

# Chapter 262

## 1979 REPLACEMENT PART

### Joint Operating Agencies for Electric Power

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## DEFINITIONS

**262.005 Definitions.** As used in ORS 262.015 to 262.105, unless the context requires otherwise:

(1) "Joint operating agency" means an agency organized by three or more cities or people's utility districts under the laws of this state for the purposes and according to ORS 262.005 to 262.105.

(2) "Privately owned electric utility company" means an electric utility operated for profit and subject to regulation by the Public Utility Commissioner of Oregon or the equivalent officer or commission of any other state.

(3) "Electric cooperative" means a cooperative corporation owning and operating an electric distribution system.

(4) "Utility properties" means plants, systems and facilities, and any enlargement or extension thereof, used for or incidental to the generation and transmission of electric power and energy; provided, however, that it shall not mean facilities for uranium refining, processing or reprocessing. [1973 c.722 §1]

**262.010** [Repealed by 1969 c.12 §1]

## GENERAL PROVISIONS

**262.015 Authority for joint operating agency formation; powers.** (1) Any three or more cities or people's utility districts or combinations thereof, organized under the laws of this state, may form a joint operating agency to plan, acquire, construct, own, operate and otherwise promote the development of utility properties in this state for the generation and transmission of electric power and energy.

(2) A joint operating agency may participate with other publicly owned utilities, including other joint operating agencies, or with electric cooperatives, or with privately owned electric utility companies, or with any combination thereof, for any purpose set forth in subsection (1) of this section, whether such agencies or utilities are organized or incorporated under the laws of this state or any other jurisdiction. However, no joint operating agency may act alone or as the managing participant to acquire, construct, own or operate utility properties, nor may a joint operating agency own more than 50 percent of any utility property, except combustion turbines.

(3) Joint operating agencies, cities, people's utility districts and privately owned utilities, or combinations thereof, may partici-

pate in joint ownership of thermal generation and transmission facilities in accordance with ORS 225.450 to 225.490 or 261.235 to 261.255. [1973 c.722 §2]

**262.020** [Repealed by 1969 c.12 §1]

**262.025 Procedure for joint operating agency formation.** A joint operating agency shall be formed and come into existence by order of the Director of the Department of Energy in accordance with the following procedures:

(1) The legislative body of each city and people's utility district desiring to form and be a member of a joint operating agency shall adopt an ordinance declaring their intention and authorizing formation and membership. The ordinance shall be effective only if submitted to the voters of the city or people's utility district voting on the ordinance at any general election or at a special election called for that purpose. The ordinance shall include:

(a) A statement of the purpose or purposes for which the joint operating agency is to be formed.

(b) A finding by the legislative body that the formation of a joint operating agency is necessary or desirable in order to plan for and provide an adequate supply of electric energy to meet the needs of the customers of publicly owned utilities in Oregon.

(c) A statement of the projected energy loads and resources relied upon by the legislative body to support such finding.

(d) A general description of the means by which the joint operating agency proposes to accomplish its purposes, including a description of any specific utility properties then identified as a proposed activity of the joint operating agency.

(e) A statement of the financial contribution, if any, to be made by the city or district to the joint operating agency at the time of organization as a condition of membership.

(2) Upon such approval of such an ordinance or ordinances, each such city and district shall file with the director an application to form and be a member of a joint operating agency. The application shall:

(a) State the proposed name of the operating agency, the proposed address of its principal business office, and the purpose or purposes for which it is to be formed;

(b) Contain a certified copy of the ordinance of each applicant city and district as approved by the voters; and

(c) State generally how the joint operating agency proposes to accomplish its purposes.

(3) The director shall cause notice of an application to be published forthwith in the bulletin referred to in ORS 183.360. Such notice shall:

(a) Summarize fairly the contents of the application;

(b) Fix a date not less than 20 nor more than 30 days after the date of publication prior to which interested parties may submit in writing any data, views, or arguments with respect to the application; and

(c) Fix a date not less than 30 nor more than 60 days after the date of publication for the entry of an order approving or disapproving an application.

(4) In considering the application, the director shall give full and fair consideration to all data, views, and arguments submitted on behalf of the applicants or any other interested person.

(5) On or before the date fixed in paragraph (c) of subsection (3) of this section, the director shall enter an order establishing the joint operating agency in accordance with the application if he finds (a) that the statements set forth in the application are substantially correct; (b) that formation of the proposed joint operating agency is necessary or desirable to plan for or provide an adequate supply of electric energy to meet the needs of the customers of publicly owned utilities in Oregon; and (c) that adequate provision has been or can be made for financing the activities of the joint operating agency. The joint operating agency shall be established as of the date of such order.

(6) If the director finds that the application is not in the required form or that additional data is required to support the application, he shall enter an order so finding. Such an order shall not preclude the applicants from filing a revised application based upon the same approved ordinances.

(7) If the director does not enter an order as authorized under subsection (5) or (6) of this section within 60 days after the date of publication, the application shall be considered approved, and the joint operating agency shall be established as of such 60th day.

(8) A joint operating agency, organized as provided by this section shall have all of the powers and responsibilities contained in ORS 262.005 to 262.105.

(9) Any party who has joined in filing an application in accordance with ORS 262.025, or who has filed timely objections to such application, and who feels aggrieved by any finding or order of the director shall have the right of judicial review pursuant to ORS 183.480. [1973 c.722 §3]

**262.030** [Repealed by 1969 c.12 §1]

**262.035 Power of agency to require financial contributions from members restricted; members contracting with agency for services.** (1) A joint operating agency shall not have the right or power to levy taxes or to assess its members for financial contributions. Each member city and district shall have the power to contribute or advance to the joint operating agency, solely out of surplus funds derived from utility operations, such sums as may be duly authorized by the utility board of the city, if there is one and, if there is no utility board, by the legislative body of the city or the district.

(2) No member of a joint operating agency shall be required to obligate all or any portion of its revenues to a joint operating agency solely because of its membership.

(3) A member may, whenever authorized by its utility board if there is one and, if there is no utility board, by its legislative body, enter into contracts with the joint operating agency to purchase capacity, energy or services and, as a part of such contracts, may agree to pay to the joint operating agency such consideration and to provide such security as it may determine advisable. [1973 c 722 §4]

**262.040** [Repealed by 1969 c.12 §1]

**262.045 Procedure for modification of or withdrawal from agency membership.**

(1) After the formation of a joint operating agency, the legislative body of any city or district not a member of the joint operating agency may adopt an ordinance and apply to the joint operating agency for membership. Such an ordinance shall not be effective unless approved by voters of the city or people's utility district as provided by ORS 262.025.

(2) Upon the affirmative vote of a majority of the members of the joint operating agency, as evidenced by resolutions adopted by their respective legislative bodies and filed with the joint operating agency, an applica-

tion for membership shall be accepted. As a condition of approving such an application, the members of a joint operating agency may require the applicant to make contributions or commitments to place the applicant in substantial parity with the existing members.

(3) A member may not withdraw from a joint operating agency, nor may a joint operating agency be dissolved, while the agency has outstanding revenue obligations for which repayment provision has not been made. When a joint operating agency has no such outstanding revenue obligations:

(a) Any member may withdraw from the joint operating agency, but will thereby forfeit any and all rights and interests which it may have in the agency and the assets thereof unless the remaining members, by resolution of their respective legislative bodies and filed with the joint operating agency, unanimously consent otherwise; however, a member may not withdraw if, following its withdrawal, the joint operating agency would have less than three members. Any withdrawing member shall remain fully liable and responsible for all contractual obligations incurred by it to the joint operating agency during the period of its membership according to the terms of such obligations.

(b) The joint operating agency may be dissolved by the unanimous agreement of the members, as evidenced by resolutions adopted by their respective legislative bodies and filed with the joint operating agency. After provision has been made for the payment of all of the dissolved agency's debts and obligations, the members shall hold its remaining assets as tenants in common. [1973 c.722 §5]

**262.055 Management of agency; directors; officers; meetings.** (1) A joint operating agency shall be managed and controlled by a board of directors. The city's utility board, if there is one and if there is no such board, the legislative body of each member city and district shall appoint a representative to serve as a director on the board. However, if the joint operating agency has less than four members, each member shall appoint two representatives to serve as directors, each of whom shall cast one-half of the votes to which the member is entitled as provided by subsection (4) of this section. Each member may appoint one or more alternates to serve as a director in the absence or disability of a representative. Each representative and alternate shall serve at the pleasure of the legislative

body of the appointing member, but no director shall serve following the withdrawal of the appointing member. Notwithstanding any other provision of law or city charter a member may appoint any of its officers and employes to serve as its representatives and alternates. A joint operating agency may provide reasonable compensation to its directors.

(2) Each director of a joint operating agency shall act as a representative of his appointing member and shall report to and be bound by the policy decisions of the utility board or legislative body thereof, as the case may be.

(3) The board of the joint operating agency shall adopt rules for calling and conducting its meetings and carrying out its business and shall adopt an official seal. All proceedings of the board shall be by motion or resolution, and shall be recorded in the minute book of the board which shall be a public record. A majority of the board shall constitute a quorum for the transaction of business; however, no motion or resolution shall be adopted unless the directors voting are entitled to cast a majority of the votes of all members of the joint operating agency.

(4) At all meetings of the board, each member city and district shall have one vote by virtue of its membership. The board of directors of a joint operating agency shall provide by resolution for voting procedures which shall take into account the relative population of the members, together with their contributions to and energy purchases from the joint operating agency, and which shall provide that the interests of smaller members will be effectively represented.

(5) The board of directors shall elect a president, vice president and secretary, who shall serve at the pleasure of the board. The officers shall perform the duties delegated to them by the board.

(6) The board of directors shall appoint a treasurer, and may appoint such other officers, agents and employes as it considers appropriate and necessary to accomplish the purposes of the joint operating agency, and may provide for their compensation, and for the duties of such other officers, agents and employes. The board may appoint trustees, paying agents, depositories and similar agents within or without the State of Oregon.

(7) All meetings of the board of directors, except meetings on matters involving the management of employes, and other labor

matters, shall be open to the public. [1973 c.722 §6]

**262.065 Duties of agency treasurer; disposition of funds; accounting system; reports; audit; appointment and duties of agency manager.** (1) Except as permitted in ORS 262.085, the treasurer shall be custodian of all funds of the joint operating agency and shall pay them out only by order of the board, except as provided in subsection (2) of this section.

(2) The board may delegate to the treasurer standing authority to make payments of routine expenses as defined by the board.

(3) Before the treasurer enters upon the treasurer's duties, the treasurer shall give bond to the joint operating agency in an amount which the board finds by resolution will protect the agency against loss, conditioned for the faithful discharge of duties and further conditioned that all funds which the treasurer receives as treasurer will be faithfully kept and accounted for. The amount of the treasurer's bond may be increased or decreased from time to time as the board may by resolution direct. The surety on such bond shall be a corporate surety authorized to do business in this state. The premiums on the bond of the treasurer shall be paid by the joint operating agency.

(4) All moneys of the joint operating agency shall be deposited by the treasurer in depositories designated by the board of directors, with such security as may be prescribed by the board. The treasurer shall establish a general fund and such special funds as may be created by the board, to which the treasurer shall credit all funds of the joint operating agency as the board by motion or resolution may direct.

(5) (a) The board shall adopt the uniform system of accounts prescribed from time to time by the Federal Power Commission and require that accounting for receipts and disbursements for the joint operating agency be accomplished in accordance with the uniform system of accounts.

(b) The board shall file with the Director of the Department of Energy an annual report in the form required by the Federal Power Commission.

(c) An annual audit shall be made in the manner provided in ORS 297.405 to 297.555. A copy of such audit shall be filed in the office

of the Secretary of State and in the office of the Director of the Department of Energy.

(6) (a) The board of each joint operating agency may appoint a manager. The manager shall be appointed for such term and receive such salary as the board shall fix by resolution. Appointments and removals of the manager shall be by resolutions adopted by a majority vote.

(b) In case of absence or temporary disability of the manager, the board shall designate an acting manager.

(c) The manager shall be chief administrative officer of the joint operating agency, shall have control of the administrative functions of the joint operating agency and shall be responsible to the board for efficient administration of all affairs of the joint operating agency placed in the manager's charge. The manager may attend meetings of the board and its committees and take part in discussion of any matters pertaining to the manager's duties, but shall have no vote. The manager shall:

(A) Carry out orders of the board and see that all laws of this state pertaining to matters within the functions of the joint operating agency are duly enforced;

(B) Keep the board advised as to the financial condition and needs of the joint operating agency;

(C) Prepare an annual estimate for the ensuing fiscal year of the probable expenses of the joint operating agency, and recommend to the board what development work should be undertaken, and any extensions and additions which should be made during the ensuing fiscal year, with an estimate of the costs of such development work, extensions and additions;

(D) Certify to the board all bills, allowances and payrolls, including claims due contractors of public works;

(E) Recommend to the board appropriate salaries of the employes of the office, and scale of salaries or wages to be paid for different classes of service required by the joint operating agency;

(F) Hire and discharge clerks, laborers and other employes under the manager's direction; and

(G) Perform such other duties as may be imposed by the board. [1973 c.722 §7; 1977 c.774 §17; 1979 c.286 §4]

**262.075 Agency as state political subdivision; eminent domain powers; financial transaction powers.** (1) Each joint operating agency shall be a political subdivision of the State of Oregon, and shall be a municipal corporation with the right to sue and be sued in its own name. Except as otherwise provided, a joint operating agency shall have all the powers, rights, privileges and exemptions conferred on people's utility districts.

(2) A joint operating agency shall have the power to acquire, hold, sell and dispose of real and other property, within or without this state, which the board of directors in its discretion finds reasonably necessary or incident to the generation and transmission of electric power and energy. However, such an agency shall not acquire or operate any facilities for the distribution of electric energy.

(3) A joint operating agency shall have the power of eminent domain which it may exercise for the purpose of acquiring property; however, a joint operating agency shall not condemn any properties owned by a publicly or privately owned utility which are being used for the generation or transmission of electric energy or power or are being developed for such purposes with due diligence, except to acquire a right of way to cross such properties in a manner which will not interfere with the use thereof by the owner.

(4) A joint operating agency shall have the power to enter into contracts, leases and other undertakings considered necessary or proper by its board, including but not limited to contracts for any term relating to the purchase, sale, interchange, assignment, allocation, transfer or wheeling of power with the Government of the United States, or any agency thereof, and with any other municipal corporation or privately owned utility, or any combination thereof, within or without the state, and may purchase, deliver or receive power anywhere.

(5) A joint operating agency shall have the power to borrow money and incur indebtedness, to issue, sell and assume evidences of indebtedness, to refund and retire any indebtedness that may exist against the agency or its revenues, and to pledge any part of its revenues. A joint operating agency may borrow from banks or other financial institutions such sums on such terms as the board considers necessary or advisable. A joint operating agency may also issue, sell and assume bond anticipation notes, refunding bond anticipation notes, or their equivalent, which shall

bear such date or dates, mature at such time or times, be in such denominations and in such form, be payable in such medium, at such place or places, and be subject to such terms of redemption, as the board considers necessary or advisable. The issuance and sale of revenue obligations by a joint operating agency shall be governed by ORS 262.085.

(6) The joint operating agency may apply for, accept, receive and expend appropriations, grants, loans, gifts, bequests and devises in carrying out its functions as provided by law.

[1973 c.722 §8]

## REVENUE OBLIGATIONS

**262.085 Authority to issue revenue obligations; procedure; rights and duties created by revenue obligations; interest rate; exemption from state taxation; immunity from personal liability in connection with issuance.** (1) To accomplish any of its corporate purposes, a joint operating agency shall have the power to issue revenue obligations payable from the revenues derived by it from its ownership of, or its participation in or contribution to the ownership or development of, any one or more utility properties. The issuance of such revenue obligations shall be governed by the provisions of subsections (2) to (13) of this section.

(2) The board of directors shall issue revenue obligations only by bond resolution. The bond resolution shall specify the corporate purposes for which the proceeds of the revenue obligations shall be expended, declare the cost of carrying out such purposes as nearly as possible, contain such covenants, and provide for the issuance and sale of revenue obligations in such form and amount as the directors determine. In declaring such cost, the directors may include the funds necessary for working capital, reserves, fuel and fuel assemblies, interest during construction and for a reasonable period thereafter, the payment of organizational and planning expenses, the repayment of advances and such other expenses as may be reasonably necessary to carry out the purposes of such resolution. The bond resolution may provide that utility properties subsequently acquired or constructed by the joint operating agency shall be considered betterments or additions to, or extensions of the specified utility property, whether or not physically connected.

(3) The bond resolution may provide for the establishment of one or more special

funds, and such funds may be under the control of the board or one or more trustees. The bond resolution may obligate the joint operating agency to deposit and expend the proceeds of the revenue obligations only into and from such fund or funds, and to set aside and pay into such fund or funds any fixed proportion or fixed amount of the revenues derived by it from any or all of its utility properties or other corporate activities, as the board in its discretion considers in the best interest of the agency. The board may issue and sell revenue obligations payable as to interest and principal only out of such fund or funds. In creating any special fund for the payment of revenue obligations, the board shall have due regard to the cost of operation and maintenance of the joint operating agency's utility properties, and to any proportion or amount of the revenues previously pledged as a fund for the payment of revenue obligations, and shall not obligate the agency to set aside into such special fund or funds a greater amount or proportion of the revenues and proceeds than in its judgment will be available over and above such cost of maintenance and operation and the amount or proportion of the revenues previously pledged.

(4) Any revenue obligations and the interest thereon issued against any fund provided for in subsection (3) of this section shall be a valid claim of the holder thereof only as against such special fund and the proportion or amount of the revenues pledged to such fund, but shall constitute a prior charge over all other charges or claims whatsoever, against such fund and the proportion or amount of the revenues pledged to the fund. Each revenue obligation shall state on its face that it is payable from a special fund, naming the fund and the resolution creating it, or shall describe the alternate method for the payment thereof as provided by the resolution authorizing the fund.

(5) Any pledge of revenues or other moneys or obligations made by a joint operating agency shall be valid and binding from the time that the pledge is made and recorded in the minute book of the joint operating agency. Revenues or other moneys or obligations so pledged and later received by a joint operating agency shall immediately be subject to the lien of the pledge without any physical delivery or further act. The lien of the pledge shall be valid and binding against any parties having claims of any kind in tort, contract or otherwise against a joint operating agency, irrespective of whether such parties have

notice thereof. Neither the resolution nor other instrument by which a pledge is created need be recorded except in the minute book of the joint operating agency, nor shall the filing of any financing statement under the Uniform Commercial Code be required to perfect such pledge.

(6) The revenue obligations issued under the provisions of subsections (1) to (5) of this section shall bear such date or dates, mature in such amounts at such time or times, be in such denominations, be in such form, either coupon or registered or both, carry such registration privileges, be made transferable, exchangeable and interchangeable, be payable in such medium, at such place or places, and be subject to such terms of redemption as the board of directors shall declare in the bond resolution.

(7) Any resolution authorizing any revenue obligation, and any revenue obligation, may provide for and contain such covenants in favor of the purchaser or holder of such obligation as the board of directors shall determine to be necessary, desirable, or convenient in order to secure and protect the obligation and its purchaser or holder and to enhance the marketability of the obligation. Among other things, such covenants may define events of default, provide for the appointment of a trustee or receiver in the event of default, and provide that any such trustee or receiver may take possession and control of any portion or all of the business and property of the joint operating agency upon the occasion of any event of default.

(8) Notwithstanding any other provision of law, the revenue obligations issued by a joint operating agency may be sold by the board of directors upon such terms and conditions and at such rate or rates of interest and for such price or prices as it may consider most advantageous to the joint operating agency, with or without public bidding. The board of directors may make contracts for the future sale from time to time of revenue obligations by which the contract purchasers shall be committed to the prices, terms and conditions stated in such contract, and the board of directors may pay such consideration as it deems proper for such commitments.

(9) The board of directors may provide by resolution for the issuance of funding and refunding revenue obligations in order to take up and refund any one or more series, or portion of a series, of outstanding revenue obligations at such time or times at or prior to the

maturity thereof as it may determine. Such refunding revenue obligations may be sold or exchanged at par or otherwise as the board of directors determines is in the best interest of the joint operating agency.

(10) The board of directors may provide in any contract for the construction, acquisition or improvement of utility properties that payment shall be made only in outstanding revenue obligations at their par value.

(11) All revenue obligations issued pursuant to this section shall be legal securities which may be used by any bank or trust company for deposit with the State Treasurer or a county treasurer or city treasurer, as security for deposits in lieu of a surety bond under any law relating to deposits of public moneys and shall constitute legal investments for trustees and other fiduciaries other than corporations doing a trust business in this state and for savings and loan associations, banks and insurance companies doing a trust business in the state. All such revenue obligations and all coupons appertaining thereto shall be negotiable instruments within the meaning of and for all purposes of the law of this state.

(12) All revenue obligations issued pursuant to this section, the interest thereon, and investment income therefrom shall be exempt from all taxes levied by the state, its agencies, instrumentalities, and political subdivisions.

(13) Neither the board of directors of the joint operating agency nor any person executing any revenue obligation or other evidence of indebtedness shall be liable personally thereon or shall be subject to personal liability or accountability by reason of the issuance thereof. [1973 c 722 §9]

## RATES

**262.095 Rates for energy furnished by agency.** The board of directors shall establish rates and collect charges for electric power and energy and related services sold, furnished or supplied by the joint operating agency. Such rates and charges shall be fair, non-discriminatory and at least adequate to provide revenues sufficient for:

(1) Payment of the principal of and interest on those obligations of the joint operating agency for which payment has not otherwise been provided;

(2) All payments which the agency is obligated to set aside in any special fund for

the repayment of obligations and to provide reserves therefor;

(3) Payment of taxes as provided by ORS 262.105; and

(4) Payments for the proper administration, operation, maintenance, repair, renewals and replacements of utility properties of the joint operating agency and to provide reserves therefor. [1973 c.722 §10]

## MISCELLANEOUS

**262.105 Taxation of agency property in same manner as private power corporations.** All property, real and personal, owned, used, operated or controlled by a joint operating agency for the transmission, production or furnishing of electric power or energy shall be assessed and taxed in the same manner and for the same purposes as similar property owned, used, operated or controlled by private corporations, other than electric cooperatives, for the purpose of furnishing electric power or energy to the public. The joint operating agency and its directors and officers shall be subject to the same requirements as are provided by law in respect to such assessment and taxation. All taxes so levied shall be payable by the joint operating agency out of its revenues as an expense of its operation. [1973 c.722 §11]

**262.110** [Repealed by 1969 c.12 §1]

**262.115 ORS 262.005 to 262.115 and 308.505 to be liberally construed; severability.** ORS 262.005 to 262.115 and 308.505 shall be liberally construed to effect its purposes. In the event that any portion of ORS 262.005 to 262.115 and 308.505 is declared invalid or otherwise unenforceable by a court of record, the remaining provisions of ORS 262.005 to 262.115 and 308.505 shall nevertheless remain in full force and effect. [1973 c 722 §13]

**Note:** Chapter 888, Oregon Laws 1977, as amended by sections 1 and 2, chapter 742, Oregon Laws 1979, provides:

**Sec. 1.** This Act shall be known as the Oregon Electric Equity Act of 1977.

**Sec. 3.** The Legislative Assembly finds and declares that it is the purpose of this Act to:

(1) Enable the State of Oregon to qualify as a customer of the Bonneville Power Administration entitled to preference and priority in sales of power from the Federal Columbia River Power System in order to obtain for

Oregon domestic and rural power consumers their equitable share of the benefits of that system; and

(2) Accomplish the policies and other purposes of this Act with minimum disturbance of the existing institutional, ownership and physical arrangements for the generation, transmission, distribution and use of power in Oregon.

**Sec. 4.** As used in this Act, except as specifically provided or unless the context requires otherwise:

(1) "Authority" means the Domestic and Rural Power Authority.

(2) "Bonneville Power Administration" means the Bonneville Power Administration, its successor or other agency or corporation of the United States authorized to sell energy generated by federal facilities located in the States of Oregon, Washington, Idaho and Montana.

(3) "Commissioner" means the Public Utility Commissioner of Oregon.

(4) "Cooperative corporation" means a cooperative formed pursuant to and governed by ORS chapter 62.

(5) "Cost" means all commonly accepted accounting costs, including but not limited to depreciation, interest on borrowed funds, maintenance of reserves for uncollectible accounts and other contingencies, and accumulation of working capital over a reasonable period of time.

(6) "Director" means the Director of the Domestic and Rural Power Authority

(7) "Domestic use" means the employment of property primarily for usual residential purposes, including but not limited to homes, apartments and mobile homes but excluding premises where tenancy is typically of a transient nature such as hotels, motels, camps, lodges and clubs. Onsite construction, remodeling or repair of property used or to be used primarily for usual residential purposes shall be considered a domestic use. Commercial and other nonresidential uses at or of property used primarily for residential purposes shall be considered included within a domestic use when the power consumed in the commercial or other nonresidential use of the property is exceeded by that consumed in the residential uses, as averaged over a typical month's consumption, and when the commercial or other nonresidential use is carried out primarily by the occupants of the residence

(8) "Farm use" means the current employment of real property including buildings and structures for the purpose of obtaining a profit in money by raising, harvesting and selling crops or by the feeding, breeding, management and sale of, or the produce of, livestock, poultry, fur-bearing animals or honeybees or for dairying and the sale of dairy products or any other agricultural or horticultural use or animal husbandry or any combination thereof. "Farm use" includes the preparation and storage of the products raised on such farmland for human use and animal use and disposal by marketing or otherwise but does not include commercial storage of agricultural or horticultural products, commercial canning, commercial freezing, brining of cherries, or terminal markets for distribution for consumption of agricultural or horticultural products, nor does it include the use of land subject to the provisions of ORS chapter 321

(9) "Federal Columbia River Power System" means those electric generating facilities, power from which is marketed in whole or in part by the Bonneville Power Administration, including but not limited to generating facilities not owned by the Federal Government, power from which is purchased by the Bonneville Power Administration.

(10) "Municipality" means any city, municipal corporation or other political subdivision in this state.

(11) "People's utility district" has the meaning given that term by ORS 261.010

(12) "Power" means electricity in any form capable of being measured, transmitted and sold for use by customers of the authority

(13) "Public utility" has the meaning given that term in ORS 757.005.

(14) "Publicly owned utility" means an electric utility owned or operated, in whole or in part, by a municipality, cooperative corporation or people's utility district.

(15) "Purchase" means acquisition by purchase, exchange, barter, gift or forgiveness of indebtedness or amounts owed.

(16) "Rural" means of or relating to property used primarily for farm use.

(17) "Sell" means to give up by sale, exchange, barter, gift or forgiveness of indebtedness or amounts owed

(18) "State" means the State of Oregon.

**Sec. 5.** The Domestic and Rural Power Authority is created as an independent public body politic and corporate to carry out the provisions of this Act. The authority constitutes a public instrumentality exercising essential public and governmental functions, and the exercise by the authority of the powers conferred by this Act shall be deemed and held to be the performance of essential public functions of the state

**Sec. 6.** (1) Subject to confirmation by the Senate in the manner provided by ORS 171.560 and 171.570, the Governor shall appoint the Director of the Domestic and Rural Power Authority in whom shall repose all the powers and duties of the authority. The director shall serve for a four-year term at the pleasure of the Governor.

(2) The director shall:

(a) Be administrative head of the authority and supervise its day-to-day functions.

(b) Have authority, within applicable budget limitations, to appoint a deputy director and in accordance with ORS chapter 240, to hire, assign, reassign and coordinate other personnel within the authority and fix their compensation. The position of deputy director shall be unclassified for purposes of ORS chapter 240.

(c) Contract for or procure on a fee or part-time basis, or both, such expert, technical or other professional services as he may require for the discharge of his duties

(d) Be authorized to participate or intervene in any proceeding before any public officer, commission, court or body of the United States or any state or political subdivision thereof for the purpose of representing interests of the power consumers of the authority which relate to the purposes for which the authority is created.

(e) Be authorized to delegate to the deputy director the exercise or discharge, in the director's name, of any power, duty or function of whatever character vested in or imposed by law upon the director.

(f) Adopt rules and issue orders to carry out his duties and those of the authority in accordance with ORS 183.310 to 183.500.

(3) The official act of the deputy director acting in the director's name and by his authority pursuant to paragraph (e) of subsection (2) of this section shall be considered to be an official act of the director.

(4) All powers of the director shall cease when the commissioner has determined on the basis of the public hearing that operation of the authority no longer results in substantial benefits to the citizens of Oregon. Such public hearing may be held at the request of any interested person, but no more frequently than once in two years. If the commissioner finds that operation of the authority no longer results in substantial benefits to the citizens of Oregon, the commissioner may prescribe time periods for phasing out the operation of the authority and such other matters as are necessary to achieve sufficient cessation of the powers and functions of the authority.

**Sec. 7.** The Domestic and Rural Power Authority shall have the following powers and duties:

(1) To make timely application for, and to purchase power from, the Bonneville Power Administration;

(2) To purchase power from public utilities and other sources;

(3) To sell power at retail to domestic and rural electricity consumers within the service area of the authority, as provided in section 8 of this Act;

(4) If power acquired under subsections (1) and (2) of this section temporarily is surplus to the needs of the authority's customers, to sell power at wholesale to any person within the terms of the agreements by which the authority obtained the power;

(5) To sell power to, or exchange power with, any other entity or person if such sale or exchange results in a greater, more economical, or more reliable supply of power to the authority;

(6) To contract with electric utilities which own transmission and distribution facilities in the authority's service area for maintenance, power transmission distribution and delivery, and such other services as the authority considers necessary and convenient to carry out the policies and purposes of this Act;

(7) To contract with any person for management, consulting, rate design, economic analysis and other similar services as the authority considers necessary and convenient to carry out the policies and purposes of this Act;

(8) To establish rates for its sale of power to its customers in the manner set forth in section 12 of this Act, and to collect receipts from its customers for its sales and other services;

(9) Within the limitations set forth in section 9 of this Act, to acquire by purchase, lease or exercise of the power of eminent domain, real and personal property necessary for the operation of the authority; and

(10) To perform any function or service that is considered necessary to carry out the policies and purposes of this Act.

**Sec. 9.** Before executing a contract for purchase of power from an entity other than the United States, the director shall:

(1) Determine the amount of power sold at retail by each public utility to domestic and rural customers in the state in the year last preceding;

(2) Determine for each public utility the ratio that the amount determined pursuant to subsection (1) of this section bears to the total amount of power sold by public utilities to domestic and rural customers in the state in that year and convert that ratio to a percentage; and

(3) Offer to purchase from each public utility that percentage of the requirements of the authority to be obtained from entities other than the United States which is equal to the percentage determined pursuant to subsection (2) of this section, up to the amount determined pursuant to subsection (1) of this section.

**Sec. 10.** (1) Before executing a contract for purchase of power from any entity other than the United States or any entity other than a public utility, the director shall find that the people of the State of Oregon would receive a greater benefit from that purchase than if that purchase would be made from a public utility.

(2) For the purposes of subsection (1) of this section "public utility" shall mean a public utility, or its corporate successor, which on January 1, 1977, provided electric service to domestic or rural customers in the state.

**Sec. 11.** (1) The authority may not purchase or acquire facilities, structures, land or equipment used by a public utility to generate, transform, distribute or measure use of power except as expressly set out in subsection (2) of this section.

(2) In order to qualify as a preference customer in sales of electric power from the United States and then only to the minimum extent necessary so to qualify, the authority may acquire real and personal property of the following types and descriptions by any means other than the power of eminent domain:

(a) Electric use meters for measurement of the amount of power consumed by any customer of the authority or for measuring power deliveries to the authority;

(b) Transformers and associated land, materials and equipment used to reduce current from voltages suitable for transmission or distribution to voltage or voltages suitable for household or farm use; and

(c) Such land, conduits, lines, poles and associated material or equipment used to carry current from the point of transference to voltage or voltages suitable for household or farm use to the customer's electric use meter

(3) The authority may not acquire, by purchase or exercise of the power of eminent domain, real and personal property set out in subsection (2) of this section if it can qualify as a preference customer in sales of electric energy from the United States by acquisition of such property by lease.

(4) Nothing in subsection (3) of this section shall be construed to require the director to initiate, or participate in, administrative appeal or litigation with respect to a finding that ownership of all or part of the utility property set forth in subsection (2) of this section is required for the authority to qualify as a preference customer in sales of electric energy from the United States.

**Sec. 12.** (1) All schedules of rates for sales of power by the authority shall be approved by the Public Utility Commissioner in the same manner as set forth in ORS chapter 757 for public utilities.

(2) The rates for sales of power shall recover the costs to the authority of operating and providing service to its customers and shall be sufficient for the authority to be self-supporting without need for continuing appropriation from the General Fund of the state.

(3) The authority shall not be operated for gain or profit or as a source of general revenue for the state.

**Sec. 12a.** Any electric power customer may appeal to the commissioner from the determination that the customer qualifies or does not qualify for service from the authority

**Sec. 13.** (1) Except in an emergency, each contract executed by the authority in an amount greater than \$50,000 for the services to be performed for the authority by a public utility shall be submitted to the commissioner for review prior to execution

(2) Upon receipt of a proposed contract, the commissioner shall within 60 days thereof.

(a) If in the commissioner's opinion it meets the requirements set forth in section 14 of this Act favorably recommend the proposed contract; or

(b) If it fails to meet such requirements, return it to the director with the commissioner's suggestions for modification of the contract or his reasons why the contract should not be executed.

(3) If the contract is returned by the commissioner, the director, after considering the commissioner's reasons for the return and any suggestions for improvement, may either execute the contract as originally proposed, execute a modified contract, or refuse to execute a contract.

(4) The action of the director pursuant to subsection (3) of this section shall be final.

**Sec. 14.** (1) All contracts for utility services rendered to the authority shall be fair and reasonable, shall provide a reasonable return on investment and shall be exempt from the provisions of ORS 279.011 to 279.055

(2) The authority shall not enter into a contract with a public utility for use of and delivery of energy over the distribution or transmission system of the public utility which provides compensation to the public utility in an amount greater than the allocated cost to the public utility of providing the service, including a reasonable return on investment. For determining cost to the public utility, the director, to the extent practicable and consistent with the terms of this Act, shall use or require the use of accounting procedures and methods consistent with those promulgated by the Federal Power Commission

**Sec. 15.** (1) Before commencing electric utility service to domestic and rural customers pursuant to this Act, the director shall offer to contract with each public utility providing electric utility service to domestic and rural customers for performance by the public utility of the services of power transmission, power distribution and system maintenance in the service area of the authority previously served by each public utility

(2) If a public utility and the director cannot agree on terms of a contract for any of the services described in subsection (1) of this section, the director or the public utility may petition the Public Utility Commissioner to arbitrate further negotiations between the authority and the public utility.

(3) The decision of the commissioner on the terms of the contract shall conform to the standards set forth in section 14 of this Act and shall be binding on the director and the public utility.

(4) In accordance with ORS 183.310 to 183.500, the commissioner shall adopt rules for the conduct of arbitration proceedings. These rules may include provisions for appointment of an arbitration panel by the commissioner or for the parties to the contract negotiations by mutual agreement to exercise the authority of the commissioner set forth in subsections (2) and (3) of this section.

**Sec. 16.** Before expiration of a contract between the authority and a public utility for performance by the public utility of the utility services set out in section 15 of this Act, either party to the contract may petition the Public Utility Commissioner for an order amending the terms of the contract. If the commissioner finds that conditions since the execution of the contract have so changed that the contract no longer conforms to the standards set forth in section 14 of this Act, he may order amendment of the contract. In exercising the powers granted by this section, the commissioner shall follow the procedures outlined in section 15 of this Act and the rules adopted thereunder.

**Sec. 17.** Subject to the limitations of subsection (5) of section 8 of this Act, the commissioner may order any public utility engaged in the business of generating, transmitting or distributing power in this state to furnish, upon demand of the authority, power to the authority at points on the public utility's generation, transmission or distribution system within the service area previously served by such public utility at such rates and upon such fair and reasonable terms and conditions as may be prescribed by the commissioner. For the purpose of such delivery any such public utility shall install at a fair and reasonable cost to the authority, on its demand, suitable substations, switches, transformers and other like and unlike apparatus.

**Sec. 18.** (1) There is hereby created in the General Fund the Domestic and Rural Power Authority Account.

(2) All funds received by the authority pursuant to law shall be paid into the State Treasury and credited to the Domestic and Rural Power Authority Account. All moneys in the account are continuously appropriated to the authority for payment of expenses of the authority pursuant to this Act

**Sec. 19.** (1) The authority may issue from time to time its revenue notes in such principal amount as the authority shall determine to be necessary to provide sufficient funds for achieving any of its corporate purposes, including the payment of interest on the revenue notes of the authority, establishment of reserves to secure such revenue notes, and all other expenditures of the authority incident to and necessary or convenient to carry out its corporate purposes and powers, but in no event shall the amount of revenue notes issued by the authority and outstanding exceed \$50 million.

(2) The authority may issue, from time to time, revenue notes to renew revenue notes, including the interest thereon. Whenever it considers refunding expedient, the authority may refund any revenue notes by the issuance of new revenue notes, provided that the revenue notes to be refunded are callable or have matured. The authority may also issue revenue notes, the proceeds of which may be used partly to refund revenue notes then outstanding and partly for any of its corporate purposes permitted under this Act. The refunding revenue notes may be exchanged for revenue notes to be refunded or sold and the proceeds applied to the purchase, redemption or payment of such revenue notes.

(3) Except as may otherwise be expressly provided by the authority, every issue of its revenue notes shall be payable out of any general revenues or funds or assets of the authority, subject only to any agreements with the holders of particular revenue notes.

**Sec. 20.** (1) Revenue notes issued by the authority pursuant to section 19 of this Act shall not constitute a debt, liability or obligation of the State of Oregon or a pledge of its full faith and credit or taxing power, but shall be payable solely from the revenues, funds or assets of the authority pledged therefor nor shall any obligation of the authority constitute a debt or liability of the state within the meaning of any constitutional or statutory limitation.

(2) Each revenue note issued by the authority shall contain on the face thereof a statement to the effect that such revenue note shall not constitute or be deemed to be a debt, liability or obligation of the State of Oregon or a pledge of its full faith and credit or taxing power, but shall be payable solely from the general revenues, assets and funds of the authority provided therefor pursuant to this Act and that such revenue note shall not create any charge upon the tax revenues or other property of the State of Oregon

**Sec. 21.** (1) Revenue notes shall be authorized by resolution or resolutions of the authority, shall bear such date or dates and shall mature at such time or times as such resolution or resolutions may provide, except that no revenue note shall mature more than 10 years from the date of its issue. The revenue notes may be issued as serial revenue notes payable in annual instalments or as term revenue notes or as a combination thereof The

revenue notes shall bear interest at such rate or rates, be in such denominations, be in such form, either coupon or registered, carry such registration privileges, be executed in such manner, be payable in such medium of payment, at such place or places, and be subject to such terms of redemption as such resolution or resolutions may provide. The revenue notes of the authority may be sold by the authority, at public or private sale, at such price or prices as the authority shall determine.

(2) Any resolution or resolutions authorizing any revenue notes or any issue thereof shall contain provisions for the creation of a special trust fund, authorize the appointment of a trustee to administer the fund, and shall obligate the authority to:

(a) Pledge all or any part of the revenues to secure the payment of the revenue notes or of any issue thereof, subject to such agreements with revenue noteholders as may then exist; and

(b) Pledge all or any part of the assets of the authority to secure the payment of the revenue notes or of any issue of revenue notes

(3) Any pledge made by the authority shall be valid and binding from the time when the pledge is made, and the revenues, moneys or property so pledged and thereafter received by the authority shall immediately be subject to the lien of such pledge without any physical delivery thereof or further act, and the lien of any such pledge shall be valid and binding as against all parties having claims of any kind in tort, contract or otherwise against the authority, irrespective of whether such parties have notice thereof. Neither the resolution nor any other instrument by which a pledge is created need be recorded.

(4) Neither the authority nor any other person executing such revenue notes shall be subject to any personal liability or accountability by reason of the issuance thereof.

(5) The authority, subject to such agreements with revenue noteholders as may then exist, shall have power out of any funds available therefor to purchase revenue notes of the authority, which shall thereupon be canceled.

(6) The revenue notes are negotiable instruments within the meaning of, and for all the purposes of, the Uniform Commercial Code, subject only to the provisions of the revenue notes for registration.

(7) In case any officer of the authority whose signature appears on any revenue notes or coupons shall cease to be such officer before the delivery of such revenue notes, such signature shall, nevertheless, be valid and sufficient for all purposes, the same as if such officer had remained in office until such delivery.

**Sec. 22.** The authority may provide for the issuance of refunding obligations for the purpose of refunding any obligations then outstanding which have been issued under the provisions of this Act, including the payment of any redemption premium thereon and any interest accrued or to accrue to the date of redemption of such obligations.

**Sec. 23.** Except as otherwise authorized or provided in this Act, all moneys of the authority shall be deposited as soon as practicable in the Domestic and Rural Power Authority Account with the State Treasurer to be invest-

ed in such manner as the funds of the state may be invested.

**Sec. 24.** The revenue notes of the authority shall be legal investments in which all public officers and public bodies of this state, its political subdivisions, all municipalities and municipal subdivisions, all insurance companies and associations and other persons carrying on all insurance business, all banks, bankers, banking associations, trust companies, savings banks and savings associations, including savings and loan associations, building and loan associations, investment companies and other persons carrying on a banking business, all administrators, guardians, executors, trustees and other fiduciaries, and all other persons whatsoever who on or after the effective date of this Act are authorized to invest in bonds or in other obligations of the state, may properly and legally invest funds, including capital, in their control or belonging to them. The revenue notes are securities which may properly and legally be deposited with and received by all public officers and bodies of the state or any agency or political subdivisions of the state and all municipalities and public corporations for any purpose for which the deposit of bonds or other obligations of the state on or after the effective date of this Act [October 4, 1977] is authorized by law.

**Sec. 24a.** The Domestic and Rural Power Authority is performing an essential governmental function in the exercise of the powers conferred upon it, and the revenue notes of the authority issued pursuant to this Act, and the income therefrom including any profit made on the sale thereof and all its fees, charges, gifts, grants, revenues, receipts and other moneys received, pledged to pay or secure the payment of such revenue notes shall at all times be free from taxation of every kind by the state and by the municipalities and all other political subdivisions of the state

**Sec. 25.** For the purposes of ORS 646.705 to 646.815, the authority shall be considered subject to regulation by the Public Utility Commissioner under ORS chapters 756 to 773

**Sec. 26.** Upon request of the director, the Attorney General, the Public Utility Commissioner and the Director of the Department of Energy shall furnish such assistance to the director as he may require.

**Sec. 27.** This Act does not apply to, or in any way restrict, the formation, acquisition, ownership, operation, or extension or expansion of service areas or facilities, or any other function of a publicly owned utility.

**Sec. 28.** In the same manner as a public utility, the authority shall be liable for and pay real and personal property taxes, business license fees, payroll taxes, user charges, franchise fees and other fees and charges assessed or levied by a municipality, county or special district. The authority shall be allowed as a credit against any tax, charge or fee assessed on its receipts or income any amounts similarly assessed on the receipts or income received by a public utility from the authority.

**Sec. 29.** The director or any other interested party, by petition to the Supreme Court or the appropriate federal court, may commence proceedings for judicial examination and judgment as to the constitutionality, legality and efficacy of this Act and any action or proceedings of the authority thereunder. The nature of the state proceeding shall be in rem and the procedure shall

follow the procedure of courts of equity. Jurisdiction of the authority and all other potential parties shall be acquired pursuant to ORS 33.720. The Supreme Court shall have sole and exclusive jurisdiction of state proceedings initiated under this section.

**Sec. 30.** If any provision of this Act is declared unconstitutional or ineffective, in whole or in part, to the extent that other provisions of this Act are not unconstitutional or ineffective the other provisions shall be valid and effective, and no other provision on account of the finding of unconstitutionality or ineffectiveness shall be considered invalid or ineffective.

**Sec. 31.** (1) There hereby is appropriated to the Domestic and Rural Power Authority, for the biennium beginning July 1, 1977, out of the General Fund, the sum of \$5,000 for the purpose of carrying out the provisions of this Act.

(2) When the director determines that moneys in sufficient amount are available in the Domestic and Rural Power Authority Account of the General Fund created by section 18 of this Act, but in no event later than two years after commencement of power sales by the authority to domestic and rural consumers, the director shall cause the General Fund to be reimbursed without interest, in an amount equal to the amount from the General Fund appropriated and expended as provided in subsection (1) of this section. The moneys used to reimburse the General Fund under this subsection shall not be considered as a budget item on which a limitation is otherwise fixed by law, but shall be in addition to any specific biennial appropriation or amounts authorized to be expended from continually appropriated moneys for any biennial period.

**Sec. 37.** (1) At least 120 days before the authority commences power sales to domestic and rural consumers pursuant to this Act, and annually thereafter, the commissioner shall determine for each publicly owned utility within the state the increased cost, caused by the authority, of power for all customers of the utility during the following 12 months. The determination may be made at the request of the publicly owned utility in the manner provided for a contested case under ORS 183.310 to 183.500.

(2) A publicly owned utility within the state whose customers are determined to be adversely affected by the authority pursuant to subsection (1) of this section may apply to the director within 60 days of the commissioner's determination for relief under this section. The director shall then grant to the publicly owned utility from the revenues of the authority sufficient funds to reimburse on an annual basis the publicly owned utility for the total increased costs determined under subsection (1) of this section and to hold the utility harmless from any adverse impact from the authority.

(3) Notwithstanding the provisions of section 12 of this Act, the director may adjust the rates for electric service charged by the authority to reflect the additional cost to the authority of the grants made under subsection (2) of this section.

**Sec. 39.** If the Supreme Court finds that the provisions of Article XI-D of the Oregon Constitution prohibit a single director from administering the functions of the authority, then section 6 of this Act is repealed and sections 40 to 42 are enacted in lieu thereof.

**Sec. 40.** (1) The Domestic and Rural Power Authority shall be administered by a three-member board in which shall be vested all the powers, duties and responsibilities of the authority. The members shall be nominated and elected by the voters of the state in the same manner as provided for the Superintendent of Public Instruction in ORS 252.150 to 252.205. The term of office shall be four years.

(2) The first elected members of the board shall be elected at the first primary election or biennial regular election after the finding of the Supreme Court described in section 39 of this Act. Until the initial election of members of the board, the Governor may appoint the members of the board whose terms of office shall continue until the election of new members. Appointment of members of the board by the Governor shall be subject to confirmation by the Senate in the manner provided by ORS 171.560 and 171.570. To qualify as a member of the board, a person must be a resident of the state and be at least 21 years of age at the time of assumption of office.

(3) The terms of office of the first elected members of the board shall be determined by lot at the first meeting of the board as follows:

(a) Two shall hold office until the first Monday in January following the second biennial regular election after the initial election of members of the board.

(b) One shall hold office until the first Monday in January following the first biennial regular general election after the initial election of members of the board.

(4) The members shall at their first meeting elect one of their members chairman and one vice chairman. A majority of the members shall constitute a quorum for the transaction of business, and the decision by a majority of the members shall be deemed to be the act and decision of the board.

(5) A member of the board is entitled to compensation and expenses as provided in ORS 292.495.

**Sec. 41.** (1) The board shall:

(a) Direct the administration of the authority and supervise its day-to-day functions.

(b) Have authority to hire a director of the authority who shall serve at the pleasure of the authority.

(c) Have authority, within applicable budget limitations and in accordance with ORS chapter 240, to hire, assign, reassign and coordinate other personnel within the authority and fix their compensation.

(d) Contract for or procure on a fee of part-time basis, or both, such expert, technical or other professional services as they may require for the discharge of their duties.

(e) Be authorized to participate or intervene in any proceeding before any public officer, commission, court or body of the United States or any state or political subdivision thereof for the purpose of representing interests of the power consumers of the authority which relate to the purposes for which the authority is created.

(f) Be authorized to delegate to any of the employees of the authority the exercise or discharge, in the name of

the authority, of any power, duty or function of whatever character vested in or imposed by law upon the authority.

(g) Adopt rules and issue orders to carry out duties, powers and responsibilities of the authority in accordance with ORS 183.310 to 183.500.

(2) The official act of any person acting in the name of the authority and by the authority of the board pursuant to paragraph (f) of subsection (1) of this section shall be considered to be an official act of the authority.

**Sec. 42.** (1) The duties, powers and responsibilities of the director set forth in this Act are transferred to the board.

(2) Legislative Counsel shall substitute words designating the board for words in this Act designating the director.

**Sec. 43.** Exercise of functions and powers granted to the authority under chapter 888, Oregon Laws 1977, shall commence on March 1, 1981, and then only after the following conditions have occurred: (1) That the 96th Congress has not enacted a regional power bill, which the Governor finds will provide equitable costs of power to all Oregon consumers and (2) the commissioner has determined, on the basis of a hearing on the record pursuant to ORS 183.310 to 183.500, that such exercise will result in substantial benefits to the citizens of Oregon. Exercise of the functions and powers granted to the authority in sections 7 and 19 under chapter 888, Oregon Laws 1977, shall not commence until any appeal from the determination of the commissioner shall have been completed.

**Sec. 44.** Chapter 888, Oregon Laws 1977, is repealed, effective July 1, 1985.

262.120 [Repealed by 1969 c.12 §1]

262.130 [Repealed by 1969 c.12 §1]

262.140 [Repealed by 1969 c.12 §1]

262.150 [Repealed by 1969 c.12 §1]

262.160 [Repealed by 1969 c.12 §1]

262.170 [Repealed by 1969 c.12 §1]

262.180 [Repealed by 1969 c.12 §1]

262.190 [Repealed by 1969 c.12 §1]

262.200 [Repealed by 1969 c.12 §1]

262.210 [Repealed by 1969 c.12 §1]

262.220 [Repealed by 1969 c.12 §1]

262.230 [Repealed by 1969 c.12 §1]

262.240 [Repealed by 1969 c.12 §1]

262.250 [Repealed by 1969 c.12 §1]

262.260 [Repealed by 1969 c.12 §1]

262.270 [Repealed by 1969 c.12 §1]

262.310 [Repealed by 1969 c.12 §1]

262.320 [Repealed by 1969 c.12 §1]

262.330 [Repealed by 1969 c.12 §1]

262.340 [Repealed by 1969 c.12 §1]

262.350 [Repealed by 1969 c.12 §1]

262.360 [Repealed by 1969 c.12 §1]

262.370 [Repealed by 1969 c.12 §1]

262.380 [Repealed by 1969 c.12 §1]

262.410 [Amended by 1967 c.293 §28; repealed by 1969 c.12 §1]

262.420 [Repealed by 1969 c.12 §1]

262.430 [Repealed by 1969 c.12 §1]

262.440 [Repealed by 1969 c.12 §1]

262.450 [Repealed by 1969 c.12 §1]

262.460 [Repealed by 1969 c.12 §1]

262.470 [Repealed by 1969 c.12 §1]

262.510 [Repealed by 1969 c.12 §1]

262.520 [Repealed by 1969 c.12 §1]

262.530 [Repealed by 1969 c.12 §1]

262.540 [Repealed by 1969 c.12 §1]

262.550 [Repealed by 1969 c.12 §1]

262.610 [Repealed by 1969 c.12 §1]

262.620 [Repealed by 1969 c.12 §1]

262.630 [Repealed by 1969 c.12 §1]

#### CERTIFICATE OF LEGISLATIVE COUNSEL

Pursuant to ORS 173.170, I, Thomas G. Clifford, Legislative Counsel, do hereby certify that I have compared each section printed in this chapter with the original section in the enrolled bill, and that the sections in this chapter are correct copies of the enrolled sections, with the exception of the changes in form permitted by ORS 173.160 and other changes specifically authorized by law.

Done at Salem, Oregon,  
October 1, 1979.

Thomas G Clifford  
Legislative Counsel