

**A-Engrossed**  
**Senate Bill 38**

Ordered by the Senate April 30  
Including Senate Amendments dated April 30

Printed pursuant to Senate Interim Rule 213.28 by order of the President of the Senate in conformance with pre-session filing rules, indicating neither advocacy nor opposition on the part of the President (at the request of Senate Interim Committee on Environment and Natural Resources)

**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.

Allows Environmental Quality Commission to require registration and reporting by persons who import, sell or distribute for use in this state electricity or fossil fuels. Directs commission to minimize burden of reporting to extent consistent with purposes of commission rules.

Declares emergency, effective on passage.

**A BILL FOR AN ACT**

1  
2 Relating to climate change; and declaring an emergency.

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

4 **SECTION 1. Section 2 of this 2009 Act is added to and made a part of ORS chapter 468A.**

5 **SECTION 2. (1) In addition to any registration and reporting that may be required under**  
6 **ORS 468A.050, the Environmental Quality Commission by rule may require registration and**  
7 **reporting by:**

8 (a) Any person who imports, sells or distributes for use in this state electricity, the  
9 generation of which emits greenhouse gases; or

10 (b) Any person who imports, sells or distributes for use in this state fossil fuel that  
11 generates greenhouse gases when combusted.

12 (2) Rules adopted by the commission under this section for electricity that is imported,  
13 sold or distributed for use in this state must be limited to the reporting of:

14 (a) Greenhouse gas emissions from generating facilities owned or operated by the person  
15 making a report;

16 (b) Greenhouse gas emissions from transmission equipment owned or operated by the  
17 person making a report; and

18 (c) The number of megawatt hours of electricity purchased by the person making a re-  
19 port.

20 (3)(a) The commission shall allow consumer-owned utilities, as defined in ORS 757.270, to  
21 comply with reporting requirements imposed under this section by the submission of a report  
22 prepared by a third party. A report submitted under this paragraph may include information  
23 for more than one consumer-owned utility, but must include all information required by the  
24 commission for each individual utility.

25 (b) For the purpose of determining greenhouse gas emissions related to electricity pur-  
26 chased from the Bonneville Power Administration by a consumer-owned utility, as defined

**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 in ORS 757.270, the commission may require only that the utility report:

2 (A) The number of megawatt hours of electricity purchased by the utility from the  
3 Bonneville Power Administration, segregated by the types of contracts entered into by the  
4 utility with the Bonneville Power Administration; and

5 (B) The percentage of each fuel or energy type used to produce electricity purchased  
6 under each type of contract.

7 (4) Rules adopted by the commission under this section for fossil fuel that is imported,  
8 sold or distributed for use in this state may require reporting of the type and quantity of the  
9 fuel and any additional information necessary to determine the carbon content of the fuel.  
10 For the purpose of determining greenhouse gas emissions related to liquefied petroleum gas,  
11 the commission shall allow reporting using publications or submission of data by the Amer-  
12 ican Petroleum Institute but may require reporting of such other information necessary to  
13 achieve the purposes of the rules adopted by the commission under this section.

14 (5) To an extent that is consistent with the purposes of the rules adopted by the com-  
15 mission under this section, the commission shall minimize the burden of the reporting re-  
16 quired under this section by:

17 (a) Allowing concurrent reporting of information that is also reported to another state  
18 agency;

19 (b) Allowing electronic reporting;

20 (c) Allowing use of good engineering practice calculations in reports, or of emission fac-  
21 tors published by the United States Environmental Protection Agency;

22 (d) Establishing thresholds for the amount of specific greenhouse gases that may be  
23 emitted or generated without reporting;

24 (e) Requiring reporting by the fewest number of persons in a fuel distribution system  
25 that will allow the commission to acquire the information needed by the commission; or

26 (f) Other appropriate means and procedures determined by the commission.

27 (6) For purposes of this section, "greenhouse gas" has the meaning given that term in  
28 ORS 468A.210.

29 SECTION 3. This 2009 Act being necessary for the immediate preservation of the public  
30 peace, health and safety, an emergency is declared to exist, and this 2009 Act takes effect  
31 on its passage.  
32