

House Bill 4148

Sponsored by Representative HOLVEY, Senator DEMBROW, Representative HELM; Representatives GREENLICK, KENY-GUYER, LIVELY, MARSH, REARDON, Senator PROZANSKI (Presession filed.)

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**.

Establishes Oregon Energy Board as advisory body for State Department of Energy.
Becomes operative January 1, 2019.
Takes effect on 91st day following adjournment sine die.

A BILL FOR AN ACT

Relating to the State Department of Energy; creating new provisions; amending ORS 244.050 and 469.030; and prescribing an effective date.

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

OREGON ENERGY BOARD

SECTION 1. Sections 2, 3 and 5 of this 2018 Act are added to and made a part of ORS 469.010 to 469.155.

(Establishment)

SECTION 2. (1) In order that there may be close correspondence, transparency and accountability among the State Department of Energy's policies and programs, the public interest and energy users in this state, there is created the Oregon Energy Board.

(2) The Director of the State Department of Energy and one member of the Pacific Northwest Electric Power and Conservation Planning Council shall serve as nonvoting, ex officio members of the board.

(3) The Governor shall appoint seven members to the board, subject to confirmation by the Senate as provided in ORS 171.562 and 171.565. Members of the board appointed under this subsection must be residents of this state who:

(a) Are well-informed in energy and climate issues; and

(b) Reflect a diverse range of experiences.

(4) In order to achieve a diverse range of experiences for the membership of the board while also upholding the integrity of board decisions, the Governor may appoint no more than two members to the board who are individuals who hold a pecuniary interest in, have any contract of employment with, or have any substantial voluntary transactions with a business entity conducting operations that, if conducted in this state, would be subject to the energy resource supplier assessment imposed under ORS 469.421 (8).

SECTION 3. (1) The term of office of each member appointed to the Oregon Energy Board

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

1 is four years, but the members of the board may be removed by the Governor. Before the
 2 expiration of the term of a member, the Governor shall appoint a successor to assume the
 3 duties of the member on July 1 of the next following year.

4 (2) A member is eligible for reappointment, but no member may serve more than two
 5 consecutive terms. In case of a vacancy for any cause, the Governor shall make an ap-
 6 pointment to become immediately effective for the unexpired term.

7 (3) The board shall select one of the voting members as chairperson and another as vice
 8 chairperson, for terms and with duties and powers necessary for the performance of the
 9 functions of the offices as the board determines.

10 (4) A majority of the voting members of the board constitutes a quorum for the trans-
 11 action of business.

12 (5) The board shall meet once during each calendar quarter at a time and place deter-
 13 mined by the board. The board may hold additional meetings at times and places determined
 14 by the chairperson or the Director of the State Department of Energy, or as requested by a
 15 majority of the voting members.

16 (6) A member of the board is entitled to compensation and expenses as provided in ORS
 17 292.495.

18 **SECTION 4.** Notwithstanding the term of office specified by section 3 of this 2018 Act,
 19 of the members first appointed by the Governor to the Oregon Energy Board:

20 (1) One shall serve for a term ending July 1, 2019.

21 (2) One shall serve for a term ending July 1, 2020.

22 (3) One shall serve for a term ending July 1, 2021.

23 (4) Two shall serve for terms ending July 1, 2022.

24
 25 (Duties)

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 27 **SECTION 5.** (1) The Oregon Energy Board shall develop a statewide strategic energy plan
 28 for implementing the energy policies stated in ORS 469.010 and 469.310. The board shall,
 29 consistent with the plan, advise and make recommendations to the State Department of
 30 Energy on the department's proposals related to:

31 (a) Planning, policy and technical analysis;

32 (b) Legislative concepts; and

33 (c) The department's requested budget.

34 (2) By arrangement with the chairperson, the Director of the State Department of En-
 35 ergy shall review with the board the activities of the department and, subject to policy di-
 36 rection by the board, outline the methods, policies and program of work for the department.

37 (3) The board shall receive regular reports from the Energy Facility Siting Council and
 38 the Oregon Hanford Cleanup Board.

39 (4) The Oregon Energy Board shall hold public hearings and provide an opportunity for
 40 public comment in carrying out the board's activities under this section.

41 **SECTION 6.** ORS 469.030 is amended to read:

42 469.030. (1) There is created the State Department of Energy.

43 (2) [*The State Department of Energy shall:*] Subject to the policy direction of the Oregon
 44 Energy Board, and in furtherance of the energy policies stated in ORS 469.010 and 469.310,
 45 the State Department of Energy shall:

1 (a) Be the central repository within the state government for the collection of data on energy
2 resources;

3 (b) Endeavor to utilize all public and private sources to inform and educate the public about
4 energy problems and ways in which the public can conserve energy resources;

5 (c) Engage in research, but whenever possible, contract with appropriate public or private
6 agencies and dispense funds for research projects and other services related to energy resources,
7 except that the State Department of Energy shall endeavor to avoid duplication of research whether
8 completed or in progress;

9 (d) Qualify for, accept and disburse or utilize any private or federal moneys or services available
10 for the administration of ORS [176.820,] 192.338, 192.345, 192.355, [192.690,] 469.010 to 469.155,
11 469.300 to 469.563, 469.990, 757.710 and 757.720;

12 (e) Administer federal and state energy allocation and conservation programs and energy re-
13 search and development programs and apply for and receive available funds [therefor] **for the pro-**
14 **grams;**

15 (f) Be a clearinghouse for energy research to which all agencies shall send information on all
16 energy related research;

17 (g) Prepare contingent energy programs to include all forms of energy not otherwise provided
18 pursuant to ORS 757.710 and 757.720;

19 (h) Maintain an inventory of energy research projects in Oregon and the results [thereof] **of the**
20 **projects;**

21 (i) Collect, compile and analyze energy statistics, data and information;

22 (j) Contract with public and private agencies for energy activities consistent with ORS 469.010
23 and this section;

24 (k) Upon request of the governing body of any affected jurisdiction, coordinate a public review
25 of a proposed transmission line according to the provisions of ORS 469.442; [and]

26 (L) Advise the Governor on energy-related matters[.]; **and**

27 **(m) Provide staff support to the Oregon Energy Board, the Oregon Global Warming**
28 **Commission, the Oregon Hanford Cleanup Board and the Energy Facility Siting Council.**

29
30 **CONFORMING AMENDMENTS**

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32 **SECTION 7.** ORS 244.050 is amended to read:

33 244.050. (1) On or before April 15 of each year the following persons shall file with the Oregon
34 Government Ethics Commission a verified statement of economic interest as required under this
35 chapter:

36 (a) The Governor, Secretary of State, State Treasurer, Attorney General, Commissioner of the
37 Bureau of Labor and Industries, district attorneys and members of the Legislative Assembly.

38 (b) Any judicial officer, including justices of the peace and municipal judges, except any pro tem
39 judicial officer who does not otherwise serve as a judicial officer.

40 (c) Any candidate for a public office designated in paragraph (a) or (b) of this subsection.

41 (d) The Deputy Attorney General.

42 (e) The Deputy Secretary of State.

43 (f) The Legislative Administrator, the Legislative Counsel, the Legislative Fiscal Officer, the
44 Legislative Policy and Research Director, the Secretary of the Senate and the Chief Clerk of the
45 House of Representatives.

- 1 (g) The president and vice presidents, or their administrative equivalents, in each public uni-
2 versity listed in ORS 352.002.
- 3 (h) The following state officers:
- 4 (A) Adjutant General.
- 5 (B) Director of Agriculture.
- 6 (C) Manager of State Accident Insurance Fund Corporation.
- 7 (D) Water Resources Director.
- 8 (E) Director of Department of Environmental Quality.
- 9 (F) Director of Oregon Department of Administrative Services.
- 10 (G) State Fish and Wildlife Director.
- 11 (H) State Forester.
- 12 (I) State Geologist.
- 13 (J) Director of Human Services.
- 14 (K) Director of the Department of Consumer and Business Services.
- 15 (L) Director of the Department of State Lands.
- 16 (M) State Librarian.
- 17 (N) Administrator of Oregon Liquor Control Commission.
- 18 (O) Superintendent of State Police.
- 19 (P) Director of the Public Employees Retirement System.
- 20 (Q) Director of Department of Revenue.
- 21 (R) Director of Transportation.
- 22 (S) Public Utility Commissioner.
- 23 (T) Director of Veterans' Affairs.
- 24 (U) Executive director of Oregon Government Ethics Commission.
- 25 (V) Director of the State Department of Energy.
- 26 (W) Director and each assistant director of the Oregon State Lottery.
- 27 (X) Director of the Department of Corrections.
- 28 (Y) Director of the Oregon Department of Aviation.
- 29 (Z) Executive director of the Oregon Criminal Justice Commission.
- 30 (AA) Director of the Oregon Business Development Department.
- 31 (BB) Director of the Office of Emergency Management.
- 32 (CC) Director of the Employment Department.
- 33 (DD) Chief of staff for the Governor.
- 34 (EE) Director of the Housing and Community Services Department.
- 35 (FF) State Court Administrator.
- 36 (GG) Director of the Department of Land Conservation and Development.
- 37 (HH) Board chairperson of the Land Use Board of Appeals.
- 38 (II) State Marine Director.
- 39 (JJ) Executive director of the Oregon Racing Commission.
- 40 (KK) State Parks and Recreation Director.
- 41 (LL) Public defense services executive director.
- 42 (MM) Chairperson of the Public Employees' Benefit Board.
- 43 (NN) Director of the Department of Public Safety Standards and Training.
- 44 (OO) Executive director of the Higher Education Coordinating Commission.
- 45 (PP) Executive director of the Oregon Watershed Enhancement Board.

- 1 (QQ) Director of the Oregon Youth Authority.
- 2 (RR) Director of the Oregon Health Authority.
- 3 (SS) Deputy Superintendent of Public Instruction.
- 4 (i) The First Partner, the legal counsel, the deputy legal counsel and all policy advisors within
- 5 the Governor's office.
- 6 (j) Every elected city or county official.
- 7 (k) Every member of a city or county planning, zoning or development commission.
- 8 (L) The chief executive officer of a city or county who performs the duties of manager or prin-
- 9 cipal administrator of the city or county.
- 10 (m) Members of local government boundary commissions formed under ORS 199.410 to 199.519.
- 11 (n) Every member of a governing body of a metropolitan service district and the auditor and
- 12 executive officer thereof.
- 13 (o) Each member of the board of directors of the State Accident Insurance Fund Corporation.
- 14 (p) The chief administrative officer and the financial officer of each common and union high
- 15 school district, education service district and community college district.
- 16 (q) Every member of the following state boards and commissions:
- 17 (A) Governing board of the State Department of Geology and Mineral Industries.
- 18 (B) Oregon Business Development Commission.
- 19 (C) State Board of Education.
- 20 (D) Environmental Quality Commission.
- 21 (E) Fish and Wildlife Commission of the State of Oregon.
- 22 (F) State Board of Forestry.
- 23 (G) Oregon Government Ethics Commission.
- 24 (H) Oregon Health Policy Board.
- 25 (I) Oregon Investment Council.
- 26 (J) Land Conservation and Development Commission.
- 27 (K) Oregon Liquor Control Commission.
- 28 (L) Oregon Short Term Fund Board.
- 29 (M) State Marine Board.
- 30 (N) Mass transit district boards.
- 31 (O) Energy Facility Siting Council.
- 32 (P) Board of Commissioners of the Port of Portland.
- 33 (Q) Employment Relations Board.
- 34 (R) Public Employees Retirement Board.
- 35 (S) Oregon Racing Commission.
- 36 (T) Oregon Transportation Commission.
- 37 (U) Water Resources Commission.
- 38 (V) Workers' Compensation Board.
- 39 (W) Oregon Facilities Authority.
- 40 (X) Oregon State Lottery Commission.
- 41 (Y) Pacific Northwest Electric Power and Conservation Planning Council.
- 42 (Z) Columbia River Gorge Commission.
- 43 (AA) Oregon Health and Science University Board of Directors.
- 44 (BB) Capitol Planning Commission.
- 45 (CC) Higher Education Coordinating Commission.

1 (DD) Oregon Growth Board.

2 (EE) Early Learning Council.

3 **(FF) Oregon Energy Board.**

4 (r) The following officers of the State Treasurer:

5 (A) Deputy State Treasurer.

6 (B) Chief of staff for the office of the State Treasurer.

7 (C) Director of the Investment Division.

8 (s) Every member of the board of commissioners of a port governed by ORS 777.005 to 777.725
9 or 777.915 to 777.953.

10 (t) Every member of the board of directors of an authority created under ORS 441.525 to 441.595.

11 (u) Every member of a governing board of a public university listed in ORS 352.002.

12 (v) Every member of the board of directors of an authority created under ORS 465.600 to
13 465.621.

14 (2) By April 15 next after the date an appointment takes effect, every appointed public official
15 on a board or commission listed in subsection (1) of this section shall file with the Oregon Govern-
16 ment Ethics Commission a statement of economic interest as required under ORS 244.060, 244.070
17 and 244.090.

18 (3) By April 15 next after the filing deadline for the primary election, each candidate described
19 in subsection (1) of this section shall file with the commission a statement of economic interest as
20 required under ORS 244.060, 244.070 and 244.090.

21 (4) Not later than the 40th day before the date of the statewide general election, each candidate
22 described in subsection (1) of this section who will appear on the statewide general election ballot
23 and who was not required to file a statement of economic interest under subsections (1) to (3) of this
24 section shall file with the commission a statement of economic interest as required under ORS
25 244.060, 244.070 and 244.090.

26 (5) Subsections (1) to (3) of this section apply only to persons who are incumbent, elected or
27 appointed public officials as of April 15 and to persons who are candidates on April 15.

28 (6) If a statement required to be filed under this section has not been received by the commis-
29 sion within five days after the date the statement is due, the commission shall notify the public of-
30 ficial or candidate and give the public official or candidate not less than 15 days to comply with the
31 requirements of this section. If the public official or candidate fails to comply by the date set by the
32 commission, the commission may impose a civil penalty as provided in ORS 244.350.

33
34 **OPERATIVE DATE**

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36 **SECTION 8. (1) Sections 1 to 5 of this 2018 Act and the amendments to ORS 244.050 and**
37 **469.030 by sections 6 and 7 of this 2018 Act become operative January 1, 2019.**

38 **(2) Before the operative date specified in subsection (1) of this section, the members of**
39 **the Oregon Energy Board may be appointed and the Director of the State Department of**
40 **Energy and the State Department of Energy may take any action that is necessary to enable**
41 **the director and the department to exercise, on and after the operative date specified in**
42 **subsection (1) of this section, the duties, functions and powers of the director and the de-**
43 **partment pursuant to sections 1 to 5 of this 2018 Act and the amendments to ORS 244.050**
44 **and 469.030 by sections 6 and 7 of this 2018 Act.**

CAPTIONS

SECTION 9. The unit captions used in this 2018 Act are provided only for the convenience of the reader and do not become part of the statutory law of this state or express any legislative intent in the enactment of this 2018 Act.

EFFECTIVE DATE

SECTION 10. This 2018 Act takes effect on the 91st day after the date on which the 2018 regular session of the Seventy-ninth Legislative Assembly adjourns sine die.
