

Enrolled House Bill 4022

Sponsored by Representative BARNHART; Representatives HERNANDEZ, HOLVEY, KENY-GUYER, NOSSE, REARDON, SMITH DB, SOLLMAN, Senator JOHNSON (Presession filed.)

CHAPTER

AN ACT

Relating to electricity for motor vehicles; creating new provisions; amending ORS 276.255; and prescribing an effective date.

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

SECTION 1. ORS 276.255 is amended to read:

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

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

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

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

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

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

(c) Notwithstanding [*paragraphs (a) and*] **paragraph** (b) of this subsection, a state agency may install or have installed devices or facilities described in subsection (1)(a) of this section at more than the number of locations [*specified in paragraph (a) or (b) of this subsection*] **determined in accordance with the department's rule** if the state agency obtains a grant to support the installations at each additional location.

(3) A state agency that contracts with a vendor under subsection (1)(b) of this section shall require in the contract that the vendor:

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

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

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

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

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

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

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

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

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

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

(b) List the number of devices or facilities that state agencies have planned for installation in the next two years;

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

(A) An average cost for installations that state agencies have completed or had completed; and

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

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

(e) Specify for each state agency an average rate of utilization for all of the devices or facilities located on premises that the state agency owns or controls, calculated as the ratio of the time each day during which a person is actually using the devices or facilities and the time each day in which the devices and facilities are available for use; and

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

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

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

Passed by House February 15, 2018

Repassed by House March 3, 2018

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Timothy G. Sekerak, Chief Clerk of House

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Tina Kotek, Speaker of House

Passed by Senate March 1, 2018

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Peter Courtney, President of Senate

Received by Governor:

.....M,....., 2018

Approved:

.....M,....., 2018

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Kate Brown, Governor

Filed in Office of Secretary of State:

.....M,....., 2018

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Dennis Richardson, Secretary of State