

Requested by Representative HELM

**PROPOSED AMENDMENTS TO  
HOUSE BILL 3343**

1 On page 1 of the printed bill, delete lines 4 through 30 and delete page  
2 2 and insert:

3 **“SECTION 1. As used in this section and section 2 of this 2017 Act:**

4 **“(1)(a) ‘Carbon-based fuel’ means coal, natural gas, petroleum pro-**  
5 **ducts and any other product used for fuel that contains carbon and**  
6 **emits carbon dioxide when combusted.**

7 **“(b) ‘Carbon-based fuel’ does not include any product used for fuel**  
8 **that is derived from a resource that is less than 1,000 years old in its**  
9 **natural state.**

10 **“(2) ‘Climate change’ means an increase in the average temperature**  
11 **of the earth’s atmosphere that is associated with the release of**  
12 **greenhouse gases.**

13 **“(3) ‘Climate science’ means science relating to the state of climate**  
14 **change, including biological, physical and social science.**

15 **“(4)(a) ‘Fossil fuel infrastructure project’ means a project for new**  
16 **or expanded large-scale infrastructure used to produce, transport,**  
17 **store, combust or refine carbon-based fuels that is projected to con-**  
18 **tribute annually to the atmosphere a minimum of 500,000 metric tons**  
19 **of carbon dioxide equivalent of life cycle greenhouse gas emissions.**

20 **“(b) ‘Fossil fuel infrastructure project’ does not mean a large-scale**  
21 **publicly funded transportation project in which fossil fuels may be**

1 transported but the transfer of fossil fuels is not the primary function  
2 of the project.

3 “(5) ‘Greenhouse gas’ means any gas that contributes to  
4 anthropogenic climate change, including but not limited to carbon  
5 dioxide, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons  
6 and sulfur hexafluoride.

7 “(6) ‘Life cycle greenhouse gas emissions’ means the greenhouse gas  
8 emissions that occur throughout the life cycle of a fuel energy source,  
9 including but not limited to the emissions from the production,  
10 transportation and combustion of the fuels whether or not a particular  
11 life cycle stage occurs in this state.

12 “(7) ‘State permitting agency’ means the Department of Environ-  
13 mental Quality, the Department of State Lands or any other state  
14 agency that has separate permitting authority for a proposed fossil  
15 fuel infrastructure project.

16 “SECTION 2. (1) The State Department of Energy shall, in consul-  
17 tation with state permitting agencies and federal agencies, develop by  
18 rule a climate test for proposed fossil fuel infrastructure projects,  
19 criteria and other provisions necessary to administer the climate test  
20 on behalf of state permitting agencies for purposes of agency review  
21 of an application for a permit required by the state permitting agency  
22 for a proposed fossil fuel infrastructure project.

23 “(2) The purposes of the climate test shall be to:

24 “(a) Provide for a comprehensive review of the immediate and an-  
25 ticipated long-term environmental impacts of a proposed fossil fuel  
26 infrastructure project that determines the economic viability of a  
27 project when evaluated against the investments required across the  
28 energy sector to have at least a 66 percent probability of limiting cli-  
29 mate change to a global mean temperature increase of two degrees  
30 Celsius by the year 2100;

1       **“(b) Ensure that energy decisions are guided by the best available**  
2 **climate science;**

3       **“(c) Minimize the potential adverse impacts on the environment**  
4 **and public health;**

5       **“(d) Incorporate data from existing climate change models that**  
6 **evaluate and project future climate change;**

7       **“(e) Specify standards and protocol using climate science to assess**  
8 **the direct and indirect environmental impacts of a proposed fossil fuel**  
9 **infrastructure project;**

10       **“(f) Provide standards to evaluate and measure the life cycle**  
11 **greenhouse gas emissions of a proposed fossil fuel infrastructure**  
12 **project;**

13       **“(g) Compare the costs and benefits of the proposed fossil fuel**  
14 **infrastructure project with the costs and benefits of alternatives to the**  
15 **project including, but not limited to, a baseline comparison with not**  
16 **building the project;**

17       **“(h) Consider the cumulative impacts of a proposed fossil fuel**  
18 **infrastructure project, particularly with relation to the potential dis-**  
19 **proportionate risks of adverse environmental and health impacts of a**  
20 **proposed fossil fuel infrastructure project on minority or low-income**  
21 **communities; and**

22       **“(i) Consider the potential impacts of a fossil fuel infrastructure**  
23 **project on the rights of federally recognized Indian tribes.**

24       **“(3) Rules adopted under this section may include rules establishing**  
25 **fees that are reasonable and necessary for the department to admin-**  
26 **ister the climate test on behalf of state permitting agencies pursuant**  
27 **to this section and rules adopted under this section.**

28       **“(4) Upon receipt of an application for a permit required by the**  
29 **state permitting agency for a proposed fossil fuel infrastructure**  
30 **project, a state permitting agency shall provide the following notice**

1 to the following interested parties:

2 “(a) Notification to the Department of Energy that the application  
3 is subject to the climate test established by the department under  
4 subsection (1) of this section.

5 “(b) Notification informing the applicant for the permit that is ap-  
6 plicable to a proposed fossil fuel infrastructure project that:

7 “(A) The project is subject to a climate test; and

8 “(B) In addition to any permit fee required by a state permitting  
9 agency, the applicant shall bear the costs of the State Department of  
10 Energy in administering the climate test.

11 “(5) Notwithstanding any other provision of law, a state permitting  
12 agency shall consider as a part of the state permitting agency’s per-  
13 mitting decision the climate test results for the proposed fossil fuel  
14 infrastructure project that are provided by the State Department of  
15 Energy, and shall deny an application if the results of the climate test  
16 reveal that the cumulative adverse impacts of a project are greater  
17 than the economic benefits.

18 “(6) The results of a climate test are not a final order for the pur-  
19 poses of a contested case hearing under ORS chapter 183.

20 “(7) The rules adopted under this section:

21 “(a) Do not limit the authority of any state agency to adopt and  
22 implement measures to reduce greenhouse gas emissions; and

23 “(b) Shall be interpreted in a manner consistent with federal and  
24 state law.

25 “SECTION 3. Sections 1 and 2 of this 2017 Act apply to applications  
26 for permits required by state permitting agencies for proposed fossil  
27 fuel infrastructure projects that are received on or after the effective  
28 date of this 2017 Act.”

29

---