

Minority Report
C-Engrossed
House Bill 2186

Ordered by the Senate June 22
Including House Amendments dated May 4 and Senate Amendments dated
June 8 and Senate Minority Report Amendments dated June 22

Sponsored by nonconcurring members of the Senate Committee on Rules: Senators FERRIOLI, ATKINSON

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.

[Authorizes Environmental Quality Commission to adopt rules to help state reduce greenhouse gas emissions. Specifies rules that commission may adopt. Specifies criteria by which commission must adopt rules.]

[Requires commission to report on rules to specified legislative committees and to Seventy-sixth, Seventy-seventh and Seventy-eighth Legislative Assemblies.]

Directs Department of Environmental Quality to develop recommendations for legislation that fosters greenhouse gas emissions reductions. Directs department to submit recommendations to specified interim legislative committees.

Creates Metropolitan Planning Organization Greenhouse Gas Emissions Task Force for purpose of studying alternative land use and transportation scenarios that reduce greenhouse gas emissions from certain motor vehicles in areas served by metropolitan planning organizations. Directs task force to recommend legislation to specified interim legislative committees. Sunsets task force on convening of next regular biennial legislative session.

Declares emergency, effective on passage.

A BILL FOR AN ACT

Relating to greenhouse gas emissions; and declaring an emergency.

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

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

(a) "Commercial vehicle" has the meaning given that term in ORS 801.210.

(b) "Greenhouse gas" has the meaning given that term in ORS 468A.210.

(c) "Heavy-duty truck" has the meaning given that term in ORS 468A.795.

(d) "Medium-duty truck" has the meaning given that term in ORS 468A.795.

(e) "Motor vehicle" has the meaning given that term in ORS 825.005.

(2) The Department of Environmental Quality shall, after consultation with relevant state agencies, develop recommendations for legislation that outline specific plans and requirements to foster greenhouse gas emissions reductions related to:

(a) Fuel that is used for transportation;

(b) Commercial products;

(c) The maintenance and retrofitting of medium-duty trucks and heavy-duty trucks;

(d) Motor vehicle pollution control systems;

(e) Tire energy efficiency;

(f) Tire inflation; and

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 (g) The idling of commercial vehicles.

2 (3) The recommendations for legislation required by subsection (2) of this section must
3 be developed considering:

4 (a) The contribution toward meeting the greenhouse gas emissions reduction goals spec-
5 ified in ORS 468A.205;

6 (b) Economic impacts on Oregon consumers;

7 (c) Economic impacts on Oregon businesses;

8 (d) Technical feasibility; and

9 (e) Low carbon fuel standards of the State of California, and any other comparable
10 standards or requirements, or proposals for standards or requirements, to reduce carbon in
11 fuel that is used for transportation, including those of other states, the United States Envi-
12 ronmental Protection Agency and other countries.

13 (4) The department shall submit a report with the recommendations for legislation re-
14 quired by subsection (2) of this section and the considerations described in subsection (3) of
15 this section to the interim legislative committees on environment and natural resources on
16 or before September 1, 2010.

17 **SECTION 2.** (1) There is created the Metropolitan Planning Organization Greenhouse Gas
18 Emissions Task Force consisting of 16 members appointed as follows:

19 (a) The President of the Senate shall appoint two members from among members of the
20 Senate.

21 (b) The Speaker of the House of Representatives shall appoint two members from among
22 members of the House of Representatives.

23 (c) The Governor shall appoint the following members:

24 (A) One representative from each of the six metropolitan planning organizations in this
25 state, at least three of whom must be elected local government officials.

26 (B) Four members who are representatives of transportation and land use stakeholders.

27 (C) The chairperson of the Oregon Transportation Commission.

28 (D) The chairperson of the Land Conservation and Development Commission.

29 (2) The task force shall:

30 (a) Study and evaluate the development of alternative land use and transportation sce-
31 narios that accommodate planned population and employment growth in those areas of the
32 state that are served by metropolitan planning organizations while achieving a reduction in
33 greenhouse gas emissions from motor vehicles with a gross vehicle weight rating of 10,000
34 pounds or less. The task force shall take into account the amount of greenhouse gas emis-
35 sions caused by motor vehicles with a gross vehicle weight rating of 10,000 pounds or less
36 that need to be reduced by 2035 in order to meet the goals stated in ORS 468A.205. The task
37 force shall take into consideration the reductions in vehicle emissions that are likely to re-
38 sult by 2035 from the use of improved vehicle technologies and fuels.

39 (b) Evaluate potential fiscal and other resource needs to implement land use and trans-
40 portation scenarios described in paragraph (a) of this subsection, including staffing and re-
41 sources needed by state agencies, local governments and each metropolitan planning
42 organization.

43 (c) Evaluate impediments to implementing land use and transportation scenarios that
44 reduce greenhouse gas emissions.

45 (d) Recommend legislation to the interim Legislative Assembly committees related to

1 transportation and to the environment establishing a process for adoption and implementa-
2 tion of plans for reducing greenhouse gas emissions caused by motor vehicles with a gross
3 vehicle weight rating of 10,000 pounds or less by 2035, in an amount sufficient to meet the
4 goals stated in ORS 468A.205, in each area of this state served by a metropolitan planning
5 organization, including a schedule for the planning process and an estimate of funding re-
6 quired to complete the planning process.

7 (3) A majority of the members of the task force constitutes a quorum for the transaction
8 of business.

9 (4) Official action by the task force requires the approval of a majority of the members
10 of the task force.

11 (5)(a) The President of the Senate and the Speaker of the House of Representatives shall
12 serve as cochairpersons of the task force.

13 (b) The chairperson of the Oregon Transportation Commission and the chairperson of the
14 Land Conservation and Development Commission shall serve as vice chairpersons of the task
15 force.

16 (6) If there is a vacancy for any cause, the appointing authority shall make an appoint-
17 ment to become immediately effective.

18 (7) The task force shall meet at times and places specified by the call of the chairpersons.

19 (8) The task force may adopt rules necessary for the operation of the task force.

20 (9) The task force shall submit a report with recommendations for legislation to the in-
21 terim legislative committees related to transportation and to the environment and natural
22 resources prior to January 1, 2010.

23 (10) The Department of Transportation and the Department of Land Conservation and
24 Development shall provide staff support to the task force. The Department of Transportation
25 shall use available federal flexible funds for the staffing and support of the task force.

26 (11) Members of the task force who are not members of the Legislative Assembly are not
27 entitled to compensation, but may be reimbursed for actual and necessary travel and other
28 expenses incurred by them in the performance of their official duties in the manner and
29 amounts provided for in ORS 292.495. Claims for expenses incurred in performing functions
30 of the task force shall be paid out of funds appropriated to the Department of Transportation
31 for purposes of the task force.

32 (12) All agencies of state government, as defined in ORS 174.111, are directed to assist
33 the task force in the performance of its duties and, to the extent permitted by laws relating
34 to confidentiality, to furnish such information and advice as the members of the task force
35 consider necessary to perform their duties.

36 (13) For the purposes of this section, "metropolitan planning organization" means an
37 organization located wholly within the State of Oregon and designated by the Governor to
38 coordinate transportation planning in an urbanized area of the state pursuant to 49 U.S.C.
39 5303(c).

40 **SECTION 3.** Section 2 of this 2009 Act is repealed on the date of the convening of the next
41 regular biennial legislative session.

42 **SECTION 4.** This 2009 Act being necessary for the immediate preservation of the public
43 peace, health and safety, an emergency is declared to exist, and this 2009 Act takes effect
44 on its passage.