

House Bill 3610

Sponsored by COMMITTEE ON ELECTIONS, ETHICS AND RULES (at the request of House Interim Committee on Energy and the Environment)

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**.

Requires that certain state agencies report recommendations regarding greenhouse gas emissions reduction goals to Oregon Global Warming Commission. Modifies rulemaking authority of Environmental Quality Commission. Clarifies ex officio nonvoting membership of Oregon Global Warming Commission. Clarifies that majority of voting members of Oregon Global Warming Commission constitutes quorum for transaction of business. Requires certain reporting to Legislative Assembly.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to climate change; creating new provisions; amending ORS 468A.005, 468A.050, 468A.220,
3 468A.225 and 468A.235; repealing ORS 468A.210; and declaring an emergency.

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

5 **SECTION 1. Section 2 of this 2008 Act and ORS 468A.200, 468A.205, 468A.215, 468A.220,**
6 **468A.225, 468A.230, 468A.235, 468A.240, 468A.245, 468A.250, 468A.255 and 468A.260 are added to**
7 **and made a part of ORS chapter 468A.**

8 **SECTION 2. (1) The following agencies shall evaluate policies and measures that could**
9 **contribute to meeting the greenhouse gas emissions reduction goals specified in ORS**
10 **468A.205:**

11 (a) **The State Department of Energy;**

12 (b) **The Department of Transportation;**

13 (c) **The Public Utility Commission;**

14 (d) **The State Forestry Department;**

15 (e) **The Department of Environmental Quality;**

16 (f) **The Water Resources Department;**

17 (g) **The Department of Higher Education;**

18 (h) **The State Department of Agriculture;**

19 (i) **The Department of Land Conservation and Development;**

20 (j) **The Oregon Department of Administrative Services; and**

21 (k) **Any other agency designated by the Oregon Global Warming Commission.**

22 (2) **After performing the evaluation required by subsection (1) of this section, an agency**
23 **specified in subsection (1) of this section shall prepare a report that sets forth specific rec-**
24 **ommendations to help the State of Oregon achieve the greenhouse gas emissions reduction**
25 **goals specified in ORS 468A.205. The report shall identify the cost to the agency of imple-**
26 **menting the recommendations.**

27 (3) **In making the recommendations specified in subsection (2) of this section, each**
28 **agency shall evaluate the costs and benefits to the economy of Oregon of implementing the**

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 **recommendations.**

2 **(4) Each agency shall submit the report specified in subsection (2) of this section to the**
 3 **Oregon Global Warming Commission before October 1 of each even-numbered year.**

4 **SECTION 3.** ORS 468A.005 is amended to read:

5 468A.005. As used in ORS chapters 468, 468A and 468B, unless the context requires otherwise:

6 (1) "Air-cleaning device" means any method, process or equipment [*which*] **that** removes, re-
 7 duces or renders less noxious air contaminants prior to their discharge in the atmosphere.

8 (2) "Air contaminant" means a dust, fume, gas, mist, odor, smoke, vapor, pollen, soot, carbon,
 9 acid or particulate matter or any combination thereof.

10 (3) "Air contamination" means the presence in the outdoor atmosphere of one or more air con-
 11 taminants [*which*] **that** contribute to a condition of air pollution.

12 (4) "Air contamination source" means any source at, from, or by reason of which there is emit-
 13 ted into the atmosphere any air contaminant, regardless of who the person may be who owns or
 14 operates the building, premises or other property in, at or on which such source is located, or the
 15 facility, equipment or other property by which the emission is caused or from which the emission
 16 comes.

17 (5) "Air pollution" means the presence in the outdoor atmosphere of one or more air contam-
 18 inants, or any combination thereof, in sufficient quantities and of such characteristics and of a du-
 19 ration as are or are likely to be injurious to public welfare, to the health of human, plant or animal
 20 life or to property or to interfere unreasonably with enjoyment of life and property throughout such
 21 area of the state as shall be affected thereby.

22 (6) "Area of the state" means any city or county or portion thereof or other geographical area
 23 of the state as may be designated by the Environmental Quality Commission.

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

26 (8) "Greenhouse gas" means any gas that contributes to anthropogenic global warming
 27 including but not limited to carbon dioxide, methane, nitrous oxide, hydrofluorocarbons,
 28 perfluorocarbons and sulfur hexafluoride.

29 (9) "Greenhouse gas cap-and-trade system" means a system that:

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

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

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

34 [(7)] (10) "Woodstove" means a wood fired appliance with a closed fire chamber which maintains
 35 an air-to-fuel ratio of less than 30 during the burning of 90 percent or more of the fuel mass con-
 36 sumed in the low firing cycle. The low firing cycle means less than or equal to 25 percent of the
 37 maximum burn rate achieved with doors closed or the minimum burn achievable.

38 **SECTION 4.** ORS 468A.050 is amended to read:

39 468A.050. (1) By rule the Environmental Quality Commission may [*classify air contamination*
 40 *sources according to levels and types of emissions and other characteristics which cause or tend to*
 41 *cause or contribute to air pollution and may require registration or reporting or both for any such class*
 42 *or classes.*] **require registration or reporting by:**

43 (a) **A person in control of an air contamination source or any class of air contamination**
 44 **sources as determined by the commission by rule; and**

45 (b) **A person who imports, sells or distributes for use in Oregon electricity or fuel that**

1 **generates greenhouse gases when produced or used.**

2 (2) *[Any person in control of an air contamination source of any class for which registration and*
 3 *reporting is required under subsection (1) of this section shall register with the Department of Envi-*
 4 *ronmental Quality and make reports containing such information as the commission by rule may re-*
 5 *quire]* **By rule the commission may specify the contents of reports submitted under**
 6 **subsection (1) of this section, including information** concerning location, size and height of air
 7 contaminant outlets, processes employed, fuels used and the amounts, nature and duration of air
 8 contaminant emissions and such other information as is relevant to air pollution.

9 **(3) In addition to the information specified in subsection (2) of this section, the commis-**
 10 **sion by rule may require that reports submitted under subsection (1) of this section contain:**

11 **(a) Information concerning greenhouse gases emitted inside Oregon; and**

12 **(b) Information concerning greenhouse gases emitted outside Oregon from the pro-**
 13 **duction and transmission of electricity that is imported, sold or distributed for use in**
 14 **Oregon.**

15 **(4)(a) Unless the commission by rule designates a different entity, reports submitted**
 16 **under subsection (1) of this section must be made to the Department of Environmental**
 17 **Quality.**

18 **(b) If the commission designates another entity, the commission may require compliance**
 19 **with all reporting protocols and requirements of the entity.**

20 **(5) By rule the commission may:**

21 **(a) Require that the information required in reports submitted under subsection (1) of**
 22 **this section be verified by the department or another entity designated by the commission;**
 23 **and**

24 **(b) Establish standards concerning any verification required under this subsection.**

25 **SECTION 5.** ORS 468A.220 is amended to read:

26 468A.220. (1) In addition to the members appointed under ORS 468A.215, the Oregon Global
 27 Warming Commission shall include the following ex officio **nonvoting** members:

28 (a) The Director of the State Department of Energy;

29 (b) The Director of Transportation;

30 (c) The chairperson of the Public Utility Commission of Oregon;

31 (d) The Director of the Department of Environmental Quality;

32 (e) The Director of Agriculture;

33 (f) The State Forester;

34 (g) The Water Resources Director; and

35 (h) Three additional ex officio nonvoting members, each from a state agency or an academic
 36 institution.

37 (2) The following representatives of the Legislative Assembly also shall serve as ex officio non-
 38 voting members:

39 (a) Two members of the Senate, not from the same political party, appointed by the President
 40 of the Senate; and

41 (b) Two members of the House of Representatives, not from the same political party, appointed
 42 by the Speaker of the House of Representatives.

43 (3) Each legislative member serves at the pleasure of the appointing authority and may serve
 44 [so] as long as the member remains in the chamber of the Legislative Assembly from which the
 45 member was appointed.

1 **SECTION 6.** ORS 468A.225 is amended to read:

2 468A.225. (1) A majority of the **voting** members of the Oregon Global Warming Commission
3 constitutes a quorum for the transaction of business.

4 (2) The commission shall meet at times and places specified by a majority of the **voting** members
5 of the commission.

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

9 **SECTION 7.** ORS 468A.235 is amended to read:

10 468A.235. The Oregon Global Warming Commission shall recommend ways to coordinate state
11 and local efforts to reduce greenhouse gas emissions in Oregon consistent with the greenhouse gas
12 emissions reduction goals established by ORS 468A.205 and shall recommend efforts to help Oregon
13 prepare for the effects of global warming. The Office of the Governor and state agencies working
14 on multistate and regional efforts to reduce greenhouse gas emissions shall inform the commission
15 **and the Legislative Assembly** about these efforts and shall consider input from the commission for
16 such efforts.

17 **SECTION 8.** ORS 468A.210 is repealed.

18 **SECTION 9.** This 2008 Act being necessary for the immediate preservation of the public
19 peace, health and safety, an emergency is declared to exist, and this 2008 Act takes effect
20 on its passage.

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