

House Bill 3543

Sponsored by Representative DINGFELDER, Senator AVAKIAN; Representatives CANNON, MACPHERSON, MERKLEY

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**.

Establishes greenhouse gas emissions reduction goals. Creates Oregon Global Warming Commission. Establishes membership and duties. Directs commission to coordinate local and state efforts to halt growth of greenhouse gas emissions. Directs Public Utility Commission to consider environmental impacts of emissions of greenhouse gases attributable to electric companies. Creates Oregon Climate Change Research Institute.

Appropriates moneys from General Fund to State Department of Energy for administrative expenses of commission and to Department of Higher Education to fund Oregon Climate Change Research Institute.

Declares emergency, effective on passage.

A BILL FOR AN ACT

Relating to climate change; appropriating money; and declaring an emergency.

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

LEGISLATIVE FINDINGS

SECTION 1. The Legislative Assembly finds that:

(1) **The United Nations Environment Programme and World Meteorological Organization Intergovernmental Panel on Climate Change stated in its "Climate Change 2007" report that warming of the climate system is "unequivocal" and that it is possible to conclude with a "very high confidence" level that human activities since 1750 have had a warming effect on the climate.**

(2) **In December 2004 the Governor's Advisory Group on Global Warming issued its report calling for immediate and significant action to address global warming, to reduce Oregon's exposure to the risks of global warming and to begin to prepare for the effects of global warming. The advisory group also identified 46 specific recommendations for measurable reductions in the state's greenhouse gas emissions.**

(3) **In partnership with the Governor's advisory group, 50 scientists signed the "Scientific Consensus Statement on the Likely Impacts of Climate Change on the Pacific Northwest," which examined the potential effects of climate change on temperature, precipitation, sea level, marine ecosystems and terrestrial ecosystems. The scientists recommended additional, improved scientific studies and modeling of the effects of climate change on the atmosphere, oceans and land, as well as modeling of the effects of economic and management policies.**

(4) **Global warming poses a serious threat to the economic well-being, public health, natural resources and environment of Oregon.**

(5) **Global warming has been connected to rising sea levels on the Oregon coast, shrinking snowpack in the Cascade Mountains and increasing numbers of forest fires throughout**

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 the state.

2 (6) Oregon is especially vulnerable to global warming because of the state's dependence
 3 on snowpack for summer stream flows to provide energy, municipal water, watershed health
 4 and irrigation and because the expected rise in sea levels threatens coastal communities.
 5 Reduced snowpack, changes in the timing of stream flows, extreme or unusual weather
 6 events, rising sea levels, increased occurrences of vector-borne diseases and increased num-
 7 bers of forest fires could significantly impact the economy, environment and quality of life
 8 in Oregon.

9 (7) Global warming will have detrimental effects on many of Oregon's largest industries,
 10 including agriculture, wine making, tourism, skiing, recreational and commercial fishing,
 11 forestry and hydropower generation, and will therefore negatively impact the state's work-
 12 ers, consumers and residents.

13 (8) There is a need to assess the trend of greenhouse gas emissions in Oregon over the
 14 next several decades and to take immediate action to begin reducing greenhouse gas emis-
 15 sions in order to prevent disruption of Oregon's economy and quality of life and to meet
 16 Oregon's responsibility to reduce the impacts and the pace of global warming.

17 (9) Oregon has been a national leader in energy conservation and environmental
 18 stewardship, including the areas of energy efficiency requirements and investments,
 19 renewable energy investments, natural resource conservation, greenhouse gas offset re-
 20 quirements and investments and global warming pollution standards for passenger vehicles.
 21 Significant opportunities remain to reduce greenhouse gas emissions statewide, especially
 22 from activities that are major contributors of greenhouse gas emissions, including electricity
 23 production, transportation and building construction and operation.

24 (10) Actions to reduce greenhouse gas emissions will lead to the development of tech-
 25 nology, attract new businesses to Oregon and increase energy efficiency throughout the
 26 state, resulting in benefits to the economy and to individual businesses and residents.

27 (11) Policies pursued, and actions taken, by Oregon will:

28 (a) In concert with complementary policies and actions by other states and the federal
 29 government, substantially reduce the global levels of greenhouse gas emissions and the im-
 30 pacts of those emissions;

31 (b) Encourage similar policies and actions by various stakeholders;

32 (c) Inform and shape national policies and actions in ways that are advantageous to
 33 Oregon residents and businesses; and

34 (d) Directly benefit the state and local governments, businesses and residents.

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 36 **GREENHOUSE GAS EMISSIONS REDUCTION GOALS**

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 38 **SECTION 2.** (1) The Legislative Assembly declares that it is the policy of this state to
 39 halt the growth and begin the reduction of greenhouse gas emissions in Oregon and by doing
 40 so, achieve the following greenhouse gas emissions reduction goals:

41 (a) By 2010, arrest the growth of Oregon's greenhouse gas emissions and begin to reduce
 42 greenhouse gas emissions.

43 (b) By 2020, achieve greenhouse gas levels that are 10 percent below 1990 levels.

44 (c) By 2050, achieve greenhouse gas levels that are at least 75 percent below 1990 levels.

45 (2) The Legislative Assembly declares that it is the policy of this state for state and local

1 governments, businesses, nonprofit organizations and individual residents to prepare for the
2 effects of global warming and by doing so, prevent and reduce the social, economic and en-
3 vironmental effects of global warming.

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5 **DEFINITIONS**

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7 **SECTION 3.** As used in sections 1 to 16 of this 2007 Act:

8 (1) "Electric company" has the meaning given that term in ORS 757.600.

9 (2) "Global warming" means an increase in the average temperature of the earth's at-
10 mosphere that is associated with the release of greenhouse gases.

11 (3) "Greenhouse gas" means any gas that contributes to anthropogenic global warming
12 including, but not limited to, carbon dioxide, methane, nitrous oxide, ozone,
13 hydrofluorocarbons, perfluorocarbons and sulfur hexafluoride.

14 (4) "Greenhouse gas cap-and-trade system" means a system that:

15 (a) Establishes a total cap on greenhouse gas emissions from an identified group of
16 emitters;

17 (b) Establishes a market for allowances that represent emissions; and

18 (c) Allows trading of allowances among greenhouse gas emitters.

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20 **PUBLIC UTILITY COMMISSION OF OREGON**

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22 **SECTION 4.** When reviewing an electric company's resource plans and acquisitions, the
23 Public Utility Commission of Oregon shall consider the environmental impacts in Oregon of
24 emissions of greenhouse gases associated with the company's generation of electricity to
25 serve its retail electricity consumers.

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27 **OREGON GLOBAL WARMING COMMISSION**

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29 **SECTION 5.** (1) There is created the Oregon Global Warming Commission. The commis-
30 sion shall consist of 21 voting members, including 11 members appointed by the Governor
31 under this section and 10 ex officio members specified in section 6 of this 2007 Act.

32 (2) The Governor shall select a chairperson and a vice chairperson from among the
33 members appointed under this section.

34 (3) The term of office of a member appointed under this section is four years. Before the
35 expiration of the term of a member, the Governor shall appoint a successor whose term be-
36 gins on January 31 next following. A member appointed under this section is eligible for re-
37 appointment. In case of vacancy for any cause, the Governor shall make an appointment to
38 become immediately effective for the unexpired term.

39 (4) The members of the commission appointed under this section must be residents of
40 this state. Failure of a member to maintain compliance with the eligibility requirements re-
41 lated to the member's appointment shall result in disqualification from serving on the com-
42 mission.

43 (5) Members of the commission appointed under this section are entitled to expenses as
44 provided in ORS 292.495 (2).

45 (6) Members of the commission appointed under this section shall be appointed so as to

1 be representative of the social, environmental, cultural and economic diversity of the state
2 and to be representative of the policy, science, education and implementation elements of the
3 efforts to reduce greenhouse gas emissions and to prepare Oregon for the effects of global
4 warming.

5 **SECTION 6.** (1) In addition to the members appointed under section 5 of this 2007 Act,
6 the Oregon Global Warming Commission shall include the following ex officio members:

- 7 (a) The Director of the State Department of Energy;
- 8 (b) The Director of Transportation;
- 9 (c) The chairperson of the Public Utility Commission of Oregon;
- 10 (d) The Director of the Department of Environmental Quality;
- 11 (e) The Director of Agriculture; and
- 12 (f) The State Forester.

13 (2) The following representatives of the Legislative Assembly also shall serve as ex officio
14 members:

- 15 (a) Two members of the Senate appointed by the President of the Senate; and
- 16 (b) Two members of the House of Representatives appointed by the Speaker of the House
17 of Representatives.

18 (3) Each legislative member serves at the pleasure of the appointing authority and may
19 serve so long as the member remains in the chamber of the Legislative Assembly from which
20 the member was appointed.

21 **SECTION 7.** Notwithstanding the term of office specified by section 5 of this 2007 Act,
22 of the members first appointed to the Oregon Global Warming Commission pursuant to
23 section 5 of this 2007 Act:

- 24 (1) Three shall serve for terms ending January 1, 2009.
- 25 (2) Three shall serve for terms ending January 1, 2010.
- 26 (3) Three shall serve for terms ending January 1, 2011.
- 27 (4) Two shall serve for terms ending July 1, 2011.

28 **SECTION 8.** (1) A majority of the members of the Oregon Global Warming Commission
29 constitutes a quorum for the transaction of business.

30 (2) The commission shall meet at times and places specified by a majority of the members
31 of the commission.

32 (3) The State Department of Energy shall provide clerical, technical and management
33 personnel to serve the commission. Other agencies shall provide support as requested by the
34 department or the commission.

35 **SECTION 9.** In accordance with applicable provisions of ORS chapter 183, the Oregon
36 Global Warming Commission shall adopt by rule such standards and procedures as it con-
37 sidered necessary and proper in carrying out the duties, functions and powers of the com-
38 mission.

39 **SECTION 10.** The Oregon Global Warming Commission shall coordinate state and local
40 efforts to halt the growth and begin the reduction of greenhouse gas emissions in Oregon
41 consistent with the greenhouse gas emissions reduction goals established by section 2 of this
42 2007 Act and shall coordinate efforts to help Oregon prepare for the effects of global warm-
43 ing. The commission shall review state agency policies and measures to mitigate and prepare
44 for the effects of global warming and shall recommend to the Governor, the Legislative As-
45 sembly, local governments, businesses and residents policies, strategies and measures de-

1 signed to reduce greenhouse gas emissions and to prepare for the effects of global warming.

2 **SECTION 11.** (1) In furtherance of the greenhouse gas emissions reduction goals estab-
 3 lished by section 2 of this 2007 Act, the Oregon Global Warming Commission shall recom-
 4 mend statutory or administrative or other policy changes that may be carried out by state
 5 and local governments, businesses, nonprofit organizations or residents. The commission
 6 shall solicit and consider public comment relating to statutory or policy recommendations.

7 (2) The commission shall examine greenhouse gas cap-and-trade systems, including a
 8 statewide carbon cap-and-trade system, as a means of achieving the greenhouse gas emis-
 9 sions reduction goals established by section 2 of this 2007 Act.

10 (3) The commission shall recommend to state and local governments, businesses and
 11 residents additional measures for reducing greenhouse gas emissions and for preparing for
 12 the effects of global warming.

13 **SECTION 12.** The Oregon Global Warming Commission shall develop a communications
 14 strategy to educate Oregon businesses and residents about the scientific aspects and eco-
 15 nomic impacts of global warming and to inform businesses and residents of ways to reduce
 16 greenhouse gas emissions and prepare for the effects of global warming. The commission,
 17 at a minimum, shall work with state and local governments, the State Department of En-
 18 ergy, the Department of Education, the State Board of Higher Education and businesses to
 19 implement the communications strategy.

20 **SECTION 13.** (1) The Oregon Global Warming Commission shall track and evaluate:

21 (a) The physical science of global warming;

22 (b) Economic, environmental, health and social assessments of global warming impacts
 23 on Oregon and the Pacific Northwest;

24 (c) Existing greenhouse gas emissions reduction policies and measures;

25 (d) Progress toward the greenhouse gas emissions reduction goals established by section
 26 2 of this 2007 Act;

27 (e) Greenhouse gases emitted by various sectors of the state economy, including but not
 28 limited to industrial, transportation and utility sectors;

29 (f) Technological progress on sources of energy the use of which generates no or low
 30 greenhouse gas emissions and methods for carbon sequestration;

31 (g) Efforts to identify the greenhouse gas emissions attributable to the residential and
 32 commercial building sectors;

33 (h) The advancement of regional, national and international policies to reduce greenhouse
 34 gas emissions;

35 (i) Local and regional efforts to prepare for the effects of global warming; and

36 (j) Any other information, policies or analyses that the commission determines will aid
 37 in the achievement of the greenhouse gas emissions reduction goals established by section
 38 2 of this 2007 Act.

39 (2) The commission shall:

40 (a) Work with the State Department of Energy and the Department of Environmental
 41 Quality to evaluate all gases with the potential to be greenhouse gases and to determine a
 42 carbon dioxide equivalency for those gases; and

43 (b) Use regional and national baseline studies of building performance to identify incre-
 44 mental targets for the reduction of greenhouse gas emissions attributable to residential and
 45 commercial building construction and operations.

MISCELLANEOUS

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SECTION 18. The unit captions used in this 2007 Act are provided only for the convenience of the reader and do not become part of the statutory law of this state or express any legislative intent in the enactment of this 2007 Act.

SECTION 19. This 2007 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2007 Act takes effect on its passage.
