

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

1
2 Relating to the Oil-Heated Dwellings Energy Account; amending ORS 456.594, 456.595 and 456.597.

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

4 **SECTION 1.** ORS 456.595 is amended to read:

5 *456.595. [(1) Each petroleum supplier shall annually pay to the Housing and Community Services*
6 *Department its share of a petroleum supplier assessment.]*

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

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

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

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

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

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

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

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

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

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

30 **(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.

1 **section.**

2 **(2) Prior to filing an agency request budget under ORS 291.208, the department shall:**

3 **(a) Estimate the aggregate amount necessary to fund the budgeted expenses of the Oil-**
 4 **Heated Dwellings Energy Account for the next biennium; and**

5 **(b) Convene a public meeting with representatives of petroleum suppliers and other in-**
 6 **terested parties for the purpose of providing a full accounting of:**

7 **(A) The estimate under paragraph (a) of this subsection; and**

8 **(B) The projected allocation of the assessment imposed under this section.**

9 **(3) The department shall enter an order:**

10 **(a) Establishing the aggregate amount, not to exceed \$400,000, necessary to fund the**
 11 **budgeted expenses of the Oil-Heated Dwellings Energy Account for the next fiscal year.**

12 **(b) Assessing the amount established under paragraph (a) of this subsection to petroleum**
 13 **suppliers based on the ratio of each supplier's gross operating revenue to the total gross**
 14 **operating revenue of all suppliers during the preceding calendar year. The amount assessed**
 15 **to a supplier may not exceed 0.375 percent of the supplier's gross operating revenue in the**
 16 **preceding calendar year and must exempt from payment suppliers whose computed annual**
 17 **assessment would be less than \$250.**

18 **(4) The order under subsection (3) of this section must be entered:**

19 **(a) For an odd-numbered year, promptly following the approval of the department's**
 20 **budget authorization by the Legislative Assembly; and**

21 **(b) For an even-numbered year, June 1.**

22 **(5) The department shall send to each petroleum supplier subject to an assessment under**
 23 **subsection (3)(b) of this section a copy of the order by registered or certified mail or through**
 24 **an electronic delivery with electronic receipt verification. A supplier shall pay to the de-**
 25 **partment the amount assessed to the supplier under this section before the later of:**

26 **(a) July 1; or**

27 **(b) The date 90 days following adjournment sine die of the regular session of the Legis-**
 28 **lative Assembly.**

29 **(6) Orders entered by the department under this section are subject to review under ORS**
 30 **183.484. Judicial review does not stay the obligation of a petroleum supplier to timely pay the**
 31 **amount assessed.**

32 *[(4)] (7) If any petroleum supplier fails to pay any amount assessed to it under this section*
 33 *within 30 days after the payment is due, the Attorney General, on behalf of the [Housing and Com-*
 34 *munity Services] department, may institute a proceeding in the circuit court to collect the amount*
 35 *due.*

36 *[(5) Interest on delinquent assessments shall be added to and paid at the rate of one and one-half*
 37 *percent of the payment due per month or fraction of a month from the date the payment was due to the*
 38 *date of payment.]*

39 **(8) Interest on unpaid assessments under this section is 18 percent per annum from the**
 40 **date the assessment is due.**

41 **(9) The department shall deposit all moneys received under this section in the Oil-Heated**
 42 **Dwellings Energy Account.**

43 **(10) The amount assessed to each petroleum supplier is intended to be considered a**
 44 **government-imposed cost recoverable by the supplier as a cost included within the price of**
 45 **the service or product supplied.**

1 [(6)] (11) The assessment [required by subsection (1) of] **under** this section is in addition to any
 2 assessment required by ORS 469.421 (8), and any other fee or assessment required by law.

3 **SECTION 2.** ORS 456.597 is amended to read:

4 456.597. (1) The Oil-Heated Dwellings Energy Account is established in the State Treasury,
 5 separate and distinct from the General Fund. Interest earned by the Oil-Heated Dwellings Energy
 6 Account shall be credited to the account.

7 (2) Moneys in the Oil-Heated Dwellings Energy Account are continuously appropriated to the
 8 Housing and Community Services Department [to be used only for the purposes specified in ORS
 9 456.595 (2).] **to:**

10 (a) **Provide information, assistance and technical advice to residential customers of fuel**
 11 **oil dealers, including information about energy conservation measures and home energy au-**
 12 **ditions as defined in ORS 469.703;**

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

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

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

18 **SECTION 3.** ORS 456.594 is amended to read:

19 456.594. As used in ORS 456.594 to 456.599:

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

23 [(2)] (1) "Contractor" means a person that installs or assists a dwelling owner to install energy
 24 conservation measures in a dwelling.

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

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

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

30 [(4)] (3) "Dwelling owner" means the person:

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

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

35 [(5)] (4) "Energy conservation items" includes but is not limited to air sealing, weatherstripping,
 36 ceiling and wall insulation, crawl space insulation, vapor barrier materials, programmable thermo-
 37 stats, insulation of heating ducts and water pipes in unheated spaces, **heating equipment** and re-
 38 placement windows.

39 [(6)(a)] (5)(a) "Energy conservation measures" includes the installation, **repair or replacement**
 40 of energy conservation items [and the energy conservation items installed, where the items] **where the**
 41 **measures** are primarily [designed] to improve the space heating [and] **or** energy utilization effi-
 42 ciency of a dwelling.

43 (b) "Energy conservation measures" does not include the dwelling owner's own labor.

44 [(7)] (6) "Fuel oil dealer" means a person, association, corporation or other form of organization
 45 that supplies fuel oil at retail for the space heating of dwellings.

1 (7) **“Gross operating revenue” means gross receipts from sales or service made or pro-**
2 **vided within this state during the regular course of the petroleum supplier’s business, not**
3 **including revenue received by a petroleum supplier from the sale of fuels that are subject to**
4 **the requirements of Article IX, section 3a, of the Oregon Constitution, or ORS 319.020 or**
5 **319.530.**

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

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

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

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

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

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