

Enrolled
House Bill 3479

Sponsored by COMMITTEE ON ENVIRONMENT

CHAPTER

AN ACT

Relating to nuclear power plant obligations; and declaring an emergency.

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

SECTION 1. (1) As used in this section:

(a) **“Agreement”** means the agreement dated October 5, 1970, and titled **“Agreement for Construction, Ownership and Operation of the Trojan Nuclear Plant,”** as amended.

(b) **“Allocated territory”** has the meaning given that term in ORS 758.400.

(c) **“Person”** means:

(A) A person as defined in ORS 174.100;

(B) A person as defined in ORS 758.400;

(C) A public body as defined in ORS 174.109; or

(D) Any combination of entities described in subparagraphs (A), (B) and (C) of this paragraph.

(d) **“Trojan obligations”** means all of the obligations and liabilities of the Portland General Electric Company to pay amounts that are due or that may become due under the agreement or that are due or that may become due as a result of a requirement imposed by a federal, state or local governmental body, agency or instrumentality.

(e) **“Utility service”** has the meaning given that term in ORS 758.400.

(2) Any person acquiring all or a portion of any allocated territory of the Portland General Electric Company, or acquiring the right to provide utility service within the allocated territory of the Portland General Electric Company, shall assume a share of Trojan obligations that is proportionate to the total amount of allocated territory or the percentage of retail customer load for which the person has acquired the right to provide utility service, whichever is greater.

(3) The assumption of Trojan obligations described in this section shall occur without regard to whether the acquisition described in subsection (2) of this section occurs through market transactions or condemnation proceedings or by any other means.

(4) Any person assuming a share of Trojan obligations shall pay all required or necessary amounts, when due, into any decommissioning or other fund established, required or approved by any federal, state or local governmental body, agency or instrumentality for the purpose of meeting Trojan obligations. A person making payments into a fund described in this subsection may use the person’s share of the fund for the purpose of meeting the person’s Trojan obligations, subject to any limitation imposed by a federal, state or local governmental body, agency or instrumentality.

(5) The obligations imposed by subsection (2) of this section do not apply to any person acquiring allocated territory or customers of the Portland General Electric Company when:

(a) The acquisition occurs pursuant to the terms of a contract allocating territory that has been approved by the Public Utility Commission under ORS 758.400 to 758.475 and that is in effect on the effective date of this 2005 Act; or

(b) The acquisition comprises less than one percent of the total allocated territory of the Portland General Electric Company or less than one-tenth of one percent of the total retail customer load of the Portland General Electric Company at the time of acquisition, whichever is greater.

SECTION 2. This 2005 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2005 Act takes effect on its passage.

Passed by House May 24, 2005

Received by Governor:

Repassed by House July 6, 2005

.....M.,....., 2005

Approved:

.....
Chief Clerk of House

.....M.,....., 2005

.....
Speaker of House

.....
Governor

Passed by Senate July 1, 2005

Filed in Office of Secretary of State:

.....
President of Senate

.....M.,....., 2005

.....
Secretary of State