

Requested by Representative MARSH

**PROPOSED AMENDMENTS TO
HOUSE BILL 3181**

1 On page 1 of the printed bill, line 2, delete “prescribing an effective
2 date” and insert “declaring an emergency”.

3 Delete lines 4 through 28 and delete pages 2 and 3 insert:
4

5 **“FINDING OPPORTUNITIES AND**
6 **REDUCING CONFLICT IN ENERGY SITING**
7

8 **“SECTION 1. Siting process. (1) As used in this section, ‘ESEE im-**
9 **10 11 12 13 14 15 16 17 18 19 20 21
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11 **“(2) The State Department of Energy and the Department of Land
12 Conservation and Development shall establish the Finding Opportu-
13 nities and Reducing Conflict in Energy Siting process. The purpose of
14 the Finding Opportunities and Reducing Conflict in Energy Siting
15 process shall be to:**

16 **“(a) Identify, based on the criteria described under subsection (3)
17 of this section, the characteristics, sizes and locations of geographic
18 areas in this state where:**

19 **“(A) Siting renewable energy or transmission development is best
20 suited for meeting the state’s clean energy goals; and**

21 **“(B) Encouraging and incentivizing renewable energy or trans-**

1 mission development is most appropriate;

2 “(b) Identify factors that help minimize the geographic area needed
3 for and impact of transmission development; and

4 “(c) Identify regulatory or policy changes or resources to streamline
5 or expedite the process for siting renewable energy or transmission
6 development while ensuring the process takes into consideration:

7 “(A) Other land uses; and

8 “(B) Communities located adjacent to the geographic area under
9 consideration for renewable energy or transmission development.

10 “(3) In identifying the characteristics, sizes and locations of ge-
11 ographic areas in this state under subsection (2)(a) of this section, the
12 following criteria shall be used:

13 “(a) Site characteristics, resource potential, current and future
14 transmission access and locations for potential interconnection; and

15 “(b) Efforts to avoid, minimize or mitigate negative ESEE impacts
16 and maximizing positive ESEE impacts on natural resources, forestry,
17 habitat, agriculture, community needs and historic, cultural or
18 archeological resources.

19 “(4) The State Department of Energy and the Department of Land
20 Conservation and Development may enter into intergovernmental
21 agreements under ORS chapter 190 with other state agencies, tribal
22 governments and counties, for the purposes of:

23 “(a) Supporting the State Department of Energy and the Depart-
24 ment of Land Conservation and Development in carrying out the pro-
25 visions of this section;

26 “(b) Furnishing information or technical assistance needed to carry
27 out the Finding Opportunities and Reducing Conflict in Energy Siting
28 process;

29 “(c) Participating in the Finding Opportunities and Reducing Con-
30 flict in Energy Siting Advisory Committee established under section 2

1 of this 2023 Act;

2 “(d) Providing feedback on the membership and work of the Finding
3 Opportunities and Reducing Conflict in Energy Siting Advisory Com-
4 mittee established under section 2 of this 2023 Act;

5 “(e) Identifying opportunities to streamline permitting and review
6 processes across and between state agencies; and

7 “(f) With regard to tribal governments, consulting on:

8 “(A) How best to protect natural resources and historical, cultural
9 or archeological resources without revealing sensitive information;
10 and

11 “(B) How to improve and support tribal governments with regard
12 to renewable energy and transmission development.

13 **“SECTION 2. Advisory committee. (1) As used in this section:**

14 “(a) ‘ESEE impacts’ means economic, social, environmental and
15 energy impacts resulting from a permitted land use.

16 “(b) ‘Public body’ has the meaning given that term in ORS 174.109.

17 “(c) ‘Transmission development corridor’ means an extended ge-
18 ographic area:

19 “(A) Through which a transmission line passes to connect areas of
20 current or future renewable energy generation with areas of current
21 or future energy demand; and

22 “(B) That is selected in order to avoid, minimize or mitigate nega-
23 tive ESEE impacts and maximize positive ESEE impacts.

24 “(2) The Finding Opportunities and Reducing Conflict in Energy
25 Siting Advisory Committee is established for the purpose of supporting
26 the Finding Opportunities and Reducing Conflict in Energy Siting
27 process established under section 1 of this 2023 Act.

28 “(3) The State Department of Energy and the Department of Land
29 Conservation and Development shall appoint the members of the ad-
30 visory committee. In appointing members to the advisory committee,

1 the departments shall solicit and consider recommendations for
2 membership from:

3 “(a) Public bodies;

4 “(b) Tribal governments;

5 “(c) Federal and state agencies;

6 “(d) Energy, community and conservation advocates; and

7 “(e) Individuals who have expertise in the energy or natural re-
8 sources industries, including renewable energy developers, utilities and
9 agricultural producer associations.

10 “(4) The membership of the advisory committee shall consists of,
11 at a minimum:

12 “(a) A representative from any state agency, tribal government or
13 county that is a party to an intergovernmental agreement entered into
14 under section 1 (4) of this 2023 Act;

15 “(b) At least one member who represents public bodies;

16 “(c) At least one member who represents small-scale renewable
17 energy developers;

18 “(d) At least one member who represents large-scale renewable en-
19 ergy developers;

20 “(e) At least one member who has expertise in community
21 renewable energy development;

22 “(f) At least one member who has expertise in renewable energy
23 siting, policy or planning;

24 “(g) At least one member who has expertise in transmission siting;

25 “(h) At least one member who represents electric utilities, as de-
26 fined in ORS 757.600;

27 “(i) At least one member who represents the labor interests of the
28 clean energy or renewable energy workforce;

29 “(j) At least one member who represents environmental justice
30 communities, as defined in ORS 469A.400, that are experiencing ESEE

1 **impacts from renewable energy or transmission development;**
2 **“(k) At least one member who represents owners of irrigated or**
3 **dryland farmland or rangeland;**
4 **“(L) At least one member who has expertise in habitat conserva-**
5 **tion, preservation and restoration;**
6 **“(m) At least one member who has expertise in land and water use;**
7 **and**
8 **“(n) At least one member who has expertise in rural economic de-**
9 **velopment.**
10 **“(5) The advisory committee shall:**
11 **“(a) Engage with and seek feedback from:**
12 **“(A) Regional energy planning entities;**
13 **“(B) The Energy Facility Siting Council;**
14 **“(C) The Environmental Justice Task Force, established under ORS**
15 **182.538;**
16 **“(D) The Land Conservation and Development Commission; and**
17 **“(E) Relevant federal agencies, including the United States Depart-**
18 **ment of Defense, the Bureau of Land Management and the Bonneville**
19 **Power Administration;**
20 **“(b) Review any renewable energy siting assessment tool used by**
21 **the State Department of Energy and identify missing or outdated data**
22 **sets that should be added or updated;**
23 **“(c) Review estimates of potential renewable energy generation for**
24 **geographic areas in this state and the land areas needed to meet state**
25 **energy policies;**
26 **“(d) Review potential ESEE impacts from distributed energy re-**
27 **sources;**
28 **“(e) Review studies and data regarding state energy trends;**
29 **“(f) Identify factors that help minimize the area needed for and**
30 **impact of transmission development, including:**

1 **“(A) Criteria for designating a geographic area a transmission de-**
2 **velopment corridor;**

3 **“(B) Reconductoring and upgrading existing transmission lines;**

4 **“(C) Siting in existing rights of way;**

5 **“(D) Working with communities to avoid, minimize or mitigate**
6 **negative ESEE impacts;**

7 **“(g) Review a county’s comprehensive plan and inventory adopted**
8 **under section 7 of this 2023 Act and:**

9 **“(A) Identify themes and principles that are similar to themes and**
10 **principles of other counties’ comprehensive plans and inventories;**

11 **“(B) Identify and consider cumulative impacts; and**

12 **“(C) Provide feedback and make recommendations to the county**
13 **regarding the county’s comprehensive plan and inventory;**

14 **“(h) Review existing mitigation processes and make recommen-**
15 **dations to:**

16 **“(A) Establish practices and adopt regulations to mitigation im-**
17 **pacts by renewable energy or transmission development on agricul-**
18 **tural land;**

19 **“(B) Establish and support best practices to mitigation impacts by**
20 **renewable energy or transmission development on fish and wildlife**
21 **habitat in accordance with the policies described under ORS 496.012**
22 **and 506.109;**

23 **“(C) Support certainty around the siting process for renewable en-**
24 **ergy and transmission development; and**

25 **“(D) Identify characteristics and considerations of regional and lo-**
26 **cal habitats that may require specific mitigation practices;**

27 **“(i) Identify:**

28 **“(A) Regulatory barriers to renewable energy and transmission de-**
29 **velopment that may impede achieving state energy policies;**

30 **“(B) How to streamline, align or expedite processes to overcome the**

1 regulatory barriers; and

2 “(C) How any changes to those processes may help avoid, minimize
3 or mitigate negative ESEE impacts and maximize positive ESEE im-
4 pacts; and

5 “(j) Recommend technical assistance resources to support county
6 siting processes and the engagement of public bodies, tribal govern-
7 ments and communities in the siting process for renewable energy and
8 transmission development.

9 “(6) A majority of the members of the advisory committee consti-
10 tutes a quorum for the transaction of business.

11 “(7) Official action by the advisory committee requires the approval
12 of a majority of the members of the advisory committee.

13 “(8) The advisory committee may adopt rules necessary for the op-
14 eration of the advisory committee and form subcommittees.

15 “(9) The advisory committee shall meet at a time and place deter-
16 mined by the advisory committee and, for each meeting, provide op-
17 portunity for public comment. The advisory committee shall also meet
18 at least four times a year in different parts of this state where there
19 is considered, planned or ongoing renewable energy and transmission
20 development.

21 “(10) The State Department of Energy and the Department of Land
22 Conservation and Development may direct the advisory committee to
23 work with or use the work of a state agency, organization or other
24 committees when the work is similar to the advisory committee’s
25 work.

26 “(11) The State Department of Energy and the Department of Land
27 Conservation and Development shall contract with a third party or
28 parties to provide support to the advisory committee, including sup-
29 port related to:

30 “(a) Facilitating and coordinating meetings;

1 **“(b) Developing and coordinating processes; and**

2 **“(c) Furnishing data, maps and technical assistance.**

3 **“(12) A member of the advisory committee is entitled to compen-**
4 **sation and expenses as provided in ORS 292.495.**

5 **“SECTION 3. State Department of Energy report. (1) The State**
6 **Department of Energy and the Department of Land Conservation and**
7 **Development shall contract with a third party to prepare a report on**
8 **the work and recommendations of the Finding Opportunities and Re-**
9 **ducing Conflict in Energy Siting Advisory Committee established un-**
10 **der section 2 of this 2023 Act.**

11 **“(2) The report may include recommendations for legislation.**

12 **“(3) The State Department of Energy and the Department of Land**
13 **Conservation and Development shall submit the report in the manner**
14 **provided by ORS 192.245, to the appropriate interim committees of the**
15 **Legislative Assembly no later than December 31, 2024.**

16 **“SECTION 4. Section 3 of this 2023 Act is repealed on January 2,**
17 **2025.**

18 **“SECTION 5. Renewable energy siting assessment tool. The State**
19 **Department of Energy shall maintain a renewable energy siting as-**
20 **essment tool and periodically update the tool with information from:**

21 **“(1) Inventories and mapping resources made available by federal**
22 **agencies;**

23 **“(2) Regional, state and local data and mapping projects; and**

24 **“(3) Sources of data identified by the Finding Opportunities and**
25 **Reducing Conflict in Energy Siting Advisory Committee established**
26 **under section 2 of this 2023 Act.**

27
28 **“COUNTY MAPPED INVENTORY FOR ENERGY SITING**

29
30 **“SECTION 6. Section 7 of this 2023 Act is added to and made a part**

1 of ORS chapter 197.

2 **“SECTION 7. Mapped inventory for siting; county. (1) On or before**
3 **January 1, 2026, each county in eastern Oregon, as defined in ORS**
4 **321.700, may:**

5 **“(a) Adopt as part of the county’s comprehensive plan, a mapped**
6 **inventory of areas best suited for siting renewable energy facilities or**
7 **transmission development corridors, as defined in section 2 of this 2023**
8 **Act; and**

9 **“(b) Adopt amendments to the county’s comprehensive plan or land**
10 **use regulations, including overlay zones, to allow for expedited review**
11 **of renewable energy facilities or transmission development corridors**
12 **on inventoried lands.**

13 **“(2) In conducting an inventory under this section, counties:**

14 **“(a) May utilize processes and formats consistent with a resource**
15 **inventory for a statewide land use planning goal related to natural**
16 **resources, scenic and historic areas and open spaces;**

17 **“(b) Shall consider the quality and quantity of available land, con-**
18 **flicting uses and an analysis of ESEE impacts, as defined in section 2**
19 **of this 2023 Act;**

20 **“(c) Shall create opportunities for public comment and engagement**
21 **with landowners, renewable energy developers, local state agency staff**
22 **and relevant agriculture, conservation and community associations**
23 **and advocates;**

24 **“(d) May work regionally with other counties to identify common**
25 **criteria and perform mapping; and**

26 **“(e) Contract with a third party to perform or assist with mapping**
27 **or inventorying.**

28 **“SECTION 8. Section 7 of this 2023 Act is amended to read:**

29 **“Sec. 7. (1) [*On or before January 1, 2026,*] Each county in eastern**
30 **Oregon, as defined in ORS 321.700, may:**

1 “(a) Adopt as part of the county’s comprehensive plan, a mapped inven-
2 tory of areas best suited for siting renewable energy facilities or trans-
3 mission development corridors, as defined in section 2 of this 2023 Act; and

4 “(b) Adopt amendments to the county’s comprehensive plan or land use
5 regulations, including overlay zones, to allow for expedited review of
6 renewable energy facilities or transmission development corridors on inven-
7 toried lands.

8 “(2) In conducting an inventory under this section, counties:

9 “(a) May utilize processes and formats consistent with a resource inven-
10 tory for a statewide land use planning goal related to natural resources,
11 scenic and historic areas and open spaces;

12 “(b) Shall consider the quality and quantity of available land, conflicting
13 uses and an analysis of ESEE impacts, as defined in section 2 of this 2023
14 Act;

15 “(c) Shall create opportunities for public comment and engagement with
16 landowners, renewable energy developers, local state agency staff and rele-
17 vant agriculture, conservation and community associations and advocates;

18 “(d) May work regionally with other counties to identify common criteria
19 and perform mapping; and

20 “(e) Contract with a third party to perform or assist with mapping or
21 inventorying.

22 **“SECTION 9. The amendments to section 7 of this 2023 Act by sec-
23 tion 8 of this 2023 Act become operative on January 2, 2026.**

24 **“SECTION 10. Grant program; county and tribal governments. The
25 Department of Land Conservation and Development shall provide fi-
26 nancial assistance to county and tribal governments to:**

27 **“(1) Participate in the Finding Opportunities and Reducing Conflict
28 in Energy Siting Advisory Committee established under section 2 of
29 this 2023 Act;**

30 **“(2) Update resource inventories or other local data sets that may**

1 **impact renewable energy or transmission development;**
2 **“(3) Obtain technical assistance associated with engaging in**
3 **renewable energy or transmission development;**
4 **“(4) Meet staffing or contracting needs associated with reviewing**
5 **renewable energy or transmission development permit applications;**
6 **“(5) Develop priority plans for county projects that could be com-**
7 **pleted through funds or fees derived from renewable energy or trans-**
8 **mission development;**
9 **“(6) Develop mitigation plans or processes, including creating or**
10 **contributing to mitigation banks, associated with renewable energy**
11 **or transmission development;**
12 **“(7) Facilitate local collaborative processes around renewable en-**
13 **ergy and transmission development;**
14 **“(8) Identify and plan for community and workforce needs associ-**
15 **ated with renewable energy and transmission development including**
16 **education, training and workforce housing;**
17 **“(9) Develop and implement processes that can support and expedite**
18 **processing of permit applications under ORS 215.446 and 215.447, in-**
19 **cluding consolidating processes and resources with other counties; and**
20 **“(10) Update the local government’s comprehensive plan:**
21 **“(a) In response to recommendations made by the Finding Oppor-**
22 **tunities and Reducing Conflict in Energy Siting Advisory Committee**
23 **established under section 2 of this 2023 Act;**
24 **“(b) As required or allowed under section 7 of this 2023 Act; or**
25 **“(c) To implement changes that facilitate the siting of renewable**
26 **energy facilities in ways that are efficient or that preserve or mitigate**
27 **losses of habitat, agricultural land or historic, cultural and**
28 **archeological resources.**
29 **“SECTION 11. Section 10 of this 2023 Act is repealed on January 2,**
30 **2026.**

1 **“PROGRAM TO SUPPORT PARTICIPATION**
2 **IN ENERGY FACILITY SITING PROCESSES**

3
4 **“SECTION 12. (1) The State Department of Energy shall provide fi-**
5 **nancial and technical assistance to assist public bodies, tribal govern-**
6 **ments and community organizations to:**

7 **“(a) Participate in the review process of an application submitted**
8 **under ORS 469.300 to 469.619;**

9 **“(b) Engage in the Energy Facility Siting Council rulemaking pro-**
10 **cess; and**

11 **“(c) Participate in the Finding Opportunities and Reducing Conflict**
12 **in Energy Siting Advisory Committee established under section 2 of**
13 **this 2023 Act.**

14 **“(2) The department shall disburse financial assistance under this**
15 **section on an ongoing basis in the form of grants.**

16 **“(3) The department shall:**

17 **“(a) Prescribe the form and manner in which an applicant may ap-**
18 **ply for a grant;**

19 **“(b) Establish the procedures for reviewing and approving an ap-**
20 **plication;**

21 **“(c) Establish the costs and activities that may be covered by a**
22 **grant award;**

23 **“(d) Establish the terms and conditions for grants awards; and**

24 **“(e) Establish procedures for verifying how grant award moneys are**
25 **used.**

26 **“(4)(a) To receive a grant award, an applicant whose application is**
27 **approved shall enter into a grant award agreement with the depart-**
28 **ment.**

29 **“(b) The Energy Facility Siting Council may review and require that**
30 **additional terms or conditions be added to the grant award agreement.**

1 “(5) Moneys collected through assessments imposed on energy re-
2 source suppliers under ORS 469.421 (8) may not be expended to provide
3 financial or technical assistance under this section.

4 “(6) The department may adopt rules to carry out this section.

5
6 “APPROPRIATIONS

7
8 “SECTION 13. In addition to and not in lieu of any other appropri-
9 ation, there is appropriated to the State Department of Energy, for the
10 biennium beginning July 1, 2023, out of the General Fund, the amount
11 of \$_____, which may be expended for the purpose of carrying out the
12 provisions of sections 1 to 3 and 5 of this 2023 Act.

13 “SECTION 14. In addition to and not in lieu of any other appropri-
14 ation, there is appropriated to the State Department of Energy, for the
15 biennium beginning July 1, 2023, out of the General Fund, the amount
16 of \$500,000, to provide financial assistance under section 12 of this 2023
17 Act.

18 “SECTION 15. In addition to and not in lieu of any other appropri-
19 ation, there is appropriated to the Department of Land Conservation
20 and Development, for the biennium beginning July 1, 2023, out of the
21 General Fund, the amount of \$_____, which may be expended for the
22 purpose of carrying out the provisions of sections 1 to 3 of this 2023
23 Act.

24 “SECTION 16. In addition to and not in lieu of any other appropri-
25 ation, there is appropriated to the Department of Land Conservation
26 and Development, for the biennium beginning July 1, 2023, out of the
27 General Fund, the amount of \$2,000,000, to provide financial assistance
28 to county and tribal governments under section 10 of this 2023 Act.

29
30 “UNIT AND SECTION CAPTIONS

1 **“SECTION 17. The unit and section captions used in this 2023 Act**
2 **are provided only for the convenience of the reader and do not become**
3 **part of the statutory law of this state or express any legislative intent**
4 **in the enactment of this 2023 Act.**

5

6

“DECLARING EMERGENCY

7

8 **“SECTION 18. This 2023 Act being necessary for the immediate**
9 **preservation of the public peace, health and safety, an emergency is**
10 **declared to exist, and this 2023 Act takes effect on its passage.”.**

11
