costs of ensuring compliance with site certificate conditions, the anticipated costs of conducting site inspections and compliance reviews as described in ORS 469.430, and the anticipated costs of compensating state agencies and local governments for participating in site inspection and compliance enforcement activities at the request of the council.

“(6) Each holder of a site certificate executed after July 1 of any fiscal year shall pay a fee for the remaining portion of the year. The amount of the fee shall be set at the cost of regulating the facility during the remaining portion of the year determined in the same manner as the annual fee.

“(7) When the actual costs of regulation incurred by the council and the authority for the year,
including that portion of the general regulation costs that have been allocated to a particular fa-
cility, are less than the annual fees for that facility, the unexpended balance shall be refunded to
the site certificate holder. When the actual regulation costs incurred by the council and the au-
thority for the year, including that portion of the general regulation costs that have been allocated
to a particular facility, are projected to exceed the annual fee for that facility, the director may is-
sue an order revising the annual fee.

“(8)(a) In addition to any other fees required by law, each energy resource supplier shall pay to
the authority annually its share of an assessment to fund:

“(A) The programs and activities of the council;

“(B) The energy services programs of the authority; and

“(C) The administrative overhead and shared services costs of the authority that are attribut-
able to the programs and activities described in subparagraphs (A) and (B) of this paragraph, unless
the administrative overhead or shared services costs are funded by fees pursuant to subsections (1),

(b) Prior to filing an agency request budget under ORS 291.208 for purposes related to the
compilation and preparation of the Governor's budget under ORS 291.216, the director shall deter-
mine the projected aggregate amount of revenue to be collected from energy resource suppliers un-
der this subsection that will be necessary to fund the programs and activities of the council and the
authority described in paragraph (a) of this subsection for each fiscal year of the upcoming
biennium. After making that determination, the director shall convene a public meeting with repre-
sentatives of energy resource suppliers and other interested parties for the purpose of providing
energy resource suppliers with a full accounting of:

“(A) The projected revenue needed to fund each energy services program of the authority; and

“(B) The projected allocation of moneys derived from the assessment imposed under this sub-
section to each energy services program of the authority.

“(c) Upon approval of the budget authorization of the council and the authority by an odd-
numbered year regular session of the Legislative Assembly, the director shall promptly enter an
order establishing the amount of revenues required to be derived from an assessment pursuant to
this subsection in order to fund programs and activities described in paragraph (a) of this subsection
that the council and the authority are charged with administering and authorized to conduct under
the laws of this state for the first fiscal year of the forthcoming biennium. On or before June 1 of
each even-numbered year, the director shall enter an order establishing the amount of revenues re-
quired to be derived from an assessment pursuant to this subsection in order to fund the programs
and activities described in paragraph (a) of this subsection that the council and the authority are
charged with administering and authorized to conduct under the laws of this state for the second
fiscal year of the biennium. The order shall take into account any revisions to the biennial budget
of the council and the authority made by the Emergency Board meeting in an interim period or by
the Legislative Assembly meeting in special session or in an even-numbered year regular session.

“(d) Each order issued by the director pursuant to paragraph (c) of this subsection shall allocate
the aggregate assessment set forth in the order to energy resource suppliers in accordance with
paragraph (e) of this subsection.

“(e) The amount assessed to an energy resource supplier shall be based on the ratio which that
supplier's annual gross operating revenue derived within this state in the preceding calendar year
bears to the total gross operating revenue derived within this state during that year by all energy
resource suppliers. The assessment against an energy resource supplier shall not exceed 0.25 percent
of the supplier's gross operating revenue derived within this state in the preceding calendar year. The director shall exempt from payment of an assessment any individual energy resource supplier whose calculated share of the annual assessment is less than $250.

“(f) The director shall send each energy resource supplier subject to assessment pursuant to this subsection a copy of each order issued by registered or certified mail or through use of an electronic medium with electronic receipt verification. The amount assessed to the energy resource supplier pursuant to the order shall be considered to the extent otherwise permitted by law a government-imposed cost and recoverable by the energy resource supplier as a cost included within the price of the service or product supplied.

“(g) The amounts assessed to individual energy resource suppliers pursuant to paragraph (e) of this subsection shall be paid to the authority as follows:

“(A) Amounts assessed for the first fiscal year of a biennium shall be paid not later than 90 days following adjournment sine die of the odd-numbered year regular session of the Legislative Assembly; and

“(B) Amounts assessed for the second fiscal year of a biennium shall be paid not later than July 1 of each even-numbered year or 90 days following adjournment sine die of the even-numbered year regular session of the Legislative Assembly, whichever is later.

“(h) An energy resource supplier shall provide the director, on or before May 1 of each year, a verified statement showing its gross operating revenues derived within the state for the calendar or fiscal year that was used by the energy resource supplier for the purpose of reporting federal income taxes for the preceding calendar or fiscal year. The statement must be in the form prescribed by the director and is subject to audit by the director. The statement must include an entry showing the total operating revenue derived by petroleum suppliers from fuels sold that are subject to the requirements of Article IX, section 3a, of the Oregon Constitution, and ORS 319.020 with reference to aircraft fuel and motor vehicle fuel, and ORS 319.530. The director may grant an extension of not more than 15 days for the requirements of this subsection if:

“(A) The energy supplier makes a showing of hardship caused by the deadline;

“(B) The energy supplier provides reasonable assurance that the energy supplier can comply with the revised deadline; and

“(C) The extension of time does not prevent the council or the authority from fulfilling its statutory responsibilities.

“(i) As used in this section:

“(A) ‘Energy resource supplier’ means an electric utility, natural gas utility or petroleum supplier supplying, generating, transmitting or distributing electricity, natural gas or petroleum products in Oregon.

“(B)(i) ‘Energy services program’ means a program or activity undertaken pursuant to the duties, functions and powers of the authority that:

“(I) Provides expertise, technical or research support related to the administration of state energy policies and programs;

“(II) Provides energy data, analysis and tools; or

“(III) Supports energy conservation, energy efficiency, energy system planning, reliability and safety, energy storage, renewable energy resources, or alternative energy resources or fuels.

“(ii) ‘Energy services program’ does not mean the greenhouse gas reporting program under ORS 468A.280 and rules adopted pursuant to ORS 468A.280 or any program adopted by the Legislative Assembly and administered by the authority to place a cap on anthropogenic greenhouse
gas emissions and to provide for a market-based mechanism for covered entities to demonstrate compliance with the program.

“(C) ‘Gross operating revenue’ means gross receipts from sales or service made or provided within this state during the regular course of the energy supplier’s business, but does not include either revenue derived from interutility sales within the state or revenue received by a petroleum supplier from the sale of fuels that are subject to the requirements of Article IX, section 3a, of the Oregon Constitution, or ORS 319.020 or 319.530.

“(D) ‘Petroleum supplier’ has the meaning given that term in ORS 469.020.

“(j) In determining the amount of revenues that must be derived from any class of energy resource suppliers by assessment pursuant to this subsection, the director shall take into account all other known or readily ascertainable sources of revenue to the council and authority, including, but not limited to, fees imposed under this section and federal funds, and may take into account any funds previously assessed pursuant to ORS 469.420 (1979 Replacement Part) or section 7, chapter 792, Oregon Laws 1981.

“(k) Orders issued by the director pursuant to this section shall be subject to judicial review under ORS 183.484. The taking of judicial review shall not operate to stay the obligation of an energy resource supplier to pay amounts assessed to it on or before the statutory deadline.

“(L) No later than September 15 of each even-numbered year, the Secretary of State shall conduct an audit to determine whether the assessment and uses of the energy resource supplier assessment by the authority during the previous biennium complied with the provisions of this subsection. The secretary shall provide a copy of the audit report issued for an audit under this section to the director and to the Oregon Climate Board.

“(9)(a) In addition to any other fees required by law, each operator of a nuclear fueled thermal power plant or nuclear installation within this state shall pay to the authority annually on July 1 an assessment in an amount determined by the director to be necessary to fund the activities of the state and the counties associated with emergency preparedness for a nuclear fueled thermal power plant or nuclear installation. The assessment shall not exceed $461,250 per year. Moneys collected as assessments under this subsection are continuously appropriated to the authority for this purpose.

“(b) The authority shall maintain and cause other state agencies and counties to maintain time and billing records for the expenditure of any fees collected from an operator of a nuclear fueled thermal power plant under paragraph (a) of this subsection.

“(10) Reactors operated by a college, university or graduate center for research purposes and electric utilities not connected to the Northwest Power Grid are exempt from the fee requirements of subsections (5), (8) and (9) of this section.

“(11)(a) All fees assessed by the authority against holders of site certificates for facilities that have an installed capacity of 500 megawatts or greater may be paid in several installments, the schedule for which shall be negotiated between the authority and the site certificate holder.

“(b) Energy resource suppliers or applicants or holders of a site certificate who fail to pay a fee provided under subsections (1) to (9) of this section after it is due and payable shall pay, in addition to that fee, a penalty of two percent of the fee a month for the period that the fee is past due. Any payment made according to the terms of a schedule negotiated under paragraph (a) of this subsection shall not be considered past due. The director may bring an action to collect an unpaid fee or penalty in the name of the State of Oregon in a court of competent jurisdiction. The court may award reasonable attorney fees to the director if the director prevails in an action under this subsection. The court may award reasonable attorney fees to a defendant who prevails in an action
under this subsection if the court determines that the director had no objectively reasonable basis
for asserting the claim or no reasonable basis for appealing an adverse decision of the trial court.

“(Energy Program Review Task Force)

“SECTION 29. (1) The Energy Program Review Task Force is established.
“(2) The task force consists of:
“(a) Five members appointed as follows:
“(A) The President of the Senate shall appoint one member from among the members
of the Senate who also serves as a member of a committee of the Legislative Assembly re-
lated to climate;
“(B) The Speaker of the House of Representatives shall appoint one member from among
the members of the House of Representatives who also serves as a member of a committee
of the Legislative Assembly related to climate; and
“(C) The Governor shall appoint three members who represent the interests of key
stakeholders of the Oregon Climate Authority; and
“(b) The following six ex officio, voting members:
“(A) The chairperson of the Oregon Climate Board;
“(B) The Director of the Oregon Climate Authority;
“(C) The Director of the Oregon Department of Administrative Services or a designee of
the director;
“(D) One member of the Public Utility Commission or a designee of the chairperson of
the commission;
“(E) The Director of the Department of Environmental Quality or a designee of the di-
rector; and
“(F) The Director of the Department of Land Conservation and Development or a
designee of the director.
“(3) The task force shall:
“(a) Review and provide recommendations to the Governor and to the Legislative As-
sembly, which may include recommendations for legislation, regarding the most appropriate
state agency to provide for administration of the duties of the Energy Facility Siting Council
established under ORS 469.450;
“(b) If the task force determines that duties related to the Energy Facility Siting Council
should be transferred to another state agency, provide recommendations to the Governor
and to the Legislative Assembly, which may include recommendations for legislation, for a
proposal for accomplishing the transfer no later than July 1, 2021;
“(c) Review all the duties, functions and powers of the Oregon Climate Authority to as-
sess whether the programs and activities carried out pursuant to those duties, functions and
powers properly align with the policy stated in section 2 of this 2019 Act and the duties of
the authority provided for in section 3 of this 2019 Act; and
“(d) Provide recommendations to the Governor and to the Legislative Assembly, which
may include recommendations for legislation, on duties, functions and powers of the State
Department of Energy that will be transferred to the Oregon Climate Authority on the op-
erative date specified in section 261 (1) of this 2019 Act that should be abolished, amended
or transferred to other agencies of state government in order to ensure that the programs
and activities of the Oregon Climate Authority properly align with the policy stated in section 2 of this 2019 Act and the duties of the authority provided for in section 3 of this 2019 Act.

“(4) In conducting the duties provided for in subsection (3) of this section, the task force shall take into consideration:

“(a) Alignment of the duties, functions and powers of the Oregon Climate Authority with the policy stated in section 2 of this 2019 Act and the duties of the authority provided for in section 3 of this 2019 Act, and otherwise with the mission of the authority;

“(b) The core staffing and expertise of the authority;

“(c) The administrative capacities of the authority and other agencies of state government relative to administering specific duties, functions or powers of the authority; and

“(d) The efficiencies that may be gained or lost by abolishing, amending or transferring certain duties, functions or powers of the authority.

“(5) A majority of the voting members of the task force constitutes a quorum for the transaction of business.

“(6) Official action by the task force requires the approval of a majority of the voting members of the task force.

“(7) The task force shall elect one of its members to serve as chairperson.

“(8) If there is a vacancy for any cause, the appointing authority shall make an appointment to become immediately effective.

“(9) The task force shall meet at times and places specified by the call of the chairperson or of a majority of the voting members of the task force.

“(10) The task force may adopt rules necessary for the operation of the task force.

“(11) In the manner provided by ORS 192.245, the task force:

“(a) Shall submit an initial report, which may include recommendations for legislation, to the Governor and an interim committee of the Legislative Assembly related to climate no later than November 30, 2019; and

“(b) May submit an additional report, which may include recommendations for legislation, to the Governor and an interim committee of the Legislative Assembly related to climate no later than September 15, 2020.

“(12) The Oregon Climate Authority shall provide staff support to the task force.

“(13) Members of the Legislative Assembly appointed to the task force are nonvoting members of the task force and may act in an advisory capacity only.

“(14) Members of the task force who are not members of the Legislative Assembly are not entitled to compensation or reimbursement for expenses and serve as volunteers on the task force.

“(15) All agencies of state government, as defined in ORS 174.111, are directed to assist the task force in the performance of the duties of the task force and, to the extent permitted by laws relating to confidentiality, to furnish information and advice the members of the task force consider necessary to perform their duties.

“SECTION 30. Section 29 of this 2019 Act is repealed on December 31, 2020.”

On page 74, delete line 11 and insert “in section 2 of this 2019 Act and ORS 469.310.”.
In line 24, delete “ORS 469.010 and” and insert “section 2 of this 2019 Act and ORS 469.310.”.
In line 28, after “in” delete the rest of the line and insert “section 2 of this 2019 Act and ORS 469.310.”.
On page 75, line 7, restore “192.690,”.

In line 26, restore “192.690,”.

On page 76, after line 16, insert:

“SECTION 90a. ORS 469.100 is amended to read:

“469.100. (1) All agencies shall consider the policy stated in [ORS 469.010] section 2 of this 2019 Act in adopting or modifying their rules and policies.

“(2) All agencies shall review their rules and policies to determine their consistency with the policy stated in [ORS 469.010] section 2 of this 2019 Act.”.

In line 18, delete “(1)”.

Delete lines 25 through 27.

On page 83, after line 33, insert:

“SECTION 98a. ORS 469.310 is amended to read:

“469.310. In the interests of the public health and the welfare of the people of this state, it is the declared public policy of this state that the siting, construction and operation of energy facilities shall be accomplished in a manner consistent with protection of the public health and safety and in compliance with the energy policy and air, water, solid waste, land use and other environmental protection policies of this state. It is, therefore, the purpose of ORS 469.300 to 469.563, 469.590 to 469.619, 469.930 and 469.992 to exercise the jurisdiction of the State of Oregon to the maximum extent permitted by the United States Constitution and to establish in cooperation with the federal government a comprehensive system for the siting, monitoring and regulating of the location, construction and operation of all energy facilities in this state. It is furthermore the policy of this state, notwithstanding [ORS 469.010 (2)(f)] section 2 (4)(j) of this 2019 Act and the definition of cost-effective in ORS 469.020, that the need for new generating facilities, as defined in ORS 469.503, is sufficiently addressed by reliance on competition in the market rather than by consideration of cost-effectiveness and shall not be a matter requiring determination by the Energy Facility Siting Council in the siting of a generating facility, as defined in ORS 469.503.”.

On page 97, after line 29, insert:

“SECTION 112a. ORS 469.470 is amended to read:

“469.470. The Energy Facility Siting Council shall:

“(1) Conduct and prepare, independently or in cooperation with others, studies, investigations, research and programs relating to all aspects of site selection.

“(2) In accordance with the applicable provisions of ORS chapter 183, and subject to the provisions of ORS 469.501 (3), adopt standards and rules to perform the functions vested by law in the council including the adoption of standards and rules for the siting of energy facilities pursuant to ORS 469.501, and implementation of the energy policy of the State of Oregon set forth in [ORS 469.010 and 469.310] section 2 of this 2019 Act and ORS 469.310.

“(3) Encourage voluntary cooperation by the people, municipalities, counties, industries, agriculture, and other pursuits, in performing the functions vested by law in the council.

“(4) Advise, consult, and cooperate with other agencies of the state, political subdivisions, industries, other states, the federal government and affected groups, in furtherance of the purposes of ORS 469.300 to 469.563, 469.590 to 469.619, 469.930 and 469.992.

“(5) Consult with the Water Resources Commission on the need for power and other areas within the expertise of the council when the Water Resources Commission is determining whether to allocate water for hydroelectric development.

“(6) Perform such other and further acts as may be necessary, proper or desirable to carry out
effectively the duties, powers and responsibilities of the council described in ORS 469.300 to 469.563, 469.590 to 469.619, 469.930 and 469.992.

"SECTION 112b. ORS 469.501 is amended to read:

"469.501. (1) The Energy Facility Siting Council shall adopt standards for the siting, construction, operation and retirement of facilities. The standards may address but need not be limited to the following subjects:

(a) The organizational, managerial and technical expertise of the applicant to construct and operate the proposed facility.

(b) Seismic hazards.

(c) Areas designated for protection by the state or federal government, including but not limited to monuments, wilderness areas, wildlife refuges, scenic waterways and similar areas.

(d) The financial ability and qualifications of the applicant.

(e) Effects of the facility, taking into account mitigation, on fish and wildlife, including threatened and endangered fish, wildlife or plant species.

(f) Impacts of the facility on historic, cultural or archaeological resources listed on, or determined by the State Historic Preservation Officer to be eligible for listing on, the National Register of Historic Places or the Oregon State Register of Historic Properties.

(g) Protection of public health and safety, including necessary safety devices and procedures.

(h) The accumulation, storage, disposal and transportation of nuclear waste.

(i) Impacts of the facility on recreation, scenic and aesthetic values.

(j) Reduction of solid waste and wastewater generation to the extent reasonably practicable.

(k) Ability of the communities in the affected area to provide sewers and sewage treatment, water, storm water drainage, solid waste management, housing, traffic safety, police and fire protection, health care and schools.

(L) The need for proposed nongenerating facilities as defined in ORS 469.503, consistent with the state energy policy set forth in [ORS 469.010 and 469.310] section 2 of this 2019 Act and ORS 469.310. The council may consider least-cost plans when adopting a need standard or in determining whether an applicable need standard has been met. The council shall not adopt a standard requiring a showing of need or cost-effectiveness for generating facilities as defined in ORS 469.503.

(m) Compliance with the statewide planning goals adopted by the Land Conservation and Development Commission as specified by ORS 469.503.

(n) Soil protection.

(o) For energy facilities that emit carbon dioxide, the impacts of those emissions on climate change. For fossil-fueled power plants, as defined in ORS 469.503, the council shall apply a standard as provided for by ORS 469.503 (2).

(2) The council may adopt exemptions from any need standard adopted under subsection (1)(L) of this section if the exemption is consistent with the state’s energy policy set forth in [ORS 469.010 and 469.310] section 2 of this 2019 Act and ORS 469.310.

(3)(a) The council may issue a site certificate for a facility that does not meet one or more of the applicable standards adopted under subsection (1) of this section if the council determines that the overall public benefits of the facility outweigh any adverse effects on a resource or interest protected by the applicable standards the facility does not meet.

(b) The council by rule shall specify the criteria by which the council makes the determination described in paragraph (a) of this subsection.

(4) Notwithstanding subsection (1) of this section, the council may not impose any standard
developed under subsection (1)(b), (f), (j) or (k) of this section to approve or deny an application for
an energy facility producing power from wind, solar or geothermal energy. However, the council
may, to the extent it determines appropriate, apply any standards adopted under subsection (1)(b),
(f), (j) or (k) of this section to impose conditions on any site certificate issued for any energy
gallery.”.

On page 105, line 16, delete “ORS”.

Delete line 17 and insert “section 2 of this 2019 Act and ORS 469.310.”.

On page 150, delete lines 43 through 45.

On page 151, delete lines 1 through 14 and insert:

“NOTE: Section 208 was deleted by amendment. Subsequent sections were not renumbered.”.

On page 170, after line 40, insert:

“SECTION 243a. ORS 757.230 is amended to read:

“757.230. (1) The Public Utility Commission shall provide for a comprehensive classification of
service for each public utility, and such classification may take into account the quantity used, the
time when used, the purpose for which used, the existence of price competition or a service alter-
native, the services being provided, the conditions of service and any other reasonable consider-
ation. Based on such considerations the commission may authorize classifications or schedules of
rates applicable to individual customers or groups of customers. The service classifications and
schedule forms shall be designed consistently with the requirements of [ORS 469.010] section 2 of
this 2019 Act. Each public utility is required to conform its schedules of rates to such classification.
If the commission determines that a tariff filing under ORS 757.205 results in a rate classification
primarily related to price competition or a service alternative, the commission, at a minimum, shall
consider the following:

“(a) Whether the rate generates revenues at least sufficient to cover relevant short and long run
costs of the utility during the term of the rates;

“(b) Whether the rate generates revenues sufficient to insure that just and reasonable rates are
established for remaining customers of the utility;

“(c) For electric and natural gas utilities:

“(A) Whether it is appropriate to incorporate interruption of service in the utility’s rate agree-
ment with the customer; and

“(B) Whether the rate agreement requires the utility to acquire new resources to serve the load;
and

“(d) For electric utilities, for service to load not previously served, the effect of the rate on the
utility’s average system cost through the residential exchange provision of the Pacific Northwest

“(2) The commission may prescribe such changes in the form in which the schedules are issued
by any public utility as may be found to be expedient. The commission shall adopt rules which allow
any person who requests notice of tariff filings described under subsection (1) of this section to re-
ceive such notice.”.

On page 181, delete lines 8 through 21 and insert:

“SECTION 251. ORS 757.617 is amended to read:

Climate Authority jointly shall select an independent nongovernmental entity to prepare a biennial
report to the Legislative Assembly describing program spending and results for public purpose re-
quirements undertaken pursuant to ORS 757.612. [The first report shall be due on January 1, 2003.]
The report may include:

“(a) Proposed modifications to public purpose requirements undertaken pursuant to ORS 757.612; and

“(b) Recommendations regarding the public purpose funding requirements under ORS 757.612.

“[(b) The commission and the department jointly shall select an independent nongovernmental entity to prepare a report to the Legislative Assembly describing proposed modifications to public purpose requirements undertaken pursuant to ORS 757.612. The report shall be due on January 1, 2007.]

“[(c) The commission and the department jointly shall select an independent nongovernmental entity to prepare a report to the Legislative Assembly recommending whether the public purpose funding requirements under ORS 757.612 should be renewed. The report shall be due on January 1, 2011.]

“(2) The Housing and Community Services Department shall prepare a biennial report to the Legislative Assembly describing program spending and needs for low-income bill assistance. [The first report shall be due on January 1, 2003.]”.

On page 184, delete lines 17 through 34 and insert:

“SECTION 255. (1) The following funds are abolished on the operative date specified in section 261 (1) of this 2019 Act:

“(a) The Energy Project Supplemental Fund;

“(b) The Energy Project Bond Loan Fund;

“(c) The Jobs, Energy and Schools Fund; and

“(d) The Energy Revenue Bond Repayment Fund.

“(2) Any moneys remaining in the funds specified in subsection (1)(a) and (b) of this section on the operative date specified in section 261 (1) of this 2019 Act that are unexpended, unobligated and not subject to any conditions shall be transferred to the Small Scale Local Energy Project Administration and Bond Sinking Fund created under ORS 470.300.

“(3) Any moneys remaining in the funds specified in subsection (1)(c) and (d) of this section on the operative date specified in section 261 (1) of this 2019 Act that are unexpended, unobligated and not subject to any conditions shall be transferred to the Clean Energy Deployment Fund established under ORS 470.800.”.

On page 185, line 8, delete “2020” and insert “2021”.

In line 9, delete “2020” and insert “2021”.

In line 13, delete “184.425, 184.427, 184.429, 184.431, 184.433, 184.435,”.

In line 14, after “468A.260,” insert “469.010,”.

In line 19, after “701.119” insert “and sections 8a and 8b, chapter 739, Oregon Laws 2007,”.

Delete lines 23 through 44 and insert:

“SECTION 261. (1)(a) Sections 17 to 25 and 255 to 259 of this 2019 Act, the amendments to statutes and session law by sections 26 to 28 and 31 to 254 of this 2019 Act and the repeal of statutes by section 260 of this 2019 Act become operative on July 1, 2020.

“(b) The Director of the Oregon Climate Authority, the Oregon Climate Authority, the Director of the State Department of Energy, the State Department of Energy, the Director of the Oregon Business Development Department, the Oregon Business Development Department and the Governor may adopt rules and take any action before the operative date specified in paragraph (a) of this subsection that is necessary to enable the directors, the departments and the authority to exercise, on and after the operative date specified in paragraph (a) of this subsection, the duties, functions and powers of the directors, the depart-
ments and the authority pursuant to sections 17 to 25 and 255 to 259 of this 2019 Act, the
amendments to statutes and session law by sections 26 to 28 and 31 to 254 of this 2019 Act
and the repeal of statutes by section 260 of this 2019 Act.

“(c) Any rules adopted pursuant to paragraph (b) of this subsection may not become op-
erative before the operative date specified in paragraph (a) of this subsection.

“(2)(a) The amendments to statutes by sections 28a, 28b and 28c of this 2019 Act become
operative July 1, 2021.

“(b) The Director of the Oregon Climate Authority and the Oregon Climate Authority
may take any action before the operative date specified in paragraph (a) of this subsection
that is necessary to enable the director and the authority, on and after the operative date
specified in paragraph (a) of this subsection, to carry out the duties, function and powers of
the director and the authority pursuant to the amendments to statutes by sections 28a, 28b
and 28c of this 2019 Act.

“(3)(a) Sections 9 to 15 of this 2019 Act and the amendments to statutes by sections 16
and 28d of this 2019 Act become operative on January 1, 2022.

“(b) The Director of the Oregon Climate Authority, the Oregon Climate Authority, the
Director of the Department of Environmental Quality, the Department of Environmental
Quality and the Environmental Quality Commission may take any action before the operative
date specified in paragraph (a) of this subsection that is necessary to enable the directors,
the department, the commission and the authority, on and after the operative date specified
in paragraph (a) of this subsection, to carry out the duties, function and powers of the di-
rectors, the department, the commission and the authority pursuant to sections 9 to 15 of
this 2019 Act and the amendments to statutes by sections 16 and 28d of this 2019 Act.”. 