

HOUSE AMENDMENTS TO A-ENGROSSED HOUSE BILL 2007

By JOINT COMMITTEE ON WAYS AND MEANS

June 21

- 1 On page 2 of the printed A-engrossed bill, delete lines 7 through 45.
- 2 On page 3, delete lines 1 through 15 and insert:
- 3 “**SECTION 1.** ORS 468A.795 is amended to read:
- 4 “468A.795. As used in ORS 468A.795 to 468A.807:
- 5 “(1) ‘Alternative fuel’ means biofuels, biogas, natural gas, liquefied petroleum gas, hydrogen and
- 6 electricity.
- 7 “(2) ‘Best available exhaust control technology’ means the most effective exhaust controls to
- 8 reduce diesel particulate that rely on passively regenerated diesel particulate control technology
- 9 supported in a vehicle’s normal duty cycle.
- 10 “[3] ‘*Combined weight*’ has the meaning given that term in ORS 825.005.]
- 11 “[4] (3) ‘Cost-effectiveness threshold’ means the cost, in dollars, per ton of diesel particulate
- 12 matter reduced, as established by rule of the Environmental Quality Commission.
- 13 “[5] (4) ‘Diesel engine’ means a compression ignition engine.
- 14 “[6] (5) ‘Environmental Mitigation Trust Agreement’ means the **fully executed** Environmental
- 15 Mitigation Trust Agreement **for State Beneficiaries effective October 2, 2017, and issued pur-**
- 16 **suant to Paragraph 17 of** *[required by]* the Volkswagen ‘Clean Diesel’ Marketing, Sales Practices
- 17 and Products Liability Litigation partial consent decree dated October 25, 2016.
- 18 “[7] (6) ‘Equivalent equipment’ means a piece of equipment that performs the same function
- 19 and has the equivalent horsepower to a piece of equipment subject to a replacement.
- 20 “[8] (7) ‘Equivalent motor vehicle’ means a motor vehicle that performs the same function and
- 21 is in the same weight class as a motor vehicle subject to a replacement.
- 22 “(8) ‘**Gross vehicle weight rating**’ means the value specified by the manufacturer as the
- 23 **maximum loaded weight of a single or a combination vehicle.**
- 24 “(9) ‘Heavy-duty truck’ means a motor vehicle or combination of vehicles operated as a unit that
- 25 has a *[combined weight]* **gross vehicle weight rating** that is greater than 26,000 pounds.
- 26 “(10) ‘Incremental cost’ means the cost of a qualifying repower or retrofit less a baseline cost
- 27 that would otherwise be incurred in the normal course of business.
- 28 “(11) ‘Medium-duty truck’ means a motor vehicle or combination of vehicles operated as a unit
- 29 that has a *[combined weight]* **gross vehicle weight rating** that is greater than 14,000 pounds but
- 30 less than or equal to 26,000 pounds.
- 31 “(12) ‘Motor vehicle’ has the meaning given that term in ORS 825.005.
- 32 “(13) ‘Nonroad diesel engine’ means a diesel engine of 25 horsepower or more that is not de-
- 33 signed primarily to propel a motor vehicle on public highways.
- 34 “[14] ‘*Oregon diesel engine*’ means an engine at least 50 percent of the use of which, as measured
- 35 by miles driven or hours operated, will occur in Oregon for the three years following the repowering

1 or retrofitting of the engine.]

2 “[(15)] (14) ‘Oregon diesel truck engine’ means a diesel engine in a truck at least 50 percent of
3 the use of which, as measured by miles driven or hours operated, has occurred in Oregon for the
4 two years preceding the scrapping of the engine.

5 “[(16)] (15) ‘Public highway’ has the meaning given that term in ORS 825.005.

6 “[(17)(a)] (16)(a) ‘Replacement’ means:

7 “(A) To scrap a motor vehicle powered by a diesel engine and replace the motor vehicle with
8 an equivalent motor vehicle; or

9 “(B) To scrap a piece of equipment powered by a nonroad diesel engine and replace the equip-
10 ment with equivalent equipment.

11 “(b) ‘Replacement’ does not mean ordinary maintenance, repair or replacement of a diesel en-
12 gine.

13 “[(18)] (17) ‘Repower’ means to scrap an old diesel engine and substitute it with a new engine,
14 a used engine or a remanufactured engine, or with electric motors, drives or fuel cells, with a min-
15 imum useful life of seven years.

16 “[(19)] (18) ‘Retrofit’ means to equip a diesel engine with new emissions-reducing parts or tech-
17 nology after the manufacture of the original engine **or to convert the diesel engine into an engine**
18 **capable of being powered by alternative fuel**. A retrofit must use the greatest degree of emissions
19 reduction available for the particular application of the equipment retrofitted that meets the cost-
20 effectiveness threshold.

21 “[(20)] (19) ‘Scrap’ means to destroy, render inoperable and recycle.

22 “[(21)] (20) ‘Truck’ means a motor vehicle or combination of vehicles operated as a unit that has
23 a [combined weight] **gross vehicle weight rating** that is greater than 14,000 pounds.”.

24 On page 4, delete line 26 and insert:

25 “(e) Benefit owners and operators of heavy-duty trucks, if the fleet of the owner or operator
26 includes only one heavy-duty truck and the heavy-duty truck is registered in Multnomah, Clackamas
27 or Washington County;

28 “(f) Benefit small fleets other than as described in paragraph (e) of this subsection;

29 “(g) Involve the retrofit of concrete mixer trucks or trucks that are used for the transportation
30 of aggregate; or”.

31 In line 27, delete “(f)” and insert “(h)”.

32 In line 44, after “vehicles” insert “if the address of the owner of the motor vehicle is located
33 within Multnomah, Clackamas or Washington County”.

34 On page 5, delete line 26 and insert:

35 “(e) Publicly and privately owned emergency vehicles.”.

36 After line 32, insert:

37 “(k) Carriers with a fleet size of five or fewer heavy-duty trucks.”.

38 In line 33, delete “(k)” and insert “(L)”.

39 After line 33, insert:

40 “(m) Motor trucks, as defined in ORS 801.355, used primarily to transport logs.”.

41 On page 10, line 40, after “used” insert “on site and”.

42 On page 11, delete lines 1 through 3 and insert:

43 “(3) Subsection (2) of this section applies only to a public improvement contract for a public
44 improvement:

45 “(a) With a value of \$20 million or more;

1 “(b) For which the contracting agency is a state contracting agency; and
2 “(c) If the public improvement is located within Multnomah, Clackamas or Washington
3 County.”.

4 After line 11, insert:

5 “(b) The Director of Transportation, the Director of the Oregon Department of Administrative
6 Services and the Attorney General may adopt rules for contract specifications relating to the use
7 of diesel engines on site and in the course of performing a public improvement contract by a state
8 contracting agency. In adopting rules under this paragraph, the directors and the Attorney General
9 shall consider the minimum standards established by the Department of Environmental Quality un-
10 der paragraph (a) of this subsection.”.

11 In line 12, delete “(b)” and insert “(c)”.

12 In line 14, after “standards” delete the rest of the line and line 15 and insert “applicable to the
13 public improvement contract under rules adopted pursuant to paragraph (b) of this subsection.

14 “**SECTION 18a.** (1) **Section 18 of this 2019 Act applies to public improvement contracts**
15 **advertised or solicited on or after January 1, 2022, or, for public improvement contracts that**
16 **are not advertised or solicited, public improvement contracts that a contracting agency en-**
17 **ters into on or after January 1, 2022.**

18 “(2) **Notwithstanding subsection (1) of this section, section 18 of this 2019 Act applies to**
19 **any public improvement contract advertised or solicited on or after the effective date of this**
20 **2019 Act or, for a public improvement contract that is not advertised or solicited, any public**
21 **improvement contract that a contracting agency enters into on or after the effective date**
22 **of this 2019 Act, if the public improvement contract is for:**

23 “(a) **The Interstate 5 Rose Quarter Project;**

24 “(b) **The Interstate 205 Abernethy Bridge Project;**

25 “(c) **The Interstate 205 Freeway Widening Project;**

26 “(d) **The State Highway 217 Northbound Project; or**

27 “(e) **The State Highway 217 Southbound Project.”.**

28 Delete lines 40 through 45.

29 On page 12, delete lines 1 through 3 and insert:

30 “(3) The task force shall:

31 “(a) Consider public funding strategies for supporting businesses in reducing emissions from
32 diesel engines used in the course of conducting business activities.

33 “(b) Evaluate and develop recommendations related to funding strategies that shall include, but
34 need not be limited to:

35 “(A) Taxes;

36 “(B) Fees;

37 “(C) Contract requirements or funding set-asides; and

38 “(D) Strategies employed by other states to accrue funds for diesel emissions reduction pro-
39 grams.

40 “(c) Develop statewide incentive strategies to encourage replacement, repower or retrofitting
41 of medium-duty trucks and heavy-duty trucks owned by owners located outside Multnomah,
42 Clackamas or Washington County, taking into consideration the incentive strategies employed by
43 adjoining states.

44 “(d) Identify the barriers to small contractor participation in public contracting that exist under
45 clean diesel in public contracting provisions.”.

- 1 On page 13, line 44, delete “(a)”.
- 2 On page 14, line 1, delete “(b)” and insert “(2)”.
- 3 In line 3, delete “paragraph (a) of this subsection” and insert “subsection (1) of this section”.
- 4 In line 4, delete “paragraph (a) of this”.
- 5 In line 5, after “subsection” insert “(1) of this section”.
- 6 Delete lines 8 through 13 and insert:
- 7 **“SECTION 23. In addition to and not in lieu of any other appropriation, there is appro-**
- 8 **priated to the Department of Environmental Quality, for the biennium beginning July 1, 2019,**
- 9 **out of the General Fund, the amount of \$407,718, which may be expended to carry out the**
- 10 **duties of the department under this 2019 Act.”.**
- 11 In line 14, delete “23” and insert “24”.
- 12 In line 17, delete “24” and insert “25”.
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