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NOTICE OF PROPOSED RULEMAKING
INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 345
DEPARTMENT OF ENERGY
ENERGY FACILITY SITING COUNCIL

FILED
10/22/2021 3:24 PM
ARCHIVES DIVISION
SECRETARY OF STATE

FILING CAPTION: Implementation of HB 2064 and Energy Facility Siting Council Quorum Requirements

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 12/10/2021 6:00 PM

The Agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing negative economic impact of the rule on business.

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Filed By:
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HEARING(S)

Auxiliary aids for persons with disabilities are available upon advance request. Notify the contact listed above.

DATE: 11/18/2021

TIME: 5:30 PM - 6:00 PM

OFFICER: Christopher M. Clark

ADDRESS: Remote Hearing

See Special Instructions

Salem, OR 97301

SPECIAL INSTRUCTIONS:

Join the hearing online:

<https://oregonenergy.webex.com/oregonenergy/j.php?MTID=mb22b0514d35b5494306d3daa4340c04e>

Event number: 2590 284 4026

Event password: U9ptfBpEF23

Join the hearing by phone:

1-844-621-3956

Access code: 259 028 44026

NEED FOR THE RULE(S):

HB 2064 amends the ORS 469.460 to change the number of Council members that constitute a quorum from "five" to "a majority." The change is intended to ensure that the Council can meet as frequently as needed to conduct its business. Rulemaking is needed to ensure that the Council can implement the new quorum requirements of the bill.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE:

Oregon Laws 2021, chapter 110. Available from the Department upon request, or from:
https://www.oregonlegislature.gov/bills_laws/lawsstatutes/2021orlaw0110.pdf

FISCAL AND ECONOMIC IMPACT:

Because this change would only affect the rules of conduct for Council meetings, no fiscal or economic impacts are expected.

COST OF COMPLIANCE:

(1) Identify any state agencies, units of local government, and members of the public likely to be economically affected by the rule(s). (2) Effect on Small Businesses: (a) Estimate the number and type of small businesses subject to the rule(s); (b) Describe the expected reporting, recordkeeping and administrative activities and cost required to comply with the rule(s); (c) Estimate the cost of professional services, equipment supplies, labor and increased administration required to comply with the rule(s).

No economic impacts to state agencies, local governments, or members of the public, although some although some energy facility site certificate holders could benefit from reductions in delays of Council action caused by lack of quorum. The rule is not expected to impact any small businesses, result in additional reporting, recordkeeping and administrative activities or costs associated with professional services, equipment, supplies, labor or increased administration.

DESCRIBE HOW SMALL BUSINESSES WERE INVOLVED IN THE DEVELOPMENT OF THESE RULE(S):

Small businesses were not specifically consulted in the development of the proposed rule.

WAS AN ADMINISTRATIVE RULE ADVISORY COMMITTEE CONSULTED? NO IF NOT, WHY NOT?

Because the rule is not expected to result in fiscal or economic impacts and is limited in scope, consultation with a Rulemaking Advisory Committee was not considered to be appropriate.

AMEND: 345-011-0005

RULE SUMMARY: The proposed rule reduces the number of Council members that constitute a quorum from five to four, consistent with Oregon Laws 2021, chapter 110, section 1.

CHANGES TO RULE:

345-011-0005

Quorum and Rules of Order ¶

- (1) ~~Five~~four members of the Council constitute a quorum. The Council may meet to discuss any matter in the absence of a quorum but shall take no formal action on any matter unless a quorum is present.¶
- (2) A majority of the Council members present at a meeting must concur for the Council to act on any matter before it; however, in accordance with ORS 469.370(7), a Council decision to approve or reject an application for a site certificate requires the affirmative vote of at least four members.¶
- (3) The Council shall not vote on any proposed Council action unless a Council member has moved, and another Council member has seconded, the proposed action.¶
- (4) For all Council actions that result in a written order or administrative rule, the Council's action authorizes the Department of Energy to make scrivener's corrections in the written order or administrative rule.

Statutory/Other Authority: ORS 469.470

Statutes/Other Implemented: ORS 174.130, 469.370, 469.460