Senate Bill 80

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SUMMARY

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

Disconnects computation of petroleum supplier assessment from energy resource supplier fees. Provides process by which assessment is assessed and collected.

A BILL FOR AN ACT


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

SECTION 1. ORS 456.595 is amended to read:

456.595. [(1) Each petroleum supplier shall annually pay to the Housing and Community Services Department its share of a petroleum supplier assessment.]

[(2) Moneys received by the department under this section shall be deposited in the Oil-Heated Dwellings Energy Account to be used only to fund:]

[(a) Provision by the department of information, assistance and technical advice to residential customers of fuel oil dealers, including information about energy conservation measures and home energy audits as that term is defined in ORS 469.703;]

[(b) Cash payments to a dwelling owner or contractor for energy conservation measures; and]

[(c) The administration and enforcement of ORS 456.594 to 456.599.]

[(3) The amount of the assessment required by subsection (1) of this section shall be determined by the Director of the Housing and Community Services Department in a manner consistent with the method prescribed in ORS 469.421. The aggregate amount of the assessment shall not exceed $400,000. In making this assessment, the director shall exclude all gallons of distillate fuel oil sold by petroleum suppliers that are subject to the requirements of Article IX, section 3a, of the Oregon Constitution, or ORS 319.020 or 319.530.]

(1)(a) On or before May 1 of each year, each petroleum supplier shall provide the Housing and Community Services Department a verified statement in the form prescribed by the department that shows the petroleum supplier's gross operating revenue for the preceding calendar year.

(b) The statement is subject to audit by the department.

(c) The department may grant a petroleum supplier an extension of not more than 15 days to provide the statement, if:

(A) The petroleum supplier shows that meeting the deadline would cause a hardship;

(B) The petroleum supplier provides reasonable assurance of compliance with the revised deadline; and

(C) The extension will not prevent the department from fulfilling its duties under this

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

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(2) Prior to filing an agency request budget under ORS 291.208, the department shall:
   (a) Estimate the aggregate amount necessary to fund the budgeted expenses of the Oil-
   Heated Dwellings Energy Account for the next biennium; and
   (b) Convene a public meeting with representatives of petroleum suppliers and other in-
   terested parties for the purpose of providing a full accounting of:
      (A) The estimate under paragraph (a) of this subsection; and
      (B) The projected allocation of the assessment imposed under this section.
(3) The department shall enter an order:
   (a) Establishing the aggregate amount, not to exceed $400,000, necessary to fund the
   budgeted expenses of the Oil-Heated Dwellings Energy Account for the next fiscal year.
   (b) Assessing the amount established under paragraph (a) of this subsection to petroleum
   suppliers based on the ratio of each supplier's gross operating revenue to the total gross
   operating revenue of all suppliers during the preceding calendar year. The amount assessed
   to a supplier may not exceed 0.375 percent of the supplier's gross operating revenue in the
   preceding calendar year and must exempt from payment suppliers whose computed annual
   assessment would be less than $250.
(4) The order under subsection (3) of this section must be entered:
   (a) For an odd-numbered year, promptly following the approval of the department’s
   budget authorization by the Legislative Assembly; and
   (b) For an even-numbered year, June 1.
(5) The department shall send to each petroleum supplier subject to an assessment under
subsection (3)(b) of this section a copy of the order by registered or certified mail or through
an electronic delivery with electronic receipt verification. A supplier shall pay to the de-
partment the amount assessed to the supplier under this section before the later of:
   (a) July 1; or
   (b) The date 90 days following adjournment sine die of the regular session of the Legis-
   lative Assembly.
(6) Orders entered by the department under this section are subject to review under ORS
183.484. Judicial review does not stay the obligation of a petroleum supplier to timely pay the
amount assessed.
(7) If any petroleum supplier fails to pay any amount assessed to it under this section
within 30 days after the payment is due, the Attorney General, on behalf of the [Housing and Com-
Community Services] department, may institute a proceeding in the circuit court to collect the amount
due.
(8) Interest on delinquent assessments shall be added to and paid at the rate of one and one-half
percent of the payment due per month or fraction of a month from the date the payment was due to the
date of payment.
(9) Interest on unpaid assessments under this section is 18 percent per annum from the
date the assessment is due.
(10) The department shall deposit all moneys received under this section in the Oil-Heated
Dwellings Energy Account.
(11) The amount assessed to each petroleum supplier is intended to be considered a
government-imposed cost recoverable by the supplier as a cost included within the price of
the service or product supplied.
The assessment [required by subsection (1) of] under this section is in addition to any assessment required by ORS 469.421 (8),] and any other fee or assessment required by law.

SECTION 2. ORS 456.597 is amended to read:
456.597. (1) The Oil-Heated Dwellings Energy Account is established in the State Treasury, separate and distinct from the General Fund. Interest earned by the Oil-Heated Dwellings Energy Account shall be credited to the account.

(2) Moneys in the Oil-Heated Dwellings Energy Account are continuously appropriated to the Housing and Community Services Department [to be used only for the purposes specified in ORS 456.595 (2),] to:

(a) Provide information, assistance and technical advice to residential customers of fuel oil dealers, including information about energy conservation measures and home energy audits as defined in ORS 469.703;

(b) Pay a dwelling owner, or a contractor on behalf of the dwelling owner, for energy conservation measures; and

(c) Administer and enforce ORS 456.594 to 456.599, including administering the account.

(3) The department shall keep a record of all moneys deposited in the Oil-Heated Dwellings Energy Account.

SECTION 3. ORS 456.594 is amended to read:
456.594. As used in ORS 456.594 to 456.599:

[(1) “Cash payment” means a payment made by the Housing and Community Services Department to the dwelling owner or to the contractor on behalf of the dwelling owner for energy conservation measures.] [(2)]

[(1)] (1) “Cash payment” means a payment made by the Housing and Community Services Department to the dwelling owner or to the contractor on behalf of the dwelling owner for energy conservation measures.

[(2)(a)] (2)(a) “Contractor” means a person that installs or assists a dwelling owner to install energy conservation measures in a dwelling.

[(3)(a)] (2)(a) “Dwelling” means real or personal property within the state inhabited as the principal residence of a dwelling owner or a tenant.

(b) “Dwelling” includes a manufactured dwelling as defined in ORS 446.003, a floating home as defined in ORS 830.700 and a single unit in multiple-unit residential housing.

(c) “Dwelling” does not include a recreational vehicle as defined in ORS 174.101.

[(4)(a)] (3)(a) “Dwelling owner” means the person:

(a) Who has legal title to a dwelling, including the mortgagor under a duly recorded mortgage of real property, the trustor under a duly recorded deed of trust or a purchaser under a duly recorded contract for the purchase of real property; and

(b) Whose dwelling receives space heating primarily from a fuel oil dealer.

[(5)(a)] (4) “Energy conservation items” includes but is not limited to air sealing, weatherstripping, ceiling and wall insulation, crawl space insulation, vapor barrier materials, programmable thermostats, insulation of heating ducts and water pipes in unheated spaces, heating equipment and replacement windows.

[(6)(a)] (5)(a) “Energy conservation measures” includes the installation, repair or replacement of energy conservation items [and the energy conservation items installed, where the items] where the measures are primarily [designed] to improve the space heating [and] or energy utilization efficiency of a dwelling.

(b) “Energy conservation measures” does not include the dwelling owner’s own labor.

[(7)(a)] (6) “Fuel oil dealer” means a person, association, corporation or other form of organization that supplies fuel oil at retail for the space heating of dwellings.
(7) “Gross operating revenue” means gross receipts from sales or service made or provided within this state during the regular course of the petroleum supplier’s business, not including 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.

(8) “Person” means an individual, partnership, joint venture, private or public corporation, association, firm, public service company, political subdivision, municipal corporation, government agency, people’s utility district, or any other entity, public or private, however organized.

(9) “Petroleum supplier” or “supplier” means a petroleum refiner in this state or any person engaged in the wholesale distribution of distillate fuel oil in this state.

(10) “Residential customer” means a dwelling owner or tenant who is billed by a fuel oil dealer for fuel oil service received at the dwelling.

(11) “Space heating” means the heating of living space within a dwelling.

(12) “Tenant” means a tenant as defined in ORS 90.100 or any other tenant of a dwelling.