

SENATE AMENDMENTS TO SENATE BILL 259

By COMMITTEE ON ENVIRONMENT AND NATURAL RESOURCES

April 1

- 1 On page 1 of the printed bill, delete lines 5 through 25.
- 2 On page 2, delete lines 1 through 14 and insert:
- 3 “**SECTION 1.** ORS 469.360 is amended to read:
- 4 “469.360. (1) The Energy Facility Siting Council shall evaluate each **notice of intent**, site cer-
- 5 tificate application **or request for expedited review**. [*As part of its evaluation, the council may*
- 6 *commission an independent study by an independent contractor, state agency, local government or any*
- 7 *other person, of any aspect of the proposed facility within its statutory authority to review. The council*
- 8 *may compensate a state agency or local government for expenses related to:*]
- 9 “(2) Pursuant to a written contract or agreement, the council may compensate a state
- 10 agency or a local government affected by the application for expenses directly related to
- 11 participation by the compensated agency or local government in the following evaluation
- 12 activities:
- 13 “(a) Consultation initiated by an applicant after payment of the fee under ORS 469.421 (2)
- 14 for the notice of intent or request for expedited review but prior to submittal of the notice
- 15 or request;
- 16 “[a] (b) Review of the notice of intent, the application or a request for an expedited review;
- 17 and
- 18 “[b] (c) [*The state agency’s or local government’s*] Participation in a council proceeding[; and],
- 19 excluding legal expenses of the agency or local government incurred as a result of partic-
- 20 ipation by the state agency or local government as a party in a contested case conducted by
- 21 the council pursuant to ORS 469.370 (5).
- 22 “[c] *The performance of specific studies necessary to complete the council’s statutory evaluation*
- 23 *of the application.*]
- 24 “(3) Compensation for consultation expenses under subsection (2)(a) of this section shall
- 25 be limited to the expenses established in an estimate provided by the council and agreed to
- 26 by the applicant. The applicant may request that the estimate be revised to allow for addi-
- 27 tional consultation activities at any time prior to submitting the notice of intent.
- 28 “(4) Pursuant to a written agreement, the council may compensate a tribe identified by
- 29 the Commission on Indian Services as affected by the application for expenses directly re-
- 30 lated to the tribe’s review of a notice of intent, site certificate application or request for
- 31 expedited review.
- 32 “[2] (5) [*The council may enter into a contract under subsection (1) of this section.*] As part of
- 33 its evaluation, the council also may commission an independent study by an independent
- 34 contractor, state agency, local government or any other person, of any aspect of the pro-
- 35 posed facility within its statutory authority to review. The council may commission an in-

1 **dependent study under this subsection** only after the council makes a determination that the
2 council is unable to fully evaluate the application without assistance and identifies specific issues
3 to be addressed and only pursuant to a written contract or agreement with the independent con-
4 tractor, state agency, local government or other person. The council shall compensate the inde-
5 pendent contractor, state agency, local government or other person only to the extent the costs are
6 directly related to issues identified by the council.

7 “[3] (6) The council shall provide funding to state agencies, cities or counties required to
8 contract with another entity to complete comments and recommendations pursuant to ORS 469.350.

9 “[4] (7) In addition to compensating state agencies, **tribes** and local governments pursuant to
10 [subsection (1) of] this section, the council may provide funding to the Department of Environmental
11 Quality for the department to conduct modeling and provide technical assistance to expedite prep-
12 aration, submission and review of applications for permits under ORS 468A.040 required for energy
13 facilities.”.

14 In line 29, delete “(2)”.

15 In line 30, after “tribe” delete the rest of the line and delete lines 31 and 32 and insert “or a
16 local government pursuant to a written contract or agreement relating to compensation as provided
17 for in ORS 469.360; or”.