

Amendments Submitted for HB 2020

#	Date	Submitter	Explanation
-2	3/1	Rep Brock Smith	Removes emergency clause.
-4	3/1	Rep Brock Smith	Prohibits any entity that receives moneys from state proceeds from OCAP auctions from using any of moneys received to make contributions to candidate, petition committee, or political committee. Requires an entity that has received funds from OCAP to complete a certificate of compliance on form required by Secretary of State when entity makes contribution to candidate, petition committee, or political committee.
-5	3/1	Rep Brock Smith	Requires allocations from Climate Investment Fund and Transportation Decarbonization Investments Account to the maximum extent feasible, cost-effective, and consistent with law be in addition to, and not in replacement of, any existing allocations or appropriations for projects, activities, communities, and other funds.
-6	3/1	Rep Brock Smith	Replaces measure. Inserts whereas clauses. Defines key terms. Requires Department of Environmental Quality (DEQ) and Oregon Department of Forestry (ODF) conduct study on opportunities for state actions to promote carbon sequestration. Requires study evaluate opportunities that include, but need not be limited to: opportunities for providing incentives to industries to engage in carbon sequestration and other activities to store carbon, including but not limited to opportunities for providing tax incentives or tax credits to electric companies, natural gas utilities, transportation industry entities, and other industries for reducing greenhouse gas emissions and engaging in carbon capture and carbon sequestration efforts, to be used for job creation or carbon capture and carbon sequestration projects; and other opportunities for capitalizing on carbon sequestration methods, such as natural ecosystems carbon sequestration and carbon capture and storage technologies and other industrial carbon sequestration methods, to store carbon while also promoting economic development and long-term job creation in this state within the market sectors engaged in carbon sequestration efforts. Requires study include consideration of regional approaches, other than adopting or participating in a greenhouse gas cap-and-trade system, for reducing greenhouse gas emissions through carbon sequestration. Requires DEQ and ODF submit report to interim committee of Legislative Assembly related to natural resources no later than September 15, 2020. Authorizes report to include recommendations for legislation. Repeals study requirement on January 2, 2021.
-7	3/29	Rep Brock Smith	Replaces restrictions for the use of moneys deposited in Transportation Decarbonization Investments Account. Requires moneys in Transportation Decarbonization Investments Account to be used by ODOT to issue refunds to person that uses fuel to propel a vehicle on public highways and after making all valid refunds available to be allocated by the Legislative Assembly subject to direction from Act for purposes of authorized uses by Article IX, section 3a of

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			<p>the Oregon Consecution and that further purposes of Act. Authorizes any person using fuel to propel motor vehicle on public highways of state apply to ODOT for refund equal to number of gallons of fuel used to propel motor vehicle on public highways during immediately preceding calendar year multiplied by 75 percent of per gallon price of allowance. Requires ODOT calculate per gallon price of allowance using auction floor price for allowances in year for which refund is claimed. Requires application for refund be submitted to ODOT by March 1 following calendar year to which refund application relates. Requires application be in form prescribed by ODOT by rule and include statement signed by applicant under penalties for false swearing, setting forth number of gallons of fuel proposed as basis for computing amount of refund. Authorizes ODOT require applicant for refund furnish information ODOT considers necessary for processing application. Defines fuel. Authorizes ODOT investigate refund application, gather and compile information related to application as ODOT considers necessary. Authorizes ODOT examine relevant records of applicant to establish validity of application. Stipulates if applicant does not permit ODOT examine relevant records, applicant waives all rights to refund to which application relates. Requires ODOT reject or approve application for refund. Authorizes ODOT modify application to any reasonable extent necessary for approval. Requires ODOT notify applicant if ODOT rejects or modifies application and explain reasons for rejection or modification. Requires ODOT notify applicant and make refund if ODOT approves application. Establishes provisions of ORS chapters 305, 314, and 316 apply to determinations of taxes, penalties, and interest of refund applications by persons that uses fuel to propel motor vehicles on public highways to ODOT. Removes emergency clause and declares takes effect on the 91st day after sine die.</p>
-8	3/29	Rep Brock Smith	<p><i>(Identical to HB 2020-56)</i> Requires CPO to exclude dyed diesel from regulated emissions. Stipulates moneys deposited in the Transportation Decarbonization Investments Account may be used only by ODOT to issue refunds to person that use fuel to propel a farm vehicle registered vehicle and after making all valid refunds available to be allocated by the Legislative Assembly subject to direction from Act for purposes of authorized uses by Article IX, section 3a of the Oregon Consecution and that further purposes of Act. Authorizes any person that uses fuel to propel a motor vehicle registered under a farm vehicle registration to apply to ODOT for a refund equal to the number of gallons of fuel used per year multiplied by 75 percent. Establishes operational provisions for the refund. Authorizes timber producer to apply to ODOT to receive forest product vehicle registration. Establishes forest product application, fee, qualification, resale and penalty process. Establishes allowable uses of forest product vehicle. Establishes requirements for proportional registration for timber production vehicles. Makes conforming amendments. Removes emergency clause and declares takes effect on the 91st day after sine die.</p>
-11	3/6	Sen Bentz	<p>Requires the CPO to allocate allowances for direct distribution at no cost to entities that produce or import fuel that is distributed for use in Oregon to address emissions related to combustion of fuel. Requires CPO to allocate allowances</p>

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			to entities for fuel fin 2021 an amount equal to 100 percent of the covered emissions and 2022-2031 an amount that declines annually by 10 percent each year.
-14	3/4	Sen Bentz	Effective January 2, 2022, repeals statutory provisions of low carbon fuel standard.
-15	3/6	Sen Bentz	Replaces process for setting auction floor price, allowance price containment reserve floor price, and price ceiling. Requires CPO to set auction floor price that may not exceed 10 dollars, allowance price containment reserve floor price that may not exceed 10 dollars, and hard auction price ceiling that may not exceed 25 dollars. Authorizes CPO to annually increase auction floor price, allowance price containment reserve floor price, and hard auction price ceiling based on any changes in Consumer Price Index for All Urban Consumers, West Region (All Items), published by Bureau of Labor Statistics of U.S. Department of Labor for 2022 and subsequent calendar years. Prohibits any annual increase in auction floor price, allowance price containment reserve floor price, or hard auction price ceiling to exceed three percent above applicable price from preceding calendar year. Requires CPO adopt rules for making unlimited number of allowances available for auction upon exceedance of hard price ceiling. Removes requirement for CPO to consider prevailing prices for carbon in other jurisdictions and setting price requirements in manner that enables state pursue linkage agreements with other jurisdictions in setting auction floor price, allowance price containment reserve floor price, and hard price ceiling.
-16	3/1	Sen Bentz	Changes purpose of Act to provide households, businesses and workers impacted by the transition in this state that allows the State of Oregon to achieve the greenhouse gas reduction goals by removing reference to transitioning an economic system. Changes direction for investments from the Transportation Decarbonization Investments Account and the Climate Investments Fund to the maximum extent possible to provide assistance to help households businesses and workers make a transition by removing reference to economic system.
-17	3/4	Sen Bentz	Requires the CPO declare emergency suspension of OCAP by issuing order no later than 15 calendar days after date the office of economic analysis in DAS determines Oregon is in a recession. Provides stipulation for order to specify expiration date of emergency suspension, suspend auctions until after expiration date, and suspend compliance obligations under OCAP for emissions generated on and after date of order and on and before expiration date. Authorizes CPO to amend expiration date of emergency suspension by order if CPO determines recession has ended. Requires amended expiration date to be 15 calendar days after date order is issued.
-19	3/6	Sen Bentz	Extends purposes of OCAP to include providing equitable distribution of burdens and benefits of OCAP and the expenditures and investments from auctions among the rural and urban areas of the state. Changes purpose of Act to provide households, businesses and workers impacted by the transition in this state that allows the State of Oregon to

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			achieve the greenhouse gas reduction goals by removing reference to transitioning an economic system. Requires OCAP provide for equitable distribution among rural and urban areas of state of burdens and benefits of OCAP and expenditures and investments of state proceeds from auctions. Requires moneys deposited in Climate Investments Fund and Transportation Decarbonization Investments Account be allocated in manner consistent with purpose of OCAP. Requires total amount of allocations during biennium from Climate Investments Fund and Transportation Decarbonization Investments Account to result in investments in economic development and job creation that provide equitable opportunities among residents of rural and urban areas and include measures to balance for differential impacts among rural and urban areas of state of OCAP on energy rates.
-26	3/8	Sen Olsen	Requires the CPO to designate as covered entities under the OCAP those companies that are based in Oregon but that manufacture their products in other countries or states that do not have a price on carbon, for the purpose of regulating the emissions generated in the production of those products manufactured by the company in another country but sold or offered for sale in Oregon under certain circumstances.
-27	3/6	Sen Olsen	Requires DAS to adopt policy encouraging those who use state’s motor fleet to first use electric or low-emission vehicles. Requires vehicle purchased by DAS to be part of fleet to be zero-emission vehicle unless: vehicle is over 8,000 pounds; is for emergency purposes; or it is purchased or leased for nonemergency purposes for which zero-emission vehicles are not technologically feasible or commercially available. Applies to purchases on and after January 1, 2021.
-31	3/25	Co-Chairs, JCCR	Chairs omnibus amendment.
-32	4/3	Sen Bentz	Defines eastern edge economic zone to mean Malheur County and the portion of Baker County including the Huntington census county division. Requires CPO exempt from regulation as a covered entity an electric company that makes sales of electricity to retail electricity consumers in Oregon in an amount that equals less than three percent of all electricity sold to retail electricity consumers in Oregon. Requires CPO exclude from regulated emissions the greenhouse gas emissions attributable to the combustion of natural gas that is imported, sold, or distributed for use within the eastern edge economic zone and the combustion of fuel other than natural gas that is sold or distributed for use within the eastern edge economic zone. Requires CPO review exemption and exclusions once every five years and authorizes CPO by rule to modify exemptions or exclusions if upon review CPO determines the State of Idaho has enacted policies for placing a price on greenhouse gas emissions and modifying the exemption or exclusions is necessary to maintain parity between costs to consumers in Idaho and to consumers in Oregon of placing a price on

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			greenhouse gas emissions. Prohibits exclusions from being granted in any year following a year for which the person eligible for the exclusion has failed to satisfy CPO that the exclusion granted in previous year has been reflected by not including any cost of compliance in the price of fuel sold within the eastern edge economic zone.
-33	3/14	Sen Bentz	Requires a percentage that may not exceed _____ of the moneys deposited in the Climate Investments Fund be allocated for deposit in Decarbonization Advancements Grant Fund (Fund). Establishes Fund in State Treasury, separate and distinct from General Fund. Requires interest earned by Fund be credited to Fund. Requires moneys in Fund that are continuously appropriated to Oregon Business Development Department (OBDD) be distributed pursuant to Decarbonization Advancements Grant Program (Program). Defines best available technology and emissions-intensive, trade exposed covered entity (EITE). Requires OBDD establish Program by rule. Requires Program provide grants to EITEs to install or adopt best available technology for manufacture of goods by EITEs. Authorizes Department to require EITE provide matching funds. Requires Department give preference to providing grants for EITEs geographically located in: impacted communities or in counties with high proportion of census tracts designated as impacted communities; counties that have experienced negative net migration, irrespective of natural population change, since most recent federal decennial census occurring three or more years prior to current estimated population figure for county, based on available population statistics; counties experiencing low levels of economic development, as measured by frequency at which operations begin with county of new entities that provide employment opportunities comparable to employment opportunities provided by EITE applying for grant. Requires OBDD to deliver to Carbon Policy Office, for consideration for inclusion under biennial Climate Action Investment Plan estimate of amount necessary to fully fund the Program during upcoming biennium each even-numbered year. Requires estimate be based on amount of moneys necessary to provide grant assistance to all EITEs in state that plan to install or adopt best available technology during biennium. Requires OBDD convene advisory committee of representatives of EITEs to advise OBDD in developing estimate required.
-34	3/4	Sen Bentz	Prohibits moneys in the Transportation Decarbonization Investments Account from being pledged or assigned to secure a bond or other debt obligation.
-35	3/14	Sen Bentz	Establishes requirements for annual reporting to the CPO from agencies, counties, cities, and other public and private entities that receive funds from the Climate Investments Fund and the Transportation Decarbonization Investments Account to include whether the projects funded reduced GHG in the most cost effective manner; maintained balance among purposes of Act; are duplicative of programs; whether certain provisions of Act resulted in imposition of excessive costs; number of businesses capable of creating a green job and number of businesses that have left the state as result of Act.

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-36	3/6	Sen Bentz	Replaces section of Act that distributes allowances for natural gas utilities. Requires CPO to adopt rules for allocating allowances for direct distribution at no cost to natural gas utility as follows: 100 percent of the forecasted covered emissions during calendar year 2021; and from 2022-2050 at an amount that declines annually by constant amount proportionate to the decline in the amount of allowances available.
-37	3/14	Sen Bentz	Requires proposed linkage agreement provides that Oregon does not relinquish any authority to a linking jurisdiction over setting prices.
-39	4/1	Sen Bentz	Directs revenues constitutionally dedicated in Article IX, section 3a be transferred as follows: 12 percent to the State Highway Fund to be used to maintain, preserve, or improve transportation infrastructure and be allocated for distribution as follows: 50 percent to ODOT, 30 percent to counties for distribution, and 20 percent to cities for distribution; and the remainder to be transferred to the Transportation Decarbonization Investments Account.
-40	3/1	Sen Bentz	Removes section 34, requirements for construction projects funded by certain auction proceeds.
-41	3/1	Sen Bentz	Removes section 70, expedited judicial review for auction proceeds being subject to Article IX, section 3a of the Oregon Constitution.
-43	3/1	Sen Bentz	Removes emergency clause and changes expedited judicial review deadlines for filing petitions to July 1, 2020.
-44	3/6	Sen Beyer	Authorizes PUC to allow a rate or rate schedule of electric company or natural gas utility to reflect investments in infrastructure that support adoption of alternative forms of transportation vehicles under certain circumstances. Stipulates investment in infrastructure for alternative forms of transportation is a utility service and benefit to ratepayer if: it will support adoption of alternative vehicles powered by electricity or compressed natural gas; and it can be reasonably anticipated to cost-effectively reduce GHG emissions over time, benefit utility system. Establishes that benefits may include but need not be limited to: distribution or transmission managing benefits system efficiencies or other economic values benefiting ratepayers over the long term or increased access to long term utility service.
-45	3/6	Rep Keny Guyer	Defines key term: best available science. Requires the OCAP provide a market-based mechanism for covered entities to demonstrate compliance with the program and rely on best available science. Requires the Director of the CPO in adopting rules governing offset projects and covered entities' use of offset credits to consider best available science. Requires the CPO consider best available science in designating impacted communities. Requires allocations from the

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			Climate Investments Fund and the Transportation Decarbonization Investments account, to the maximum extent feasible, cost-effective, and consistent with law, consider best available science.
-46	4/4	Sen Olsen	Removes language that stipulates that for determining compliance obligation for electric system manager electricity scheduled that is generated from renewable resource and acquired without acquiring renewable energy certificate is considered to have the emission attributes of the underlying renewable resource. Removes exclusion of GHG emissions from an air contamination source that is delivered to another state and is included in multistate jurisdictional electric company. Requires CPO consult with PUC in allocating allowances to electric company. Makes requirements for rules that include: preserving the incentive for an electric company receiving allowances to reduce GHG emissions; maintain and support competition within the wholesale and retail electricity markets; allow an electric company, subject to PUC oversight, to use allowances only to meet compliance obligation; require electric company to submit report to CPO on allowance usage; and ensure distribution and use of revenues do not provide a cost advantage and does not discriminate against consumers that purchase electricity through direct access. Stipulates that prohibition against fossil fuel distribution and storage facilities or infrastructure, or an electric generating unit receiving no cost allowances only applies to entities not in operation before January 1, 2019. Requires value of allowances, rather than proceeds of allowances to be used in manner that preserves incentive to reduce ghg emissions; maintains and supports competition; does not discriminate against retail electricity consumers that purchase through direct access; and to meet compliance obligation. Authorizes the CPO to adjust registration and reporting requirements if necessary for participation in energy imbalance market.
-47	4/1	Sen Olsen	Replaces restrictions for the use of moneys deposited in Transportation Decarbonization Investments Account. Requires moneys in Transportation Decarbonization Investments Account to be used by ODOT to issue refunds to person that uses fuel to propel a vehicle on public highways and after making all valid refunds available to be allocated by the Legislative Assembly subject to direction from Act for purposes of authorized uses by Article IX, section 3a of the Oregon Consecution and that further purposes of Act. Authorizes person to apply to ODOT for refund equal to the number of gallons of fuel used to propel motor vehicle on public highway multiplied by the per gallon price of allowance. Authorizes person that is an asset-based carrier headquartered in Oregon that employees over 500 employees and transports freight interstate by truck if person is: registered SmartWay Truck Carrier; maintains satisfactory safety rating; files greenhouse gas emissions reduction plant with ODOT; and stores over 50,000 gallons of fuel in a single location for their use that was purchased by a covered entity. Establishes process for applying for evaluating and determining refund eligibility. Establishes provisions of ORS chapters 305, 314, and 316 apply to determinations of taxes, penalties, and interest of refund applications by persons that uses fuel to propel motor

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			vehicles on public highways to ODOT. Removes emergency clause and declares takes effect on the 91 st day after sine die.
-48	3/14	Sen Bentz	Expands list of benchmarks CPO must calculate to include a national sector benchmark and an Oregon sector benchmark. Removes requirement for sector benchmark. Requires CPO to calculate an Oregon benchmark, rather than sector benchmark for a good manufactured through an EITE process by three or more covered entities and opt-in entities. Requires CPO to calculate a national sector benchmark for goods that are manufactured through an EITE process that uses recycled material for over 90 percent of its feedstock. Establishes process for calculating national sector benchmark.
-49	3/14	Sen Bentz	Requires CPO Director to adopt rules prohibiting a covered entity that sells natural gas or other fuel to another covered entity from allocating the cost of compliance with the program to the covered entity that is the buyer if the seller has no obligation to purchase allowances related to the buyer's usage.
-53	3/14	Rep Brock Smith	Requires Carbon Policy Office (CPO) to allocate a percentage of allowances to be distributed directly into an electricity price forecasted growth reserve. Authorizes allowances to be distributed only when the distribution is necessary to protect electricity ratepayers from cost increases associated with increases in regulated emissions due to forecasted load growth. Requires Director of CPO (Director) to adopt by rule a process for electric system managers to apply for direct distribution at no cost of allowances from electricity price forecasted growth reserve. Requires CPO to allocate for direct distribution at no cost to an electric system manager amount of allowances to align with trajectory of emissions reductions. Requires Director to adopt by rule a calculation for determining amount of allowances available for direct distribution taking into account the electricity scheduled by an electric system manager for which unbundled renewable energy certificates are required to be retired, and the emissions attributable to nonspecific market purchases by electric system manager.
-56	3/29	Sen Girod	<i>(Identical to HB 2020-8)</i> Requires CPO to exclude dyed diesel from regulated emissions. Stipulates moneys deposited in the Transportation Decarbonization Investments Account may be used only by ODOT to issue refunds to person that use fuel to propel a farm vehicle registered vehicle and after making all valid refunds available to be allocated by the Legislative Assembly subject to direction from Act for purposes of authorized uses by Article IX, section 3a of the Oregon Consecution and that further purposes of Act. Authorizes any person that uses fuel to propel a motor vehicle registered under a farm vehicle registration to apply to ODOT for a refund equal to the number of gallons of fuel used per year multiplied by 75 percent. Establishes operational provisions for the refund. Authorizes timber producer to apply to ODOT to receive forest product vehicle registration. Establishes forest product application, fee, qualification,

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			resale and penalty process. Establishes allowable uses of forest product vehicle. Establishes requirements for proportional registration for timber production vehicles. Makes conforming amendments. Removes emergency clause and declares takes effect on the 91 st day after sine die.
-57	4/1	Rep Brock Smith	Requires direct distribution of allowances to Bonneville Power Administration during calendar year 2021 represent amount equal to 100 percent of covered emissions forecast for 2021, based on average of greenhouse gas emissions information from 2002 through most recent reporting year for which information on greenhouse gas emissions is available and verified by Carbon Policy Office, to be attributable to electricity delivered by Bonneville Power Administration to consumer-owned utilities and consumed in state.
-60	3/19	Sen Knopp	Requires CPO to forecast for 2021 the amount of GHG emissions attributable to consumer-owned (COU) utility that would have been regulated, had it not been excluded, if it is determined that the GHG emissions are excluded from regulation. Requires the CPO, in the year it is determined that the COU emissions no longer qualify for an exclusion, to allocate for direct distribution to electric system manager that schedules the COU's electricity an amount of allowances equal to the forecasted amount multiplied by the percentage necessary to reduce allocation consistent with the required allocation decline.
-61	4/18	Rep Helm	Replaces Section 30, Climate Investments Fund. Establishes the Climate Investments Fund (Fund). Requires moneys be used only for projects, programs, and activities that further the purposes of OCAP. Requires Legislative Assembly allocate moneys informed by the Biennial Climate Action Investment Plan. Requires moneys Fund be allocated each biennium in the following way: 10 percent for investments and expenditures that benefit eligible Indian tribes; 40 percent for investments and expenditures that benefit impacted communities; no less than 40 percent for projects, programs, or activities on natural and working lands or strengthening the resilience of fish, wildlife and ecosystems in the face of climate change; no more than one percent to provide technical assistance to eligible Indian tribes and impacted communities who are applicants and applicants for moneys to benefit natural and working lands; and \$10 million for deposit in the Just Transition Fund. Sunsets allocation of moneys July 1, 2027, with exception to moneys allocated for investments and expenditures that benefit eligible Indian tribes. Includes as an option for allocation of moneys in the Fund for funding to promote research by nonprofit organizations or public universities into methods for reducing greenhouse gas emissions, sequestering carbon on natural and working lands, or adapting to climate change, including but not limited to research investigating feedstocks to reduce emissions from dairy cows and cattle, research investigating crops and agricultural practices that reduce greenhouse gas emissions or promote resilience to climate change and research to promote resilience to ocean acidification.

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-63	4/17	Sen Bentz	Stipulates that if any electric company that remains at or below the trajectory of emissions reductions resulting from the renewable portfolio standard and statutes eliminating coal-fired resources for 2021- 2050 must represent 100% of the electric company’s emissions.
-64	5/6	Rep Brock Smith	Exempts the receipt of an allowance by a covered entity for direct distribution at no cost from taxation under personal income tax, corporate excise tax, and corporation income tax.
-65	4/18	Rep Marsh	<p>Replaces Section 10, Exemptions and exclusions. Requires CPO exempt from regulations as covered entity: a land disposal site; a cogeneration facility that is owned or operated by public university or by Oregon Health and Science University. Requires CPO exclude from regulated emissions: GHGs from combustion of fuel that is demonstrated to have been used as aviation fuel or as fuel in watercraft or railroad locomotives; GHGs attributable to consumer-owned utility if three-year average of annual GHGs attributable to electricity is scheduled, by consumer-owned utility or by electric generation and transmission cooperative, for delivery for consumption in this state is less than 25,000 metric tons of carbon dioxide equivalent; and emissions attributable to person exempt from designation as covered entity. Authorizes CPO to exempt any person that imports in a calendar year less than a de minimis amount of gasoline and diesel fuel, in total, as determined by CPO by rule.</p> <p>Replaces Section 15, Direct distribution of allowances for electric companies. Requires CPO Director in consultation with PUC to adopt rules for allocating allowances for distribution at no cost to covered entities that are electric companies. Requires direct distribution be for exclusive benefit of retail electricity consumers. Requires rules: allow for electric company to use allowances to fulfill compliance obligations associated with electricity used to serve the load of electric company’s retail electricity consumers in Oregon, subject to oversight of PUC; ensure electric companies’ use of allowances to fulfill compliance obligation does not provide retail electricity consumers with cost advantage for purchasing electricity at cost-of-service rate rather than through direct access; ensure benefits electric companies receive from using allowances are apportioned in nondiscriminatory manner between retail electricity consumers that purchase electricity through direct access and retail electricity consumers that purchase electricity at cost-of-service rate; and implement direct distributions of allowances to electric companies. Requires annual direct distributions to electric company during 2021 and for each calendar year until and including 2029 be in a number such that the electric company receives total direct distribution over that time period equal to 100 percent of electric company’s forecast regulated emissions for 2021 and for each calendar year until and including 2029 associated with electricity used to serve the load of electric company’s retail electricity consumers in Oregon. Requires direct distribution of allowances to electric company during 2030 represent amount equal to 100 percent of electric company’s forecast regulated emissions associated with electricity used to serve the load of electric company’s retail</p>

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			electricity customers in Oregon for calendar year of 2030. Requires forecast regulated emissions be based on or contained in: most recent integrated resource plan filed by electric company and acknowledged by order by PUC; any updates to integrated resource plan filed by electric company with PUC as of January 1, 2021; or in the case of multistate jurisdictional electric company, other information developed consistent with methodology approved by PUC. Requires direct distribution beginning in 2031 and for each following year until and including 2050, decline from amount of allowances allocated to electric company in 2030 by constant amount proportionate to decline in amount of allowances available.
-67	4/9	Sen Bentz	Requires direct distribution of 100% allowances for EITE covered entities from 2021-2035 and from 2036-2050 an amount, that is calculated by multiplying the annual good-specific emissions by a percentage adjusted annually and established by rule for a covered entity that has at least three facilities in Oregon and has reduced GHG emissions per unit of output by at least 45% below 1995 levels or an entity that manufactures foods in at least three facilities that are located in a county with a population density of 25 or fewer persons per square mile.
-68	4/17	Sen Bentz	Replaces Section 18, Direct distribution of allowances for covered entities and opt-in entities engaged in emissions-intensive, trade-exposed processes. Requires CPO designate a covered or opt-in entity as EITE entity if entity is a person in control of an air contamination source and is engaged in the manufacture of goods through one or more of the EITE processes as identified by certain North American Industry Classification System codes. Requires Director of CPO adopt by rule a process for designating as an EITE entity a covered or opt-in entity that begins manufacturing a good or goods in this state through an emissions-intensive, trade-exposed process after operative date, or manufactures a good or goods through a process not listed as an emissions-intensive, trade-exposed process that the Director, by rule, identifies as an emissions-intensive, trade-exposed process. Requires Director hire or contract with third-party organization to assist CPO in gathering data and conducting analyses as necessary to assist Director in carrying out this process. Authorizes CPO to assign a good manufactured by a designated EITE entity a temporary benchmark, and to adjust temporary benchmark after the close of first compliance period. Prohibits a covered or opt-in entity that is a fossil fuel distribution and storage facility or infrastructure, or an electric generating unit from being designated as an EITE entity and from receiving allowances at not cost. Requires CPO complete a study no later than September 15, 2021, on the leakage risk of air contamination sources in this state that report annual verified anthropogenic greenhouse gas emissions of between 10,000 and 25,000 metric tons of carbon dioxide equivalent. Designates purpose of study to evaluate emissions intensiveness and trade exposure of air contamination sources and to aid CPO in implementing process for designation of EITE entities. Requires CPO provide report on the study to JCCA. Requires the annual allocation of allowances for direct distribution at no cost to EITE entity be number of allowances equal to sum total of annual good-specific emissions calculations for goods manufactured by EITE entity. Requires annual good-specific emissions calculation be the product of the applicable benchmark for the good and EITE entity's

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		<p>output of good during calendar year prior to calendar year in which annual allocation of allowances will be directly distributed. Requires CPO calculate and apply facility benchmark for each good manufactured in this state by each EITE entity for the calendar years beginning in 2021 and for each following year until and including 2023, by: calculating three-year average of total, expressed in metric tons of carbon dioxide equivalent, of anthropogenic greenhouse gas emissions attributable to manufacture of good in this state each year by EITE entity, using anthropogenic greenhouse gas emissions information from three most recent years prior to 2021 for which verified anthropogenic greenhouse gas emissions information is available and verified by CPO; and dividing number calculated by the three-year average of total annual output of good in this state by EITE entity, using output data from three most recent years prior to 2021. Requires CPO apply best available technology benchmark for each good manufactured beginning in 2024 and for each following year until and including 2050. Requires CPO adopt best available technology benchmarks no later than January 1, 2024, and update once every six years. Requires each best available technology benchmark represent anthropogenic greenhouse gas emissions that would be attributable to manufacture of good if EITE entity were to use best available technology as of the date the benchmark was last updated. Authorizes CPO review and consider emissions intensity audit reports specific to EITE entity that are produced by qualified, independent third-party organizations. Authorizes EITE entity submit emissions intensity audit report produced by qualified, independent third-party organization for consideration in adopting best available technology. Requires report: include analysis of current technologies, equipment, and processes used to manufacture each good at EITE entity's facility and resulting emissions intensity per unit of output; include analysis of best available technology and resulting emissions intensity per unit of output if best available technology were used at EITE entity's facility, taking into account to greatest extent practical the fuels, processes, equipment, and technology used by facilities in this state or other jurisdictions to produce good of comparable type, use, or quality, and any barriers that would prevent adoption of best available technology; and provide estimate of emissions intensity per unit of output to produce same goods at same facility if best available technology were used. Requires CPO adopt by rule a means for attributing EITE entity's anthropogenic greenhouse gas emissions to manufacture of individual goods, and requirements for EITE entities to provide pertinent records necessary for CPO to verify output data used to calculate benchmarks. Requires CPO adopt by rule process for EITE entities to apply for adjustment to allocation of allowances. Authorizes CPO grant adjustment only for significant unanticipated change in greenhouse gas emissions attributable to manufacture of individual good or goods by EITE entity based on finding by CPO that adjustment is necessary to accommodate changes to manufacturing process that have a material impact on greenhouse gas emissions. Authorizes Director of CPO contract with external third-party expert to assist in making determinations on adjustment applications. Requires CPO provide report to JCCR no later than September 15, 2030, on benchmarks assessing: emissions intensity and trade exposure of covered and opt-in entities designated as EITE entities; emissions reduction</p>
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			opportunities available to covered and opt-in entities; and whether conclusions of assessments warrant an adjustment to methods of calculating benchmarks.
-69	4/17	Sen Bentz	<i>(Similar to -68 with changes underline)</i> . Replaces Section 18, Direct distribution of allowances for covered entities and opt-in entities engaged in emissions-intensive, trade-exposed processes. Requires CPO designate a covered or opt-in entity as EITE entity if entity is a person in control of an air contamination source and is engaged in the manufacture of goods through one or more of the EITE processes as identified by certain North American Industry Classification System codes. Requires Director of CPO adopt by rule a process for designating as an EITE entity a covered or opt-in entity that begins manufacturing a good or goods in this state through an emissions-intensive, trade-exposed process after operative date, or manufactures a good or goods through a process not listed as an emissions-intensive, trade-exposed process that the Director, by rule, identifies as an emissions-intensive, trade-exposed process. Requires Director hire or contract with third-party organization to assist CPO in gathering data and conducting analyses as necessary to assist Director in carrying out this process. Authorizes CPO to assign a good manufactured by a designated EITE entity a temporary benchmark, and to adjust temporary benchmark after the close of first compliance period. Prohibits a covered or opt-in entity that is a fossil fuel distribution and storage facility or infrastructure, or an electric generating unit from being designated as an EITE entity and from receiving allowances at no cost. Requires CPO complete a study no later than September 15, 2021, on the leakage risk of air contamination sources in this state that report annual verified anthropogenic greenhouse gas emissions of between 10,000 and 25,000 metric tons of carbon dioxide equivalent. Designates purpose of study to evaluate emissions intensiveness and trade exposure of air contamination sources and to aid CPO in implementing process for designation of EITE entities. Requires CPO provide report on the study to JCCA. Requires the annual allocation of allowances for direct distribution at no cost to EITE entity be number of allowances equal to sum total of annual good-specific emissions calculations for goods manufactured by EITE entity, <u>multiplied by 95 percent</u> . Requires annual good-specific emissions calculation be the product of the applicable benchmark for the good and EITE entity's output of good during calendar year prior to calendar year in which annual allocation of allowances will be directly distributed. Requires CPO calculate and apply facility benchmark for each good manufactured in this state by each EITE entity for the calendar years beginning in 2021 and for each following year until and including <u>2026</u> , by: calculating three-year average of total, expressed in metric tons of carbon dioxide equivalent, of anthropogenic greenhouse gas emissions attributable to manufacture of good in this state each year by EITE entity, using anthropogenic greenhouse gas emissions information from three most recent years prior to 2021 for which verified anthropogenic greenhouse gas emissions information is available and verified by CPO; and dividing number calculated by the three-year average of total annual output of good in this state by EITE entity, using output data from three most recent years prior to 2021. Requires CPO apply best available technology benchmark for each good manufactured beginning in <u>2027</u> and for each following year until and including

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			<p>2050. Requires CPO adopt best available technology benchmarks no later than January 1, <u>2027</u>, and update once every <u>12 years</u>. Requires each best available technology benchmark represent anthropogenic greenhouse gas emissions that would be attributable to manufacture of good if EITE entity were to use best available technology as of the date the benchmark was last updated. Authorizes CPO review and consider emissions intensity audit reports specific to EITE entity that are produced by qualified, independent third-party organizations. Authorizes EITE entity submit emissions intensity audit report produced by qualified, independent third-party organization for consideration in adopting best available technology. Requires report: include analysis of current technologies, equipment, and processes used to manufacture each good at EITE entity’s facility and resulting emissions intensity per unit of output; include analysis of best available technology and resulting emissions intensity per unit of output if best available technology were used at EITE entity’s facility, taking into account to greatest extent practical the fuels, processes, equipment, and technology used by facilities in this state or other jurisdictions to produce good of comparable type, use, or quality, and any barriers that would prevent adoption of best available technology; <u>any indirect energy or environmental impacts associated with a technology under consideration for best available technology</u>; and provide estimate of emissions intensity per unit of output to produce same goods at same facility if best available technology were used. Requires CPO adopt by rule a means for attributing EITE entity’s anthropogenic greenhouse gas emissions to manufacture of individual goods, and requirements for EITE entities to provide pertinent records necessary for CPO to verify output data used to calculate benchmarks. Requires CPO adopt by rule process for EITE entities to apply for adjustment to allocation of allowances. Authorizes CPO grant adjustment only for significant unanticipated change in greenhouse gas emissions attributable to manufacture of individual good or goods by EITE entity based on finding by CPO that adjustment is necessary to accommodate changes to manufacturing process that have a material impact on greenhouse gas emissions. Authorizes Director of CPO contract with external third-party expert to assist in making determinations on adjustment applications. Requires CPO provide report to JCCR no later than September 15, 2030, on benchmarks assessing: emissions intensity and trade exposure of covered and opt-in entities designated as EITE entities; emissions reduction opportunities available to covered and opt-in entities; and whether conclusions of assessments warrant an adjustment to methods of calculating benchmarks.</p>
-70	4/17	Sen Bentz	<p>Requires a contracting agency give a preference of not more than 10 percent to building materials procured from manufacturers within this state when using program funds, or for nursery stock that is grown, propagated, and sold entirely within state when using funds from the Transportation Decarbonization Investments. Authorizes contracting agency decline to giving preference if agency finds in written determination the building material or nursery stock is not available in quantity, quality, type, or timeframe required for procurement, or if cost of building material or nursery stock is more than 10 percent more than building material costs manufactured within state. Exempts</p>

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			emergency work, minor alterations, ordinary repairs, or maintenance work for public improvements or to other construction contracts.
-71	4/17	Sen Bentz	Replaces Section 34, Construction projects funded by certain auction proceeds; requirements. Directs primary contractor participating in the construction project if project receives more than \$50,000 in funding from Climate Investments Fund or Transportation Decarbonization Investments Account: shall pay prevailing rate of wage for an hour's work in same trade or occupation in locality where labor is performed; shall offer health care and retirement benefits to employees performing labor on construction project; shall participate in apprenticeship program registered with State Apprenticeship and Training Council; may not be contractor listed by Commissioner of Bureau of Labor and Industries as ineligible to receive contract or subcontract for public works; must demonstrate history of compliance with certain rules and other requirements; and must demonstrate history of compliance with federal and state wage and hour laws. Prohibits farm labor contractor from receiving moneys from Climate Investments Fund or Transportation Decarbonization Investments Account unless contractor is in compliance with all licensing and other requirements or regulations. Requires Oregon Department of Administration Services (DAS) adopt model rules that specify labor, workforce, and contracting procedures for all state agencies to use in administering funds for construction projects that receive more than \$50,000 in funding from Climate Investments Fund or Transportation Decarbonization Investments Account. Requires model rules require use of a project labor agreement for construction projects that receive more than \$200,000 in funding from Climate Investments Fund or Transportation Decarbonization Investments Account. Includes certain requirements for model rules including measurable, enforceable goals for training and hiring of persons who are members of impacted communities and for contracting with businesses owned or operated by members of impacted communities; and establish wage, benefit, and labor relations standards; promote best practices in procurement and contracting; and require that, in each contract awarded, steel, iron, coatings for steel and iron, cement, and manufactured products that contractor purchases for project and become part of a permanent structure be produced in the United States (U.S.). Exempts requirement to be produced in the U.S. if administering agency finds: the requirement is inconsistent with public interest; steel, iron, coatings for steel and iron, cement, and manufactured products required for project are not produced in the U.S. in sufficient and reasonable available quantities and with satisfactory quality; or the requirement will increase costs of project, exclusive of labor costs involved in final assembly for manufactured products, by 25 percent or more. Requires a contractor spend at least 75 percent of total amount the contractor spends on steel, iron, coatings for steel and iron, cement, and manufactured products that become part of a permanent structure to purchase steel, iron, coatings for steel and iron, cement, and manufactured products produced in the U.S. Requires CPO consult with representatives of labor and workforce equity and contractor equity, and other knowledgeable persons before adopting or amending a rule relating to construction projects. Prohibits a state agency charged with administering

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			funds for construction projects that receive more than \$50,000 from the Climate Investments Fund or Transportation Decarbonization Investments Account from adopting administering agency's own rules for labor and workforce procedures related to administering funds.
<u>-77</u>	4/17	Sen Bentz	Replaces Section 6, civil penalties. Defines intentionally and recklessly. Authorizes Director of CPO (Director) impose a civil penalty on any person for: a violation of OCAP, a violation of statute regarding electricity registration and reporting requirements; and submitting any record, information, or report required by OCAP or statute regarding electricity registration and reporting requirements that falsifies or conceals a material fact or makes any false or fraudulent representation. Constitutes each day of violation a separate offense. Requires Director adopt by rule a schedule of civil penalties that may be imposed for violations. Prohibits a civil penalty from exceeding \$1,000 per violation. Authorizes a civil penalty to include an amount equal to an estimate of the economic benefit received as a result of the violation. Prohibits a civil penalty for a violation arising from an intentional, reckless, or negligent act from exceeding \$2,500 per violation. Requires Director consider the following factors when imposing a civil penalty: the past history of person incurring the civil penalty in taking all feasible steps or procedures necessary or appropriate to correct any violation; any actions taken by person to mitigate violation; any prior act that resulted in a violation; the economic and financial conditions of person incurring civil penalty; the gravity and magnitude of violation; whether the violation was repeated or continuous; whether the cause of violation was an unavoidable accident, negligence, or an intentional act; the person's cooperativeness and efforts to correct the violation; and whether person gained an economic benefit as a result of the violation. Requires all civil penalties be paid into State Treasury and credited to Oregon Climate Action Program Operating Fund.
<u>-79</u>	4/17	Sen Bentz	Prohibits the State of Oregon from relinquishing any authority to a linking jurisdiction over setting prices or over making any other decision that may affect the price of allowances.
<u>-83</u>	4/18	Rep Greg Smith	Requires CPO calculate baseline emissions equal to a forecast of regulated emissions for 2021, informed by three-year average of total, expressed in metric tons of carbon dioxide equivalent, of anthropogenic greenhouse gas emissions attributable to all persons designed to be covered entities under OCAP. Requires CPO use greenhouse gas emissions information from three most recent years prior to 2021 for which information is available and verified by CPO. Authorizes CPO use electricity load growth forecasts for five-year period following 2021 that are available and verified by CPO. Requires CPO exclude greenhouse gas emissions that would not have been regulated emissions if OCAP had been in effect during the time the emissions occurred. Replaces Section 16, Direct distribution of allowances for certain electric system managers. Requires CPO allocate allowances for direct distribution and not cost to covered entities that are electric system managers other than electric companies as follows: requires direct distribution during

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			<p>calendar year 2021 represent amount equal to 100 percent of verified anthropogenic greenhouse gas emissions that are forecast for 2021 to be attributable to electricity scheduled by electric system manager for final delivery by consumer-owned utilities for consumption in this state; and requires direct distribution received decline annually by a constant amount proportionate to decline in amount of allowances available beginning in 2022 and for each subsequent calendar year until and including 2050. Requires CPO when making allocation to account for any unbundled renewable energy certificates use by an electric system manager and adjust allocation to reduce manager's compliance obligation accordingly. Requires CPO consider: electricity scheduled by electric system manager for which unbundled renewable energy certificates may be used; and emissions attributable to nonspecific market purchases by electric system manager. Requires CPO Director adopt rules for accounting and adjustments. Requires proceeds from the sale by consumer-owned utility of allowances distributed at no cost be used by consumer-owned utility for benefit of ratepayers. Requires governing body of consumer-owned utility no later than September 15 of each even-numbered year submit report to JCCA on use by consumer-owned utility. Requires report include, but not be limited to, description of uses.</p>
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