

House Bill 3244

Sponsored by Representative READ; Representatives BRUUN, CANNON, DALLUM, DINGFELDER, D EDWARDS, GALIZIO, HUNT, JENSON, NATHANSON, OLSON, G SMITH, Senator AVAKIAN

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 **as introduced**.

Creates Sustainability Board. Establishes membership and duties. Directs board to identify, evaluate and propose incentives for purpose of encouraging activities that sustain, protect and enhance quality of environment, economy and communities.

Establishes Sustainability Board Fund. Continuously appropriates moneys in fund to board.

A BILL FOR AN ACT

1
2 Relating to Sustainability Board; and appropriating money.

3 Whereas the Governor of the State of Oregon has adopted objectives to support sustainability;
4 and

5 Whereas efforts in advancing sustainability exist throughout state government and a
6 Sustainability Board would complement those efforts statewide; and

7 Whereas it is the intent of the Governor and the Legislative Assembly, in pursuit of goals for
8 state government, that the state should employ the knowledge, expertise and creativity of Oregon's
9 citizens, build upon existing private and public efforts throughout the state to ensure efficient and
10 complementary results, develop voluntary, incentive-based and performance oriented systems to
11 supplement traditional regulatory approaches, use good science to measure resource use, environ-
12 mental health and costs to determine progress in achieving desired outcomes and establish clear
13 measurable goals and targets to guide state efforts toward sustainability; and

14 Whereas initial efforts to develop and utilize sustainable practices are occurring in business and
15 citizen organizations, and there exists an opportunity to find broad agreement and support for
16 practical steps toward more sustainable practices in Oregon; and

17 Whereas it is desirable to ensure that the state implements these directions and extends these
18 goals and actions to any entity or sector that wishes to share in these goals or actions; now,
19 therefore,

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

21 **SECTION 1. For purposes of sections 1 to 8 of this 2007 Act:**

22 (1) **"Board"** means the Sustainability Board established pursuant to section 2 of this 2007
23 **Act.**

24 (2) **"Incentive"** means a benefit conferred by any government body or agency upon a
25 **person for undertaking an activity designed, at least in part, to improve, enhance or sustain**
26 **the protection or quality of the environment, while at the same time having no significant,**
27 **deleterious economic effect.**

28 (3) **"Negative incentive"** means a liability or cost imposed by any government body or
29 **agency other than the resultant incidental consequences of government body or agency de-**
30 **isions.**

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 (4) "Sustainability" has the meaning given that term in ORS 184.421.

2 **SECTION 2.** (1) There is created within the Oregon Department of Administrative Ser-
 3 vices a Sustainability Board consisting of the Governor or the Governor's representative and
 4 10 additional members appointed by the Governor. In appointing members, the Governor
 5 shall seek to appoint persons from all geographic regions of the state and from all commu-
 6 nities who have a demonstrated ability to work in a cooperative and collaborative manner
 7 with people of diverse interests. The Governor shall also seek to appoint members from the
 8 following fields who have experience in matters pertinent to the effective operation of the
 9 board:

- 10 (a) Business;
- 11 (b) Small business;
- 12 (c) Natural resources, community health or economics;
- 13 (d) Sustainability; and
- 14 (e) Conservation of natural resources.

15 (2) The term of office of each member is four years, but a member serves at the pleasure
 16 of the Governor. Before the expiration of the term of a member, the Governor shall appoint
 17 a successor whose term begins on the January 1 next following. A member is eligible for
 18 reappointment. If there is a vacancy for any cause, the Governor shall make an appointment
 19 to become immediately effective for the unexpired term.

20 (3) The members of the board must be residents of this state. Failure of a member to
 21 maintain compliance with the eligibility requirements related to the member's appointment
 22 shall result in disqualification from serving on the board.

23 (4) The appointment of a member of the board is subject to confirmation by the Senate
 24 in the manner prescribed in ORS 171.562 and 171.565.

25 (5) All agencies, departments and officers of this state are directed to assist the board
 26 in the performance of its functions and to furnish such information and advice as the
 27 members of the board consider necessary to perform their functions.

28 **SECTION 3.** (1) In addition to any other duties or powers provided by law, the
 29 Sustainability Board:

30 (a) Shall identify, evaluate and propose incentives and the removal of negative incentives
 31 for the purposes of encouraging activities that best sustain, protect and enhance the quality
 32 of the environment, economy and community for the present and future benefit of
 33 Oregonians.

34 (b) Shall make recommendations and propose legislation, regulatory changes or policy
 35 modifications to agencies, the Governor, the Legislative Assembly, private entities or other
 36 bodies regarding the adoption of identified incentives and removal of identified negative in-
 37 centives.

38 (c) Shall develop and promote policies and programs that will assist in the meeting of
 39 sustainability goals specified in ORS 184.423.

40 (d) Shall submit a biennial report to the Legislative Assembly by March 31 of each odd-
 41 numbered year on the board's activities and recommendations.

42 (e) May apply for and accept, from whatever source, appropriations, gifts or grants of
 43 money or other property. The board shall deposit moneys received under this paragraph into
 44 the State Treasury to the credit of the Sustainability Board Fund established under section
 45 8 of this 2007 Act.

1 (f) Shall consult with and seek comment from trade associations, organizations, busi-
 2 nesses and other groups and individuals representing pertinent interests as part of develop-
 3 ing recommendations.

4 (g) Shall develop and promote proposals that jointly and mutually enhance local econo-
 5 mies, the environment and community health for the present and future benefit of
 6 Oregonians.

7 (2) Nothing in this section is meant to discourage or prohibit any person, group or com-
 8 mittee from discussing or proposing mechanisms, including the modification of tax policies,
 9 to promote sustainability.

10 **SECTION 4.** Notwithstanding the term of office specified by section 2 of this 2007 Act,
 11 of the members first appointed to the Sustainability Board:

12 (1) Two shall serve for a term ending January 1, 2009.

13 (2) Three shall serve for terms ending January 1, 2010.

14 (3) Three shall serve for terms ending January 1, 2011.

15 (4) Two shall serve for terms ending July 1, 2011.

16 **SECTION 5.** (1) The Governor, or a member of the Sustainability Board designated by the
 17 Governor, shall serve as the chairperson of the board. The board shall select one of its
 18 members as vice chairperson. The board shall determine the terms, duties and powers nec-
 19 essary for the performance of the functions of such offices.

20 (2) A majority of the members of the board constitutes a quorum for the transaction of
 21 business.

22 (3) The board shall meet at least once every three months at a place, day and hour de-
 23 termined by the board. The board also shall meet at other times and places specified by the
 24 call of the chairperson or of a majority of the members of the board.

25 (4) The board may establish rules of procedure for operations. The board shall seek
 26 agreement by consensus but may adopt positions by vote pursuant to procedures adopted by
 27 the board.

28 **SECTION 6.** (1) The Sustainability Board shall appoint a director to serve at the pleasure
 29 of the board. The appointment of the director shall be subject to confirmation by the Senate
 30 as provided in section 4, Article III, Oregon Constitution.

31 (2) The designation of the director must be by written order, filed with the Secretary of
 32 State.

33 (3) The director shall receive such salary as may be fixed by the board. In addition, the
 34 director shall receive actual and necessary travel and other expenses incurred in the per-
 35 formance of official duties as provided in ORS 292.495.

36 (4) Subject to any applicable provisions of the State Personnel Relations Law, the director
 37 shall appoint all subordinate officers and employees of the board, prescribe their duties and
 38 fix their compensation.

39 **SECTION 7.** In accordance with applicable provisions of ORS chapter 183, the
 40 Sustainability Board may adopt rules necessary for governing its operations and procedures.

41 **SECTION 8.** (1) The Sustainability Board Fund is established in the State Treasury, sep-
 42 arate and distinct from the General Fund. Interest earned by the Sustainability Board Fund
 43 shall be credited to the fund.

44 (2) All moneys received by the Sustainability Board under section 3 of this 2007 Act shall
 45 be paid into the State Treasury and deposited into the General Fund to the credit of the

1 **Sustainability Board Fund. Such moneys are continuously appropriated to the Sustainability**
2 **Board for the purposes of administering sections 1 to 8 of this 2007 Act.**

3 **SECTION 9. Section 6 of this 2007 Act becomes operative July 1, 2009.**

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