

# House Bill 3269

Sponsored by Representatives POWER, HELM, Senator TAYLOR; Representatives LININGER, LIVELY, MARSH, Senators DEMBROW, DEVLIN, PROZANSKI

## 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**.

Changes name of Oregon Global Warming Commission to Oregon Climate Change Commission.

Requires commission to appoint executive director. Appropriates moneys to commission for purposes related to executive director of commission.

Modifies certain duties of commission and of certain nonvoting members of commission. Modifies certain duties of certain agencies of state government with regard to duties of commission.

## A BILL FOR AN ACT

1  
2 Relating to the Oregon Global Warming Commission; creating new provisions; and amending ORS  
3 352.823, 468A.200, 468A.205, 468A.210, 468A.215, 468A.220, 468A.225, 468A.230, 468A.235,  
4 468A.240, 468A.245, 468A.250, 468A.255 and 468A.260.

5 Whereas changing the name of the Oregon Global Warming Commission to the Oregon Climate  
6 Change Commission provides for a more accurate and complete description of the commission's  
7 mission; and

8 Whereas appointing an executive director to the Oregon Climate Change Commission will allow  
9 for the commission to be more effective in carrying out the commission's statutory responsibilities  
10 and in providing guidance to the State of Oregon in addressing climate change; and

11 Whereas addressing climate change will involve both reducing greenhouse gas emissions and  
12 undertaking adaptation and preparation activities; now, therefore:

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

14 **SECTION 1. Section 2 of this 2017 Act is added to and made a part of ORS 468A.200 to**  
15 **468A.260.**

16 **SECTION 2. (1) The Oregon Climate Change Commission shall appoint an executive di-**  
17 **rector, who shall be in the exempt service and shall serve at the pleasure of the commission.**

18 **(2) The executive director shall be responsible for the administrative operations of the**  
19 **commission and other duties as may be designated or assigned to the executive director from**  
20 **time to time by the commission.**

21 **(3) The commission may not delegate the power to adopt rules to the executive director.**

22 **(4) Subject to the State Personnel Relations Law, the executive director may employ ap-**  
23 **propriate staff to carry out the duties assigned to the executive director by the commission.**

24 **SECTION 3. (1) Except as otherwise amended by sections 7 to 16 of this 2017 Act, the**  
25 **amendments to ORS 352.823, 468A.215, 468A.220, 468A.225, 468A.230, 468A.235, 468A.240,**  
26 **468A.245, 468A.250, 468A.255 and 468A.260 by sections 7 to 16 of this 2017 Act are intended to**  
27 **change the name of the "Oregon Global Warming Commission" to the "Oregon Climate**  
28 **Change Commission."**

29 **(2) For the purpose of harmonizing and clarifying statutory law, the Legislative Counsel**

**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 **may substitute for words designating the “Oregon Global Warming Commission,” wherever**  
2 **they occur in statutory law, other words designating the “Oregon Climate Change Commis-**  
3 **sion.”**

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

5 468A.200. The Legislative Assembly finds that:

6 (1) In December 2004 the Governor’s Advisory Group on Global Warming issued its report call-  
7 ing for immediate and significant action to address [*global warming*] **climate change**, to reduce  
8 Oregon’s exposure to the risks of [*global warming*] **climate change** and to begin to prepare for the  
9 effects of [*global warming*] **climate change**. The advisory group also identified 46 specific recom-  
10 mendations for measurable reductions in the state’s greenhouse gas emissions.

11 (2) In partnership with the Governor’s advisory group, 50 scientists signed the “Scientific Con-  
12 sensus Statement on the Likely Impacts of Climate Change on the Pacific Northwest,” which exam-  
13 ined the potential effects of climate change on temperature, precipitation, sea level, marine  
14 ecosystems and terrestrial ecosystems. The scientists recommended additional, improved scientific  
15 studies and modeling of the effects of climate change on the atmosphere, oceans and land, as well  
16 as modeling of the effects of economic and management policies.

17 (3) [*Global warming*] **Climate change** poses a serious threat to the economic well-being, public  
18 health, natural resources and environment of Oregon.

19 (4) Oregon relies on snowpack for summer stream flows to provide energy, municipal water,  
20 watershed health and irrigation. Also, a potential rise in sea levels threatens Oregon’s coastal  
21 communities. Reduced snowpack, changes in the timing of stream flows, extreme or unusual weather  
22 events, rising sea levels, increased occurrences of vector-borne diseases and impacts on forest health  
23 could significantly impact the economy, environment and quality of life in Oregon.

24 (5) Oregon forests play a significant role in sequestering atmospheric carbon, and losing this  
25 potential to sequester carbon will have a significant negative effect on the reduction of carbon lev-  
26 els in the atmosphere.

27 (6) [*Global warming*] **Climate change** will have detrimental effects on many of Oregon’s largest  
28 industries, including agriculture, wine making, tourism, skiing, recreational and commercial fishing,  
29 forestry and hydropower generation, and will therefore negatively impact the state’s workers, con-  
30 sumers and residents.

31 (7) There is a need to assess the current level of greenhouse gas emissions in Oregon, to monitor  
32 the trend of greenhouse gas emissions in Oregon over the next several decades and to take neces-  
33 sary action to begin reducing greenhouse gas emissions in order to prevent disruption of Oregon’s  
34 economy and quality of life and to meet Oregon’s responsibility to reduce the impacts and the pace  
35 of [*global warming*] **climate change**.

36 (8) Oregon has been a national leader in energy conservation and environmental stewardship,  
37 including the areas of energy efficiency requirements and investments, renewable energy invest-  
38 ments, natural resource conservation, greenhouse gas offset requirements and investments, and  
39 [*global warming*] **greenhouse gas** pollution standards for passenger vehicles. Significant opportu-  
40 nities remain to reduce greenhouse gas emissions statewide, especially from major contributors of  
41 greenhouse gas emissions, including electricity production, transportation, building construction and  
42 operation, and the residential and consumer sectors.

43 (9) Actions to reduce greenhouse gas emissions will reduce Oregon’s reliance on foreign sources  
44 of energy, lead to the development of technology, attract new businesses to Oregon and increase  
45 energy efficiency throughout the state, resulting in benefits to the economy and to individual busi-

1 nesses and residents.

2 (10) In devising measures to achieve reduction of greenhouse gas emissions, Oregon must strive  
3 to not disadvantage Oregon businesses as compared to businesses in other states with which Oregon  
4 cooperates on regional greenhouse gas emissions reduction strategies.

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

6 (a) In concert with complementary policies and actions by other states and the federal govern-  
7 ment, substantially reduce the global levels of greenhouse gas emissions and the impacts of those  
8 emissions;

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

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

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

13 **SECTION 5.** ORS 468A.205 is amended to read:

14 468A.205. (1) The Legislative Assembly declares that it is the policy of this state to reduce  
15 greenhouse gas emissions in Oregon pursuant to the following greenhouse gas emissions reduction  
16 goals:

17 (a) By 2010, arrest the growth of Oregon’s greenhouse gas emissions and begin to reduce  
18 greenhouse gas emissions.

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

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

21 (2) The Legislative Assembly declares that it is the policy of this state for state and local gov-  
22 ernments, businesses, nonprofit organizations and individual residents to prepare for the effects of  
23 [*global warming*] **climate change** and by doing so, prevent and reduce the social, economic and  
24 environmental effects of [*global warming*] **climate change**.

25 (3) This section does not create any additional regulatory authority for an agency of the exec-  
26 utive department as defined in ORS 174.112.

27 **SECTION 6.** ORS 468A.210 is amended to read:

28 468A.210. As used in ORS 352.823 and 468A.200 to 468A.260:

29 (1) **“Adaptation and preparation” means analysis and actions that serve to help prepare**  
30 **ecosystems and the citizens, communities and businesses of this state for the reasonably**  
31 **anticipated disruptive effects of climate change.**

32 [(1) *“Global warming” means an increase in the average temperature of the earth’s atmosphere that*  
33 *is associated with the release of greenhouse gases.*]

34 (2) **“Climate change” means the extraordinary effects on normal planetary climate con-**  
35 **ditions that result from increasing concentrations of greenhouse gasses in the earth’s at-**  
36 **mosphere.**

37 [(2)] (3) **“Greenhouse gas” means any gas that contributes to anthropogenic [*global warming*]**  
38 **climate change, including[,]** but not limited to[,], carbon dioxide, methane, nitrous oxide,  
39 hydrofluorocarbons, perfluorocarbons and sulfur hexafluoride.

40 [(3)] (4) **“Greenhouse gas cap-and-trade system” means a system that:**

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

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

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

44 **SECTION 7.** ORS 468A.215 is amended to read:

45 468A.215. (1) There is created the [*Oregon Global Warming Commission*] **Oregon Climate**

1 **Change Commission.** The commission shall consist of [25 members, including 11] **the** voting mem-  
 2 bers appointed by the Governor under this section and [14] **the** ex officio nonvoting members spec-  
 3 ified in ORS 468A.220.

4 (2) Members of the commission appointed under this section shall be appointed so as to be rep-  
 5 resentative of the social, environmental, cultural and economic diversity of the state and to be rep-  
 6 resentative of the policy, science, education and implementation elements of the efforts to reduce  
 7 greenhouse gas emissions and to prepare Oregon for the effects of [*global warming*] **climate**  
 8 **change.** Of the members appointed by the Governor under this section:

9 (a) One member shall have significant experience in manufacturing;

10 (b) One member shall have significant experience in energy;

11 (c) One member shall have significant experience in transportation;

12 (d) One member shall have significant experience in forestry;

13 (e) One member shall have significant experience in agriculture; and

14 (f) One member shall have significant experience in environmental policy.

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

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

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

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

27 **SECTION 8.** ORS 468A.220 is amended to read:

28 468A.220. (1) In addition to the members appointed under ORS 468A.215, the [*Oregon Global*  
 29 *Warming Commission*] **Oregon Climate Change Commission** includes the following ex officio non-  
 30 voting **members and additional nonvoting** members:

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

32 (b) The Director of Transportation;

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

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

35 (e) The Director of Agriculture;

36 (f) The State Forester;

37 (g) The Water Resources Director; and

38 (h) Three additional [*ex officio*] nonvoting members, each from a state agency or an academic  
 39 institution.

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

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

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

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

4        [(4)] (3) Notwithstanding ORS 171.072, members of the commission who are members of the  
 5 Legislative Assembly are not entitled to mileage expenses or a per diem and serve as volunteers on  
 6 the commission.

7        **SECTION 9.** ORS 468A.225 is amended to read:

8        468A.225. (1) A majority of the members of the [*Oregon Global Warming Commission*] **Oregon**  
 9 **Climate Change Commission** constitutes a quorum for the transaction of business.

10        (2) **Official action by the commission requires the approval of a majority of the voting**  
 11 **members of the commission.**

12        [(2)] (3) The commission shall meet at times and places specified by a majority of the members  
 13 of the commission.

14        [(3)] (4) [*The State Department of Energy shall provide clerical, technical and management per-*  
 15 *sonnel to serve the commission. Other agencies*] **All agencies of state government, as defined in**  
 16 **ORS 174.111**, shall provide support as requested by [*the department or*] the commission.

17        **SECTION 10.** ORS 468A.230 is amended to read:

18        468A.230. The [*Oregon Global Warming Commission*] **Oregon Climate Change Commission** may  
 19 adopt by rule such standards and procedures as it considers necessary for the operation of the  
 20 commission.

21        **SECTION 11.** ORS 468A.235 is amended to read:

22        468A.235. (1) The [*Oregon Global Warming Commission*] **Oregon Climate Change Commission**  
 23 shall [*recommend*] **identify, evaluate and develop recommendations on:**

24        (a) Ways to coordinate state and local **programs and activities related to climate, with a**  
 25 **focus on better coordination of programs and activities so as to increase the effectiveness**  
 26 **of efforts to reduce greenhouse gas emissions in Oregon consistent with the greenhouse gas emis-**  
 27 **sions reduction goals established by ORS 468A.205; and**

28        (b) [*shall recommend*] Efforts to help [*Oregon prepare for the effects of global warming.*] **state**  
 29 **agencies and the residents of this state engage in adaptation and preparation.**

30        (2) **In order to assist the commission in its duties under subsection (1) of this section,**  
 31 **each nonvoting member of the commission listed in ORS 468A.220 (1) shall:**

32        (a) **Regularly report to the commission on the energy and climate programs and activities**  
 33 **of the agency or institution that the nonvoting member represents; and**

34        (b) **Evaluate and make recommendations to the commission on how best to coordinate**  
 35 **state energy and climate programs and activities.**

36        (3) **Pursuant to ORS 468A.225, all agencies of state government identified by the com-**  
 37 **mission to have responsibilities related to the recommendations developed under subsection**  
 38 **(1) of this section shall, as requested by the commission and to the maximum extent practi-**  
 39 **cable, coordinate with the commission to:**

40        (a) **Establish primary responsibilities and tasks for carrying out the recommendations**  
 41 **of the commission;**

42        (b) **Develop benchmarks against which the agencies of state government may measure**  
 43 **progress toward achieving greenhouse gas emissions reductions and adaptation and prepa-**  
 44 **ration outcomes that are consistent with the recommendations of the commission; and**

45        (c) **No less than once each year:**

1       **(A) Evaluate against the benchmarks developed under paragraph (b) of this subsection**  
2 **each agency's progress toward achieving outcomes consistent with the recommendations of**  
3 **the commission; and**

4       **(B) Identify and evaluate adjustments to the benchmarks developed under paragraph (b)**  
5 **of this subsection as necessary.**

6       **(4) In addition to meeting the requirements of subsections (2) and (3) of this section,** the  
7 Office of the Governor and state agencies working on multistate and regional efforts to reduce  
8 greenhouse gas emissions shall inform the commission about *[these]* **those** efforts and shall consider  
9 input from the commission for *[such]* **better coordination of efforts to reduce greenhouse gas**  
10 **emissions and to promote adaptation and preparation.**

11       **SECTION 12.** ORS 468A.240 is amended to read:

12       468A.240. (1) In furtherance of the greenhouse gas emissions reduction goals established by ORS  
13 468A.205, the *[Oregon Global Warming Commission]* **Oregon Climate Change Commission** may re-  
14 commend statutory and administrative changes, policy measures and other recommendations to be  
15 carried out by state and local governments, businesses, nonprofit organizations or residents. In de-  
16 veloping its recommendations, the commission shall consider economic, environmental, health and  
17 social costs, and the risks and benefits of alternative strategies, including least-cost options. The  
18 commission shall solicit and consider public comment relating to statutory, administrative or policy  
19 recommendations.

20       (2) The commission shall examine greenhouse gas cap-and-trade systems, including a statewide  
21 and multistate carbon cap-and-trade system and market-based mechanisms, as a means of achieving  
22 the greenhouse gas emissions reduction goals established by ORS 468A.205.

23       (3) The commission shall examine possible funding mechanisms to obtain low-cost greenhouse  
24 gas emissions reductions and energy efficiency enhancements, including but not limited to those in  
25 the natural gas industry.

26       **SECTION 13.** ORS 468A.245 is amended to read:

27       468A.245. The *[Oregon Global Warming Commission]* **Oregon Climate Change Commission**  
28 shall develop an outreach strategy to educate Oregonians about the scientific aspects and economic  
29 impacts of *[global warming]* **climate change** and to inform Oregonians of ways to reduce greenhouse  
30 gas emissions and ways to *[prepare for the effects of global warming]* **engage in adaptation and**  
31 **preparation.** The commission, at a minimum, shall work with state and local governments, the State  
32 Department of Energy, the Department of Education, the Higher Education Coordinating Commis-  
33 sion and businesses to implement the outreach strategy.

34       **SECTION 14.** ORS 468A.250 is amended to read:

35       468A.250. (1) The *[Oregon Global Warming Commission]* **Oregon Climate Change Commission**  
36 shall track and evaluate:

37       (a) Economic, environmental, health and social assessments of *[global warming]* **climate change**  
38 impacts on Oregon and the Pacific Northwest;

39       (b) Existing greenhouse gas emissions reduction policies and measures;

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

42       (d) The physical science of *[global warming]* **climate change**;

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

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

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

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

5 (i) The carbon sequestration potential of Oregon’s forests, alternative methods of forest man-  
6 agement that can increase carbon sequestration and reduce the loss of carbon sequestration to  
7 wildfire, changes in the mortality and distribution of tree and other plant species and the extent to  
8 which carbon is stored in tree-based building materials;

9 (j) The advancement of regional, national and international policies to reduce greenhouse gas  
10 emissions;

11 (k) Local and regional efforts to prepare for the effects of [*global warming*] **climate change**; and

12 (L) Any other information, policies or analyses that the commission determines will aid in the  
13 achievement of the greenhouse gas emissions reduction goals established by ORS 468A.205.

14 (2) The commission shall:

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

18 (b) Use regional and national baseline studies of building performance to identify incremental  
19 targets for the reduction of greenhouse gas emissions attributable to residential and commercial  
20 building construction and operations.

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

22 468A.255. The [*Oregon Global Warming Commission*] **Oregon Climate Change Commission** may  
23 recommend to the Governor the formation of citizen advisory groups to explore particular areas of  
24 concern with regard to the reduction of greenhouse gas emissions and the effects of [*global*  
25 *warming*] **climate change**.

26 **SECTION 16.** ORS 468A.260 is amended to read:

27 468A.260. (1) The [*Oregon Global Warming Commission*] **Oregon Climate Change Commission**  
28 shall submit a report to the Legislative Assembly, in the manner provided by ORS 192.245, by March  
29 31 of each odd-numbered year that describes Oregon’s progress toward achievement of the  
30 greenhouse gas emissions reduction goals established by ORS 468A.205.

31 (2) The report **required under this section**:

32 (a) **Shall include and draw upon the recommendations made and the information received**  
33 **by the commission under ORS 468A.235;**

34 (b) May include relevant issues and trends of significance, including trends of greenhouse gas  
35 emissions, emerging public policy and technological advances[.]; **and**

36 (c) [*The report also*] May discuss measures the state may adopt to mitigate the impacts of [*global*  
37 *warming*] **climate change** on the environment, the economy and the residents of Oregon and to  
38 prepare for those impacts.

39 **SECTION 17.** ORS 352.823 is amended to read:

40 352.823. (1) The Oregon Climate Change Research Institute is established at Oregon State Uni-  
41 versity. In administering the institute, Oregon State University may seek the cooperation of other  
42 public universities listed in ORS 352.002.

43 (2) The purpose of the Oregon Climate Change Research Institute is to:

44 (a) Facilitate research by faculty at public universities listed in ORS 352.002 on climate change  
45 and its effects on natural and human systems in Oregon;

1 (b) Serve as a clearinghouse for climate change information;

2 (c) Provide climate change information to the public in integrated and accessible formats;

3 (d) Support the [*Oregon Global Warming Commission*] **Oregon Climate Change Commission** in  
4 developing strategies to prepare for and to mitigate the effects of climate change on natural and  
5 human systems; and

6 (e) Provide technical assistance to local governments to assist them in developing climate  
7 change policies, practices and programs.

8 (3) The Oregon Climate Change Research Institute shall assess, at least once each biennium, the  
9 state of climate change science, including biological, physical and social science, as it relates to  
10 Oregon and the likely effects of climate change on the state. The institute shall submit the assess-  
11 ment to the Legislative Assembly in the manner provided in ORS 192.245 and to the Governor.

12 (4) State agencies may contract with the Oregon Climate Change Research Institute to fulfill  
13 agency needs regarding the collection, storage, integration, analysis, dissemination and monitoring  
14 of climate change information, research and training.

15 **SECTION 18.** There is appropriated to the Oregon Climate Change Commission, for the  
16 biennium beginning July 1, 2017, out of the General Fund, the amount of \$\_\_\_\_\_ for costs  
17 associated with meeting the requirements of section 2 of this 2017 Act.

18