

A-Engrossed House Bill 4022

Ordered by the Senate February 26
Including Senate Amendments dated February 26

Sponsored by Representative BARNHART; Representatives HERNANDEZ, NOSSE, REARDON, SMITH DB, SOLLMAN (Presession filed.)

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.

Permits state agency to locate devices or facilities for providing electricity to public for electric motor vehicles in locations sufficient to meet demand for devices or facilities. Requires Oregon Department of Administrative Services to establish criteria for determining appropriate number of locations for devices and facilities.

Provides that state agency shall set price for electricity that recovers, to extent practicable, costs of operating or administering devices or facilities and that does not exceed 110 percent of market price in county for delivering electricity to public for electric motor vehicles. Requires state agency to set uniform price for electricity in accordance with criteria and calculation that department specifies.

Requires Oregon Department of Administrative Services to report to Legislative Assembly not later than February 1, 2019, February 1, 2021, and February 1, 2023, concerning state agency implementation of authority granted in Act.

Takes effect on 91st day following adjournment sine die.

A BILL FOR AN ACT

1
2 Relating to electricity for motor vehicles; creating new provisions; amending ORS 276.255; and pre-
3 scribing an effective date.

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

5 **SECTION 1.** ORS 276.255 is amended to read:

6 276.255. (1)(a) A state agency may[:]

7 [(a)] locate, on premises the state agency owns or controls, devices or facilities that the state
8 agency installs, or has installed, specifically to deliver electricity to the public for **electric motor**
9 **vehicles** [*motor vehicles that use electricity for propulsion; and*].

10 (b) **A state agency may** contract with a vendor that will distribute, dispense or otherwise make
11 available electricity from devices or facilities described in paragraph (a) of this subsection.

12 (2)(a) The Oregon Department of Administrative Services may install or have installed devices
13 or facilities described in subsection (1)(a) of this section [*at not more than 10 locations during a*
14 *biennium*] **in as many locations as are sufficient to meet demand for the devices or facilities.**

15 [(b) A state agency other than the department may install or have installed devices or facilities
16 described in subsection (1)(a) of this section at not more than five locations during a biennium.]

17 (b) **The department by rule shall establish criteria by means of which a state agency shall**
18 **determine an appropriate number of locations at which the state agency may install or have**
19 **installed devices or facilities described in subsection (1)(a) of this section.**

20 (c) Notwithstanding [*paragraphs (a) and*] **paragraph** (b) of this subsection, a state agency may
21 install or have installed devices or facilities described in subsection (1)(a) of this section at more

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 than the number of locations [*specified in paragraph (a) or (b) of this subsection*] **determined in**
2 **accordance with the department's rule** if the state agency obtains a grant to support the instal-
3 lations at each additional location.

4 (3) A state agency that contracts with a vendor under subsection (1)(b) of this section shall re-
5 quire in the contract that the vendor:

6 (a) Indemnify the state agency against any claim related to or arising out of the vendor's oper-
7 ations on premises that the state agency owns or controls; and

8 (b) Obtain a policy of liability insurance in an amount sufficient to pay foreseeable claims that
9 relate to or arise out of the vendor's operations, name the state agency as an insured party in the
10 policy and maintain coverage under the policy during the term of the contract and for two years
11 after the contract term expires.

12 (4) A state agency may by order establish and adjust prices for using devices or facilities de-
13 scribed in subsection (1)(a) of this section that are located on premises the state agency owns or
14 controls. The state agency shall set the price for using the devices or facilities at a level that [*does*
15 *not*]:

16 [*(a) Subsidize the operations of a private entity or the cost of electricity to the public; or*]

17 [*(b) Substantially exceed the costs to the state agency of making the electricity available to the*
18 *public.*]

19 (a) **Recovers to the maximum extent practicable the cost of operating and administering**
20 **the devices or facilities described in subsection (1)(a) of this section; and**

21 (b) **Does not exceed 110 percent of the average market price for delivering electricity to**
22 **the public for the purpose described in subsection (1)(a) of this section in the county in which**
23 **the device or facility is located.**

24 (5) **Subject to subsection (4) of this section, a state agency shall set a uniform price for**
25 **delivering electricity at devices and facilities located on premises that the state agency owns**
26 **or controls. The state agency shall use criteria and a methodology that the department**
27 **specifies for calculating the uniform price.**

28 (6) **The department shall report to the Legislative Assembly in the manner provided by**
29 **ORS 192.245 not later than February 1, 2019, February 1, 2021, and February 1, 2023, con-**
30 **cerning state agency implementation of the authority granted in this section. Each report**
31 **must, as of the date of the report:**

32 (a) **List the number of devices or facilities for delivering electricity to the public for**
33 **electric motor vehicles that state agencies installed or had installed in the previous two**
34 **years and the total number of installations that have occurred since the effective date of this**
35 **2018 Act;**

36 (b) **List the number of devices or facilities that state agencies have planned for installa-**
37 **tion in the next two years;**

38 (c) **List the cost to the state agency of each installation and calculate:**

39 (A) **An average cost for installations that state agencies have completed or had com-**
40 **pleted; and**

41 (B) **An overall trend line for costs that state agencies have incurred;**

42 (d) **Specify the current uniform price that each state agency charges under subsection**
43 **(5) of this section and any changes in the uniform price that occurred in the previous two**
44 **years;**

45 (e) **Specify for each state agency an average rate of utilization for all of the devices or**

1 facilities located on premises that the state agency owns or controls, calculated as the ratio
2 of the time each day during which a person is actually using the devices or facilities and the
3 time each day in which the devices and facilities are available for use; and

4 (f) Specify whether and to what extent using electric motor vehicles and devices or fa-
5 cilities located on premises that state agencies own or control to provide electricity for state
6 agency electric motor vehicles results in a cost savings to the state agency in comparison
7 to using motor vehicles that do not use electricity for propulsion.

8 SECTION 2. The amendments to ORS 276.255 by section 1 of this 2018 Act apply to con-
9 tracts for distributing, dispensing or making available electricity to the public for electric
10 motor vehicles into which a state agency enters or that the state agency renews on or after
11 the effective date of this 2018 Act.

12 SECTION 3. This 2018 Act takes effect on the 91st day after the date on which the 2018
13 regular session of the Seventy-ninth Legislative Assembly adjourns sine die.

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