Enrolled
House Bill 2694

Sponsored by Representative BOONE; Representative GOMBERG

CHAPTER .....

AN ACT

Relating to energy resources in Oregon's territorial sea; and declaring an emergency.

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

SECTION 1. Any person authorized by a public body, as defined in ORS 174.109, to develop energy resources in Oregon's territorial sea, shall share any geological and geophysical data, including bathymetry, backscatter, seismic reflection and sample data, generated by the person regarding Oregon's territorial sea floor with the Oregon territorial sea mapping project at Oregon State University.

SECTION 2. (1) Except as provided in subsection (2) of this section, section 1 of this 2013 Act becomes operative on January 1, 2014.

(2) The Director of the Department of State Lands may adopt rules or take any other action before the operative date specified in subsection (1) of this section that is necessary to implement, on and after the operative date specified in subsection (1) of this section, section 1 of this 2013 Act.

SECTION 3. This 2013 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2013 Act takes effect on its passage.

Enrolled
House Bill 3451

Sponsored by Representative GOMBERG, Senator KRUSE, Representative BOONE; Representatives BAILEY, KRIEGER, MCKEOWN, REARDON, Senators JOHNSON, ROBLAN, WHITSETT

CHAPTER .....

AN ACT

Relating to an Oceangoing Research Vessel Program; appropriating money; and declaring an emergency.

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

SECTION 1. (1) The Oceangoing Research Vessel Program is established at Oregon State University in order to assist in the research and study of the waters of the Pacific Coast. Potential areas of research include, but are not limited to:

(a) Mapping the seabed in Oregon's territorial sea, as defined in ORS 196.405;

(b) Analyzing marine ecosystems, including but not limited to existing marine reserves, existing marine protected areas, proposed marine reserves and proposed marine protected areas;

(c) Analyzing the potential effects of climate change, including but not limited to ocean acidification;

(d) Compiling comprehensive assessments of overall ocean health;

(e) Understanding ocean dynamics, including but not limited to natural hazards such as tsunamis; and

(f) Installing instruments to effectively monitor the impact of wave energy systems, marine reserves and marine protected areas on marine ecosystems and fish populations.

(2) The Oceangoing Research Vessel Program shall solicit from state agencies and from students and faculty within the Oregon University System proposals for the use of a research vessel operated under the program.

(3) In order to effectively allocate the use of research vessels operated under the Oceangoing Research Vessel Program, there is established a Research Vessel Council, consisting of seven members appointed by the President of Oregon State University. The president shall appoint to the council:

(a) At least one member who is a trained scientist with at least five years of marine research experience;

(b) Upon request from the agency, at least one member from each of the following agencies:

(A) State Department of Fish and Wildlife;

(B) State Department of Geology and Mineral Industries;

(C) Department of Land Conservation and Development; and

(D) Department of Environmental Quality; and

(c) At least one member who has expertise in marine operations or marine education.

(4) The Research Vessel Council shall evaluate proposals submitted under subsection (2) of this section on the basis of the:

(a) Proposal's geographical area of study;

(b) Quality of the submitted management, research or educational rationale; and

(c) Feasibility of accommodating the proposed work within the schedule of federally funded projects for the research vessel.

(5) The Research Vessel Council shall schedule the use of a research vessel for selected proposals as part of the University-National Oceanographic Laboratory System ship scheduling process.

SECTION 2. Not later than November 30, 2015, Oregon State University shall submit a report to the interim committees of the Legislative Assembly related to education. The report shall include, but is not limited to:

(1) A summary of the scholarly findings and research conducted under the Oceangoing Research Vessel Program;

(2) A summary of additional research needed; and

(3) An analysis of federal funding provided and committed to the program and a determination as to whether the amount of federal funds is sufficient for the program to continue.

SECTION 3. In addition to and not in lieu of any other appropriation, there is appropriated to the Oregon Department of Administrative Services for allocation to the Oregon University System, for the biennium beginning July 1, 2013, out of the General Fund, the amount of $300,000 for distribution to Oregon State University for the purpose of carrying out the provisions of sections 1 and 2 of this 2013 Act.

SECTION 4. This 2013 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2013 Act takes effect July 1, 2013.

Passed by House June 21, 2013

.....
Ramona J. Line, Chief Clerk of House

.....
Tina Kotek, Speaker of House

Passed by Senate June 27, 2013

.....
Peter Courtney, President of Senate

Received by Governor:

.....M.,....., 2013

Approved:

.....M.,....., 2013

.....
John Kitzhaber, Governor

Filed in Office of Secretary of State:

.....M.,....., 2013

.....
Kate Brown, Secretary of State

Passed by House March 21, 2013

.....
Ramona J. Line, Chief Clerk of House

.....
Tina Kotek, Speaker of House

Passed by Senate May 15, 2013

.....
Peter Courtney, President of Senate

Received by Governor:

.....M.,....., 2013

Approved:

.....M.,....., 2013

.....
John Kitzhaber, Governor

Filed in Office of Secretary of State:

.....M.,....., 2013

.....
Kate Brown, Secretary of State

Enrolled
Senate Bill 580

Sponsored by COMMITTEE ON RURAL COMMUNITIES AND ECONOMIC DEVELOPMENT

CHAPTER .....

AN ACT

Relating to ocean resources; amending ORS 196.451; and declaring an emergency.

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

SECTION 1. ORS 196.451 is amended to read:

196.451. (1) [*To aid and advise the Ocean Policy Advisory Council in the performance of its functions, the council*] **The Ocean Policy Advisory Council** shall establish a permanent scientific and technical advisory committee chaired by the director of the Sea Grant College program or other similarly qualified member of the [*Ocean Policy Advisory Council and may establish additional committees as needed.*] **council. The committee shall:**

(a) Make recommendations to the council relating to the performance of the council's functions; and

(b) Make recommendations, subject to the availability of funds and time, to state agencies on matters related to this state's ocean or nearshore resources.

(2) The committee shall consist of:

(a) Members appointed by the council who are serving on the effective date of this 2013 Act.

(b) Such other persons nominated by the committee and appointed by the council according to the procedures described in subsections (3) and (4) of this section.

(3) If there is a vacancy on the committee or if the committee determines that a new scientific or technical discipline must be represented on the committee in order for the committee to perform its research duties, the committee shall do all of the following:

(a) Solicit the names of candidates for committee membership from the public.

(b) Evaluate the expertise of the candidates. To be eligible to serve on the committee a candidate must possess a scientific and technical background in a discipline relevant to the duties specified in ORS 196.443 that is sufficient for the individual to fulfill the duties of a member of the committee as specified in subsection (1) of this section and to advise regarding marine reserves as provided for in ORS 196.545.

(c) Evaluate the candidate's availability to serve on the committee and any potential or actual conflict of interest.

(d) Nominate one or more candidates for committee membership who fulfill the requirements of this subsection.

(e) Submit a list of nominees to the council for consideration.

(4) Upon receipt of a list of nominees prepared by the committee under subsection (3) of this section, the council may appoint one or more new committee members selected from the list of nominees. If the council does not select one or more new committee members

from the list of nominees, the committee shall prepare a new list in the same manner provided for in subsection (3) of this section until such time as the council appoints one or more new members to the committee.

(5) The council shall adopt rules for the administration of subsection (4) of this section.

[*(2)*] **(6) The council may establish advisory committees in addition to the committee provided for in subsections (1) to (5) of this section. Members of any advisory committee established under this section** [*Members of the advisory committees*] are not entitled to compensation, but in the discretion of the council may be reimbursed from funds available to council for actual and necessary travel and other expenses incurred by them in the performance of their official duties, subject to ORS 292.495.

SECTION 2. This 2013 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2013 Act takes effect on its passage.

Passed by Senate April 2, 2013

.....
Robert Taylor, Secretary of Senate

.....
Peter Courtney, President of Senate

Passed by House May 6, 2013

.....
Tina Kotek, Speaker of House

Received by Governor:

.....M.,....., 2013

Approved:

.....M.,....., 2013

.....
John Kitzhaber, Governor

Filed in Office of Secretary of State:

.....M.,....., 2013

.....
Kate Brown, Secretary of State

Enrolled
Senate Bill 605

Sponsored by Senator ROBLAN; Representative GOMBERG

CHAPTER .....

AN ACT

Relating to ocean resources; amending ORS 196.471; and declaring an emergency.

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

SECTION 1. ORS 196.471 is amended to read:

196.471. (1) The Land Conservation and Development Commission shall review the Territorial Sea Plan and any subsequent amendments recommended by the Ocean Policy Advisory Council to either the Territorial Sea Plan or the Oregon Ocean Resources Management Plan and make findings that the plan or amendments **recommended by the council**:

(a) Carry out the policies of ORS 196.405 to 196.515; and

(b) Are consistent with applicable statewide planning goals, with emphasis on the four coastal goals.

(2) After making the findings required by subsection (1) of this section, the commission shall adopt the Territorial Sea Plan or proposed amendments as part of the Oregon Coastal Management Program.

[*(3) If the commission does not make the findings required by subsection (1) of this section, the commission shall return the plan or amendments to the council for revision. The commission may specify any needed revisions.*]

(3)(a) If the commission does not make the findings required by subsection (1) of this section, the commission shall return the plan or amendments to the council for revision. The commission may specify any needed revisions.

(b) If the council makes subsequent recommendations for amendments, the council must:

(A) Include the commission's specified revisions in the recommendations; and

(B) Make the subsequent recommendations for amendments within 155 days after the date that the commission returns the plan or amendments to the council for revision. The commission and the council may mutually agree to extend the time that the council is allowed under this subparagraph for submitting subsequent recommendations to the commission.

(c) If the council does not make the subsequent recommendations for amendments within the time provided for in paragraph (b)(B) of this subsection, the commission may adopt the Territorial Sea Plan amendments recommended by the council under subsection (1) of this section, including any needed revisions specified by the commission.

(4) Upon adoption of the Territorial Sea Plan or subsequent amendments the commission may, after consultation with affected state agencies, identify amendments to agency ocean or coastal resource management programs necessary to conform to the provisions of the adopted plan.

<u>SECTION 2.</u> This 2013 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2013 Act takes effect on its passage.

Passed by Senate April 15, 2013

Repassed by Senate June 4, 2013

.....
Robert Taylor, Secretary of Senate

.....
Peter Courtney, President of Senate

Passed by House May 30, 2013

.....
Tina Kotek, Speaker of House

Received by Governor:

.....M.,....., 2013

Approved:

.....M.,....., 2013

.....
John Kitzhaber, Governor

Filed in Office of Secretary of State:

.....M.,....., 2013

.....
Kate Brown, Secretary of State

Enrolled
Senate Bill 606

Sponsored by Senator ROBLAN; Representative GOMBERG

CHAPTER .....

AN ACT

Relating to wave energy; creating new provisions; amending ORS 274.867, 274.992 and 274.994; and declaring an emergency.

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

SECTION 1. ORS 274.867 is amended to read:

274.867. (1) In accordance with applicable provisions of ORS chapter 183, the Director of the Department of State Lands may adopt rules for the authorization of wave energy facilities or devices.

(2) [*Unless exempted under rules adopted by the director under this section,*] An owner or operator of a facility or device sited within Oregon's territorial sea, as defined in ORS 196.405, that converts the kinetic energy of waves into electricity shall maintain cost estimates of the amount of financial assurance that is necessary, and demonstrate evidence of financial assurance, for:

[*(a) The costs of closure and post-closure maintenance, excluding the removal of anchors that lie beneath submerged lands in Oregon's territorial sea, of the facility or device; and*]

(a) The costs of closure and post-closure maintenance of the facility or device, excluding the costs of removing anchors, cables or any other equipment that is not required to be removed from beneath the submerged lands in Oregon's territorial sea under subsection (9) of this section; and

(b) Any corrective action required to be taken at the site of the facility or device.

(3) The cost estimates required by subsection (2) of this section must be prepared by a person qualified by experience and knowledge to prepare such cost estimates.

[*(3)*] **(4)** The financial assurance requirements established by subsection (2) of this section may be satisfied by any one or a combination of the following:

(a) Insurance;

(b) Establishment of a trust fund;

(c) A surety bond; **or**

(d) A letter of credit[*;*]**.**

[*(e) Qualification as a self-insurer; or*]

[*(f) Any other method set forth in rules adopted by the director.*]

[*(4)*] **(5)** In adopting rules to implement the provisions of this section, the director may specify policy or other contractual terms, conditions or defenses necessary to establish evidence of financial assurance.

[*(5)(a) The owner or operator of a facility or device described in subsection (2) of this section must provide the evidence of financial assurance required under this section for closure, post-closure maintenance and corrective action at the time operation of the facility or device is authorized.*]

(6)(a) Prior to the time that operation of a facility or device described in subsection (2) of this section is authorized, the owner or operator of the facility or device must provide the director with a plan for decommissioning the facility or device after the permanent cessation of use of that facility or device for the conversion of the kinetic energy of waves into electricity. The plan for decommissioning the facility or device must include, but need not be limited to:

(A) Information regarding the anticipated useful life of the facility or device;

(B) The cost estimates required by subsection (2) of this section;

(C) The evidence of financial assurance required by subsections (2) and (4) of this section;

(D) A description of the method and schedule for updating the costs of decommissioning the facility or device;

(E) A description of the anticipated methods that will be used to close the facility or device, engage in post-closure maintenance and take any corrective action required at the site of the facility or device; and

(F) Any other information required by the director by rule.

(b) By January 31 of each subsequent calendar year, the owner or operator of the facility or device must update the information required under this subsection with the Department of State Lands.

[*(6)*] **(7)** [*When financial assurance is required for corrective action at the site of a facility or device described in subsection (2) of this section, the*] **An** owner or operator shall provide evidence of financial assurance before beginning corrective action **at the site of a facility or device described in subsection (2) of this section**.

[*(7)*] **(8)** An owner or operator [*required to provide financial assurance under this section*] shall establish provisions satisfactory to the director for disposing of any excess moneys received or interest earned on moneys received for financial assurance.

(9)(a) An owner or operator of a facility or device described in subsection (2) of this section must initiate removal of all equipment related to that facility or device, excluding anchors, cables and any other equipment that lies at least one meter beneath submerged lands in Oregon's territorial sea, within 12 months after the permanent cessation of use of that facility or device for the conversion of the kinetic energy of waves into electricity.

(b) Notwithstanding paragraph (a) of this subsection, an owner or operator of a facility or device described in subsection (2) of this section may be required to remove anchors, cables or any other equipment that lies at least one meter beneath submerged lands in Oregon's territorial sea if removal is deemed necessary by the director, in consultation with the owner or operator, and is permitted by the applicable requirements of federal regulatory agencies.

(c) All equipment required to be removed under this subsection must be removed within two years after the permanent cessation of use of the facility or device for the conversion of the kinetic energy of waves into electricity.

(d) The director may extend the deadlines under this subsection if the owner or operator of the facility or device can show good cause and has undertaken a good faith effort to remove the equipment as required by this subsection.

SECTION 2. ORS 274.992 is amended to read:

274.992. (1) Any person who violates any provision of ORS 274.040 **or 274.867,** [*or*] any rule, order or lease adopted or issued under ORS 274.040 **or any rule adopted under ORS 274.867** shall be subject to a civil penalty in an amount to be determined by the Director of the Department of State Lands of not more than $1,000 per day of violation.

(2) Civil penalties under this section shall be imposed in the manner provided in ORS 183.745.

(3) The provisions of this section are in addition to and not in lieu of any other penalty or sanction provided by law.

(4) Any civil penalty recovered under this section **for violation of ORS 274.040 or 274.867 or any rule, order or lease adopted or issued under ORS 274.040 or 274.867** shall be deposited in

the Common School Fund for use by the Department of State Lands in administration of ORS 274.040 **or 274.867** and as otherwise required by law.

SECTION 3. ORS 274.994 is amended to read:

274.994. (1) The Director of the Department of State Lands shall adopt by rule the amount of civil penalty that may be imposed for a particular violation of ORS 274.040 **or 274.867**.

(2) In imposing a penalty under the schedule adopted under subsection (1) of this section, the director shall consider the following factors:

(a) The past history of the person incurring a penalty in taking all feasible steps or procedures necessary or appropriate to correct any violation.

(b) Any prior violations of statutes, rules, orders and leases pertaining to submerged and submersible lands.

(c) The impact of the violation on public interests in fishery, navigation and recreation.

(d) Any other factors determined by the director to be relevant and consistent with the policy of ORS 274.040 **or 274.867**.

(3) The penalty imposed under this section may be remitted or mitigated upon such terms and conditions as the director determines to be proper and consistent with the policy of ORS 274.040 **or 274.867**. Upon the request of the person incurring the penalty, the director shall consider evidence of the economic and financial condition of the person in determining whether a penalty shall be remitted or mitigated.

SECTION 4. (1) The State Department of Energy shall study issues related to the transmission of electricity from wave energy facilities and devices.

(2) The scope of issues to be studied may include, but is not limited to:

(a) Opportunities for the ownership and financing of structures for the transmission of electricity from wave energy facilities or devices;

(b) Barriers to the development of structures for the transmission of electricity from wave energy facilities and devices;

(c) Construction and maintenance of structures for the transmission of electricity from wave energy facilities and devices;

(d) The costs and benefits of establishing consolidated transmission capacity for multiple wave energy projects; and

(e) Risk management and decommissioning issues related to wave energy facilities and devices and to transmission capacity.

(3) The department shall seek public input regarding the scope of issues to be studied.

(4) The department shall report the results of the study required by this section to the interim committees of the Legislative Assembly related to environment and natural resources on or before November 1, 2014.

SECTION 5. Section 4 of this 2013 Act is repealed on January 2, 2015.

SECTION 6. The amendments to ORS 274.867 by section 1 of this 2013 Act apply to all authorizations for wave energy facilities and devices issued on or after the effective date of this 2013 Act.

SECTION 7. This 2013 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2013 Act takes effect on its passage.

Passed by Senate April 29, 2013

.....
Robert Taylor, Secretary of Senate

.....
Peter Courtney, President of Senate

Passed by House May 30, 2013

.....
Tina Kotek, Speaker of House

Received by Governor:

.....M.,....., 2013

Approved:

.....M.,....., 2013

.....
John Kitzhaber, Governor

Filed in Office of Secretary of State:

.....M.,....., 2013

.....
Kate Brown, Secretary of State

Enrolled
Senate Bill 737

Sponsored by Senator ROBLAN; Senators JOHNSON, KRUSE, WHITSETT

CHAPTER .....

AN ACT

Relating to ocean resources; appropriating money; and declaring an emergency.

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

OREGON OCEAN SCIENCE TRUST

SECTION 1. (1) The Oregon Ocean Science Trust is established, consisting of five members appointed by the State Land Board.

(2) The term of office of each member is four years, but a member serves at the pleasure of the board. Before the expiration of the term of a member, the board shall appoint a successor whose term begins on January 1 next following. A member is eligible for reappointment. If there is a vacancy for any cause, the board shall make an appointment to become immediately effective for the unexpired term.

(3) The members specified in subsection (1) of this section must:

(a) Be residents of this state who demonstrate a commitment and interest in the stewardship of Oregon's ocean and coastal resources; and

(b) Have not less than five years' experience in competitive granting, marine science, foundations or fiscal assurance.

(4) A majority of the members of the trust constitutes a quorum for the transaction of business.

(5) The trust shall select one of its members to be the executive director of the trust, for such terms and with the duties and powers that the trust determines are necessary for the performance of the office.

(6) The trust shall meet at least twice each year at a place, day and hour determined by the trust. The trust may also meet at other times and places specified by the call of the executive director or of a majority of the members of the trust.

(7) The trust may adopt any rules necessary to carry out the duties of the trust.

(8) Members of the trust are not entitled to compensation or reimbursement for expenses and serve as volunteers for the trust.

(9) The Department of State Lands shall provide a facility and administrative support for the meetings of the trust as requested. Other agencies shall provide support as requested by the trust in order to provide the trust with assistance on the priority marine science needs of the state.

DUTIES OF THE TRUST

SECTION 2. **The Oregon Ocean Science Trust shall:**

(1) Promote peer-reviewed, competitive research and monitoring that leads to increased knowledge and understanding of Oregon's ocean and coastal resources;

(2) Promote innovative, collaborative, community-oriented, multi-institutional approaches to research and monitoring related to Oregon's ocean and coastal resources;

(3) Enhance this state's capacity for peer-reviewed scientific ocean and coastal research; and

(4) Subject to available funding, establish and execute a competitive grant program to conduct research and monitoring related to Oregon's ocean and coastal resources.

OREGON OCEAN SCIENCE FUND

SECTION 3. **(1) The Oregon Ocean Science Fund is established in the State Treasury, separate and distinct from the General Fund. Interest earned by the Oregon Ocean Science Fund shall be credited to the fund. Moneys in the fund are continuously appropriated to the Oregon Ocean Science Trust for the purpose of carrying out the provisions of sections 1, 2, 4 and 5 of this 2013 Act.**

(2) The trust may accept grants, donations, contributions or gifts from any source for deposit in the fund.

(3) The fund shall consist of:

(a) Moneys accepted by the trust pursuant to subsection (2) of this section;

(b) Moneys appropriated by the Legislative Assembly;

(c) Interest earned on moneys in the fund; and

(d) Any moneys described in subsection (4) of this section.

(4) Subject to and consistent with federal law, any moneys received by the State of Oregon from the federal government that constitute the state's distributive share of the amounts collected under the Outer Continental Shelf Lands Act, 43 U.S.C. 1331 et seq., shall be deposited in the fund.

(5) Of the moneys in the fund that are derived from the state's distributive share of the amounts collected under the Outer Continental Shelf Lands Act, 43 U.S.C. 1331 et seq., the coastal county adjacent to the lands containing tracts for which the moneys are received by the state shall receive 30 percent of the distributive share received by the state for those lands. Where the lands containing tracts for which moneys are received are located adjacent to more than one county of this state, each county adjacent to the lands shall receive a portion of the 30 percent allocation that is proportionate to the area of the lands that are adjacent to the county.

SECTION 4. **(1) Moneys deposited in the Oregon Ocean Science Fund may be used to reimburse:**

(a) The State Treasurer for the costs of administering the fund as provided in section 3 of this 2013 Act.

(b) The Department of State Lands for the costs of administering the Oregon Ocean Science Trust as provided in section 1 (9) of this 2013 Act.

(c) Other agencies for the costs of providing support to the trust as requested under section 1 (9) of this 2013 Act.

(2) The total amount of costs paid under this section may not exceed five percent of the total amount of moneys deposited in the fund during the biennium.

REPORT TO LEGISLATIVE ASSEMBLY

SECTION 5. **The Oregon Ocean Science Trust shall submit a report to the Legislative Assembly, in the manner provided by ORS 192.245, by March 31 of each even-numbered year, describing the progress of the trust in carrying out its duties specified in section 2 of this**

2013 Act. The report may include relevant issues and trends of significance, including emerging scientific research and public policy.

MISCELLANEOUS

SECTION 6. Notwithstanding the term of office specified by section 1 of this 2013 Act, of the members first appointed to the Oregon Ocean Science Trust:

(1) Two shall serve for a term ending December 31, 2014.

(2) Three shall serve for a term ending December 31, 2015.

SECTION 7. The unit captions used in this 2013 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 2013 Act.

EMERGENCY CLAUSE

SECTION 8. This 2013 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2013 Act takes effect on its passage.

Passed by Senate June 25, 2013

.....
Robert Taylor, Secretary of Senate

.....
Peter Courtney, President of Senate

Passed by House June 28, 2013

.....
Tina Kotek, Speaker of House

Received by Governor:

.....M.,....., 2013

Approved:

.....M.,....., 2013

.....
John Kitzhaber, Governor

Filed in Office of Secretary of State:

.....M.,....., 2013

.....
Kate Brown, Secretary of State