

House Bill 4034

Sponsored by Representative HELM (Pre-session filed.)

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**.

Makes policy findings regarding black carbon that results from unplanned forest and rangeland fires. Requires evaluation of extent and negative impacts of Oregon black carbon production. Requires identification of best practices for local government pursuit of black carbon emission reductions on lands outside urban growth boundaries. Includes black carbon emissions in matters to be covered by Oregon Global Warming Commission biennial report.

A BILL FOR AN ACT

1
2 Relating to black carbon; creating new provisions; and amending ORS 468A.200, 468A.210, 468A.215,
3 468A.235, 468A.240, 468A.245, 468A.250, 468A.255 and 468A.260.

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

5 **SECTION 1. Sections 2 and 3 of this 2016 Act are added to and made a part of ORS**
6 **468A.200 to 468A.260.**

7 **SECTION 2. In addition to any other content, the Oregon Global Warming Commission**
8 **biennial report required under ORS 468A.260 that is due by March 31, 2017, must include:**

- 9 (1) **An estimate of the annual average emission of black carbon in Oregon; and**
10 (2) **An evaluation of the contribution of black carbon in Oregon to global warming.**

11 **SECTION 3. The Land Conservation and Development Commission shall identify recom-**
12 **ended best practices suitable for local government use to pursue black carbon emission**
13 **reductions through the mitigation of unplanned forest and rangeland fire risk outside of ur-**
14 **ban growth boundaries.**

15 **SECTION 4. ORS 468A.200 is amended to read:**

16 468A.200. The Legislative Assembly finds that:

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

22 (2) In partnership with the Governor's advisory group, 50 scientists signed the "Scientific Con-
23 sensus Statement on the Likely Impacts of Climate Change on the Pacific Northwest," which exam-
24 ined the potential effects of climate change on temperature, precipitation, sea level, marine
25 ecosystems and terrestrial ecosystems. The scientists recommended additional, improved scientific
26 studies and modeling of the effects of climate change on the atmosphere, oceans and land, as well
27 as modeling of the effects of economic and management policies.

28 (3) Global warming poses a serious threat to the economic well-being, public health, natural re-
29 sources and environment of Oregon.

30 (4) Oregon relies on snowpack for summer stream flows to provide energy, municipal water,

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 watershed health and irrigation. Also, a potential rise in sea levels threatens Oregon's coastal
 2 communities. Reduced snowpack, changes in the timing of stream flows, extreme or unusual weather
 3 events, rising sea levels, increased occurrences of vector-borne diseases and impacts on forest health
 4 could significantly impact the economy, environment and quality of life in Oregon.

5 (5) Oregon forests play a significant role in sequestering atmospheric carbon, and losing this
 6 potential to sequester carbon will have a significant negative effect on the reduction of carbon lev-
 7 els in the atmosphere. **Unplanned forest and rangeland fires outside urban growth boundaries**
 8 **contribute potentially harmful black carbon into the atmosphere and reduce forest and**
 9 **rangeland capacity to sequester carbon.**

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

14 (7) There is a need to assess the current level of **black carbon and** greenhouse gas emissions
 15 in Oregon, to monitor the trend of **black carbon and** greenhouse gas emissions in Oregon over the
 16 next several decades and to take necessary action to begin reducing **black carbon and** greenhouse
 17 gas emissions in order to prevent disruption of Oregon's economy and quality of life and to meet
 18 Oregon's responsibility to reduce the impacts and the pace of global warming.

19 (8) Oregon has been a national leader in energy conservation and environmental stewardship,
 20 including the areas of energy efficiency requirements and investments, renewable energy invest-
 21 ments, natural resource conservation, greenhouse gas offset requirements and investments, and
 22 global warming pollution standards for passenger vehicles. Significant opportunities remain to re-
 23 duce **black carbon and** greenhouse gas emissions statewide, especially from major contributors of
 24 greenhouse gas emissions, including electricity production, transportation, building construction and
 25 operation, and the residential and consumer sectors.

26 (9) Actions to reduce **black carbon and** greenhouse gas emissions will reduce Oregon's reliance
 27 on foreign sources of energy, lead to the development of technology, attract new businesses to
 28 Oregon and increase energy efficiency throughout the state, resulting in benefits to the economy and
 29 to individual businesses and residents.

30 (10) In devising measures to achieve reduction of **black carbon and** greenhouse gas emissions,
 31 Oregon must strive to not disadvantage Oregon businesses as compared to businesses in other states
 32 with which Oregon cooperates on regional **black carbon and** greenhouse gas emissions reduction
 33 strategies.

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

35 (a) In concert with complementary policies and actions by other states and the federal govern-
 36 ment, substantially reduce the global levels of **black carbon and** greenhouse gas emissions and the
 37 impacts of those emissions;

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

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

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

42 **SECTION 5.** ORS 468A.210 is amended to read:

43 468A.210. As used in ORS [352.823 and] 468A.200 to 468A.260:

44 (1) **"Black carbon" means carbon produced by unplanned forest and rangeland fires.**

45 [(1)] (2) "Global warming" means an increase in the average temperature of the earth's atmos-

1 here that is associated with the release of **black carbon and** greenhouse gases.

2 [(2)] (3) “Greenhouse gas” means any gas that contributes to anthropogenic global warming in-
 3 cluding, but not limited to, carbon dioxide, methane, nitrous oxide, hydrofluorocarbons,
 4 perfluorocarbons and sulfur hexafluoride.

5 [(3)] (4) “Greenhouse gas cap-and-trade system” means a system that:

- 6 (a) Establishes a total cap on greenhouse gas emissions from an identified group of emitters;
- 7 (b) Establishes a market for allowances that represent emissions; and
- 8 (c) Allows trading of allowances among greenhouse gas emitters.

9 **SECTION 6.** ORS 468A.215 is amended to read:

10 468A.215. (1) There is created the Oregon Global Warming Commission. The commission shall
 11 consist of 25 members, including 11 voting members appointed by the Governor under this section
 12 and 14 ex officio nonvoting members specified in ORS 468A.220.

13 (2) Members of the commission appointed under this section shall be appointed so as to be rep-
 14 resentative of the social, environmental, cultural and economic diversity of the state and to be rep-
 15 resentative of the policy, science, education and implementation elements of the efforts to reduce
 16 **black carbon and** greenhouse gas emissions and to prepare Oregon for the effects of global warm-
 17 ing. Of the members appointed by the Governor under this section:

- 18 (a) One member shall have significant experience in manufacturing;
- 19 (b) One member shall have significant experience in energy;
- 20 (c) One member shall have significant experience in transportation;
- 21 (d) One member shall have significant experience in forestry;
- 22 (e) One member shall have significant experience in agriculture; and
- 23 (f) One member shall have significant experience in environmental policy.

24 (3) The Governor shall select a chairperson and a vice chairperson from among the members
 25 appointed under this section.

26 (4) The term of office of a member appointed under this section is four years. Before the expi-
 27 ration of the term of a member, the Governor shall appoint a successor whose term begins on Jan-
 28 uary 31 next following. A member appointed under this section is eligible for reappointment. In case
 29 of vacancy for any cause, the Governor shall make an appointment to become immediately effective
 30 for the unexpired term.

31 (5) The members of the commission appointed under this section must be residents of this state.
 32 Failure of a member to maintain compliance with the eligibility requirements related to the
 33 member’s appointment shall result in disqualification from serving on the commission.

34 (6) Voting members of the commission appointed under this section are entitled to expenses as
 35 provided in ORS 292.495 (2).

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

37 468A.235. The Oregon Global Warming Commission shall recommend ways to coordinate state
 38 and local efforts to reduce greenhouse gas emissions in Oregon consistent with the greenhouse gas
 39 emissions reduction goals established by ORS 468A.205 and shall recommend efforts to help Oregon
 40 prepare for the effects of global warming. **The commission shall also recommend ways to coor-**
 41 **minate state and local efforts to reduce black carbon emissions.** The Office of the Governor and
 42 state agencies working on multistate and regional efforts to reduce **black carbon and** greenhouse
 43 gas emissions shall inform the commission about these efforts and shall consider input from the
 44 commission for such efforts.

45 **SECTION 8.** ORS 468A.240 is amended to read:

1 468A.240. (1) In furtherance of **efforts to reduce black carbon emissions, enhance forest and**
 2 **rangeland carbon sequestration efficiency and achieve** the greenhouse gas emissions reduction
 3 goals established by ORS 468A.205, the Oregon Global Warming Commission may recommend statu-
 4 tory and administrative changes, policy measures and other recommendations to be carried out by
 5 state and local governments, businesses, nonprofit organizations or residents. In developing its rec-
 6 ommendations, the commission shall consider economic, environmental, health and social costs, and
 7 the risks and benefits of alternative strategies, including least-cost options. The commission shall
 8 solicit and consider public comment relating to statutory, administrative or policy recommendations.

9 **(2) The commission shall examine possible funding mechanisms to obtain low-cost black**
 10 **carbon reductions and forest and rangeland carbon sequestration efficiency enhancements.**

11 [(2)] (3) The commission shall examine greenhouse gas cap-and-trade systems, including a state-
 12 wide and multistate carbon cap-and-trade system and market-based mechanisms, as a means of
 13 achieving the greenhouse gas emissions reduction goals established by ORS 468A.205.

14 [(3)] (4) The commission shall examine possible funding mechanisms to obtain low-cost
 15 greenhouse gas emissions reductions and energy efficiency enhancements, including but not limited
 16 to those in the natural gas industry.

17 **SECTION 9.** ORS 468A.245 is amended to read:

18 468A.245. The Oregon Global Warming Commission shall develop an outreach strategy to edu-
 19 cate Oregonians about the scientific aspects and economic impacts of global warming and to inform
 20 Oregonians of ways to reduce **black carbon and** greenhouse gas emissions and ways to prepare for
 21 the effects of global warming. The commission, at a minimum, shall work with state and local
 22 governments, the State Department of Energy, the Department of Education, the Higher Education
 23 Coordinating Commission and businesses to implement the outreach strategy.

24 **SECTION 10.** ORS 468A.250 is amended to read:

25 468A.250. (1) The Oregon Global Warming Commission shall track and evaluate:

26 (a) Economic, environmental, health and social assessments of global warming impacts on
 27 Oregon and the Pacific Northwest;

28 (b) Existing **black carbon and** greenhouse gas emissions reduction policies and measures;

29 (c) Economic, environmental, health and social costs, and the risks and benefits of alternative
 30 strategies, including least-cost options;

31 (d) The physical science of global warming;

32 (e) Progress toward the greenhouse gas emissions reduction goals established by ORS 468A.205;

33 (f) Greenhouse gases emitted by various sectors of the state economy, including but not limited
 34 to industrial, transportation and utility sectors;

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

37 (h) Efforts to identify the greenhouse gas emissions attributable to the residential and commer-
 38 cial building sectors;

39 (i) The carbon sequestration potential of Oregon's forests **and rangelands**, alternative methods
 40 of forest **and rangeland** management that can increase carbon sequestration and reduce the loss
 41 of carbon sequestration to [*wildfire*] **unplanned fires**, changes in the mortality and distribution of
 42 tree and other plant species and the extent to which carbon is stored in tree-based building mate-
 43 rials;

44 (j) The advancement of regional, national and international policies to reduce **black carbon and**
 45 greenhouse gas emissions;

1 (k) Local and regional efforts to prepare for the effects of global warming; and

2 (L) Any other information, policies or analyses that the commission determines will aid in **black**
3 **carbon emission reductions** or the achievement of the greenhouse gas emissions reduction goals
4 established by ORS 468A.205.

5 (2) The commission shall:

6 (a) Work with the State Department of Energy and the Department of Environmental Quality
7 to evaluate all gases with the potential to be greenhouse gases and to determine a carbon dioxide
8 equivalency for those gases; *[and]*

9 (b) Use regional and national baseline studies of building performance to identify incremental
10 targets for the reduction of greenhouse gas emissions attributable to residential and commercial
11 building construction and operations[.]; **and**

12 (c) **Work with the Land Conservation and Development Commission and the Department**
13 **of Environmental Quality, and with any other state agencies the Oregon Global Warming**
14 **Commission deems appropriate, to evaluate the negative impacts of black carbon.**

15 **SECTION 11.** ORS 468A.255 is amended to read:

16 468A.255. The Oregon Global Warming Commission may recommend to the Governor the for-
17 mation of citizen advisory groups to explore particular areas of concern with regard to the reduction
18 of **black carbon and** greenhouse gas emissions and the effects of global warming.

19 **SECTION 12.** ORS 468A.260 is amended to read:

20 468A.260. The Oregon Global Warming Commission shall submit a report to the Legislative As-
21 sembly, in the manner provided by ORS 192.245, by March 31 of each odd-numbered year that de-
22 scribes Oregon's progress toward **black carbon emission reductions and the** achievement of the
23 greenhouse gas emissions reduction goals established by ORS 468A.205. The report may include
24 relevant issues and trends of significance, including trends of **black carbon and** greenhouse gas
25 emissions, emerging public policy and technological advances. The report also may discuss measures
26 the state may adopt to mitigate the impacts of global warming on the environment, the economy and
27 the residents of Oregon and to prepare for those impacts.

28 **SECTION 13.** **Section 2 of this 2016 Act is repealed on January 2, 2018.**

29 **SECTION 14.** **The Land Conservation and Development Commission shall identify an ini-**
30 **tial set of recommended best practices as described in section 3 of this 2016 Act no later than**
31 **January 1, 2018.**

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