

Requested by JOINT COMMITTEE ON WAYS AND MEANS

**PROPOSED AMENDMENTS TO
A-ENGROSSED HOUSE BILL 2020**

1 On page 1 of the printed A-engrossed bill, line 5, after “2009” insert “, and
2 sections 75 and 76, chapter 750, Oregon Laws 2017”.

3 On page 21, line 8, delete “compliance obligations” and insert “the com-
4 pliance obligation”.

5 On page 22, line 40, after “receive” insert a comma.

6 In line 41, after “cost” insert a comma.

7 On page 23, line 18, before “utility” insert “natural gas”.

8 After line 31, insert:

9 “(a) Aerospace Product and Parts Manufacturing, code 3364.”.

10 In line 32, delete “(a)” and insert “(b)”.

11 In line 33, delete “(b)” and insert “(c)”.

12 In line 34, delete “(c)” and insert “(d)”.

13 In line 35, delete “(d)” and insert “(e)”.

14 In line 36, delete “(e)” and insert “(f)”.

15 In line 37, delete “(f)” and insert “(g)”.

16 In line 38, delete “(g)” and insert “(h)”.

17 In line 39, delete “(h)” and insert “(i)”.

18 In line 40, delete “(i)” and insert “(j)”.

19 In line 41, delete “(j)” and insert “(k)”.

20 In line 42, delete “(k)” and insert “(L)”.

21 In line 43, delete “(L)” and insert “(m)”.

1 In line 44, delete “(m)” and insert “(n)”.

2 In line 45, delete “(n)” and insert “(o)”.

3 On page 30, delete lines 40 through 43 and insert:

4 “(E) May not authorize the generation or issuance of offset credits for
5 greenhouse gas emissions reductions or removals that occur during the pe-
6 riod beginning on January 1, 2021, and ending on December 31, 2026, as the
7 result of offset projects on state forestlands, unless as of the effective date
8 of this 2019 Act the state forestlands are:

9 “(i) Trust lands as defined in ORS 273.462;

10 “(ii) Lands in the Elliott State Forest as described in ORS 530.450;

11 “(iii) Common School Forest Lands as described in ORS 530.460; or

12 “(iv) Any other lands placed under the jurisdiction of the State Land
13 Board consistent with Article VIII, section 5, Oregon Constitution.

14 “(b) In developing offset protocols related to forestry, the office and the
15 department shall avoid permanent or temporary net cumulative reductions,
16 attributable to offset projects, in the regional supply of wood fiber available
17 to wood products manufacturing facilities in this state. This paragraph does
18 not apply to offset projects located on Indian trust lands or Indian fee
19 lands.”.

20 On page 51, after line 30, insert:

21 “(m) Reduce greenhouse gas emissions related to agriculture, with a pri-
22 ority given to the replacement, repowering or retrofitting of nonroad equip-
23 ment to reduce emissions that present serious risks to farmworker health.”.

24 On page 93, after line 14, insert:

25 **“SECTION 123a. If section 34 of this 2019 Act is judicially declared**
26 **by the Oregon Supreme Court to not impose a tax subject to the pro-**
27 **visions of Article IX, section 3a, of the Oregon Constitution, then the**
28 **Climate Policy Office shall, as part of the next biennial climate action**
29 **investment plan due pursuant to section 57 of this 2019 Act after the**
30 **date of the judicial declaration:**

1 **“(1) Identify specific opportunities for using state proceeds from**
2 **auctions conducted under section 34 of this 2019 Act each biennium to**
3 **reduce greenhouse gas emissions associated with transportation**
4 **through investments in transportation electrification, compressed na-**
5 **tural gas and hydrogen fuel vehicles and infrastructure, and low-**
6 **emission and zero-emission transit;**

7 **“(2) Identify specific opportunities for using state proceeds from**
8 **auctions conducted under section 34 of this 2019 Act each biennium to**
9 **reduce greenhouse gas emissions through the replacement of**
10 **medium-duty trucks and heavy-duty trucks powered by diesel engines**
11 **or the repower or retrofit of diesel engines that power medium-duty**
12 **trucks and heavy-duty trucks;**

13 **“(3) Identify specific opportunities for using state proceeds from**
14 **auctions conducted under section 34 of this 2019 Act each biennium to**
15 **reduce greenhouse gas emissions related to agriculture, with a priority**
16 **given to the replacement, repowering or retrofitting of nonroad**
17 **equipment to reduce emissions that present serious risks to**
18 **farmworker health; and**

19 **“(4) Make recommendations, including recommendations for legis-**
20 **lation, for modifying the distributions of state proceeds from auctions**
21 **as provided for in sections 34, 35, 41 to 45 and 46 of this 2019 Act, and**
22 **the repeal or amendment of any other statutes or session laws, as**
23 **necessary to:**

24 **“(a) Address the judicial declaration by the Oregon Supreme Court**
25 **that section 34 of this 2019 Act does not impose a tax that is subject**
26 **to the provisions of Article IX, section 3a, of the Oregon Constitution;**
27 **and**

28 **“(b) Implement the opportunities identified pursuant to subsections**
29 **(1) to (3) of this section.**

30 **“SECTION 123b. Section 123a of this 2019 Act becomes operative on**

1 **January 2 of the year following the date that section 34 of this 2019**
2 **Act is judicially declared by the Oregon Supreme Court to not impose**
3 **a tax that is subject to the provisions of Article IX, section 3a, of the**
4 **Oregon Constitution.**

5 **“SECTION 123c. Sections 123a and 123b of this 2019 Act are repealed**
6 **on the earlier of:**

7 **“(1) The date that section 34 of this 2019 Act is judicially declared**
8 **by the Oregon Supreme Court to impose a tax that is subject to the**
9 **provisions of Article IX, section 3a, of the Oregon Constitution; or**

10 **“(2) January 2, 2027.**

11 **“SECTION 123d. (1) Original jurisdiction to determine whether**
12 **auctions conducted under section 34 of this 2019 Act impose a tax or**
13 **excise that is subject to the provisions of Article VIII, section 2 (1)(g),**
14 **of the Oregon Constitution, is conferred on the Supreme Court.**

15 **“(2)(a) Any person interested in or affected or aggrieved by, or who**
16 **will be affected or aggrieved by, section 34 of this 2019 Act may petition**
17 **for judicial review under this section. A petition for review must be**
18 **filed within 60 days after the effective date of this 2019 Act.**

19 **“(b) The petition must state facts showing how the petitioner is**
20 **interested, affected or aggrieved and the grounds upon which the pe-**
21 **tition is based.**

22 **“(3) The petitioner shall serve a copy of the petition by registered**
23 **or certified mail upon the Oregon Department of Administrative Ser-**
24 **vices, the Director of the Climate Policy Office, the Attorney General**
25 **and the Governor.**

26 **“(4) Proceedings for review under this section shall be given priority**
27 **over all other matters before the Supreme Court.**

28 **“(5) In the event that the Supreme Court determines that there are**
29 **factual issues in the petition, the Supreme Court may appoint a special**
30 **master to hear evidence and to prepare recommended findings of**

1 **fact.”.**

2 On page 95, after line 9, insert:

3 **“SECTION 128a.** Section 75, chapter 750, Oregon Laws 2017, is amended
4 to read:

5 **“Sec. 75.** (1) The Oregon Transportation Commission shall conduct a
6 **biennial** study. The purpose of the study is to determine:

7 “(a) The proportionate share that users of vehicles that are powered by
8 different means should pay for the costs of maintenance, operation and im-
9 provement of the highways in this state; and

10 “(b) Whether users of vehicles that are powered by different means are
11 paying that share.

12 “(2) If the commission determines that users are not paying a propor-
13 tionate share, then the commission may include in the report recommen-
14 dations for legislation.

15 “(3) This section applies to users paying the vehicle registration fee under
16 ORS 803.420 (6)(a).

17 “(4) The commission shall report the results of the study to **the Road**
18 **User Fee Task Force established under ORS 184.843**, the Joint Committee
19 on Transportation established under [*section 26 of this 2017 Act*] **ORS 171.858**
20 **and the Joint Committee on Climate Action established under section**
21 **2 of this 2019 Act**, in the manner provided by ORS 192.245, no later than
22 September 15, [2023] **of each odd-numbered year, beginning in 2021.**

23 **“SECTION 128b.** Section 76, chapter 750, Oregon Laws 2017, is amended
24 to read:

25 **“Sec. 76.** Section 75, **chapter 750, Oregon Laws 2017**, [*of this 2017 Act*]
26 is repealed on January 2, [2024] **2030.”.**

27 On page 96, delete lines 16 through 27 and insert:

28 **“SECTION 131.** (1) **In addition to and not in lieu of any other ap-**
29 **propriation, there is appropriated to the Oregon Department of Ad-**
30 **ministrative Services, for the biennium beginning July 1, 2019, out of**

1 the General Fund, the amount of \$15,781,347, for carrying out the
2 provisions of this 2019 Act.

3 “(2) In addition to and not in lieu of any other appropriation, there
4 is appropriated to the State Forestry Department, for the biennium
5 beginning July 1, 2019, out of the General Fund, the amount of
6 \$333,310, for carrying out the provisions of this 2019 Act related to the
7 State Forestry Department.

8 “(3) In addition to and not in lieu of any other appropriation, there
9 is appropriated to the Housing and Community Services Department,
10 for the biennium beginning July 1, 2019, out of the General Fund, the
11 amount of \$568,654, for carrying out the provisions of this 2019 Act
12 related to the Housing and Community Services Department.

13 “(4) Notwithstanding any other provision of law, the General Fund
14 appropriation made to the Higher Education Coordinating Commission
15 by section 1 (1), chapter _____, Oregon Laws 2019 (Enrolled House Bill
16 5024), for the biennium beginning July 1, 2019, is increased by \$373,254,
17 for carrying out the provisions of this 2019 Act related to the Higher
18 Education Coordinating Commission.

19 “(5) Notwithstanding any other law limiting expenditures, the
20 amount of \$250,000 is established for the biennium beginning July 1,
21 2019, as the maximum limit for payment of expenses from lottery
22 moneys allocated from the Administrative Services Economic Devel-
23 opment Fund to the Oregon Business Development Department to
24 conduct the analysis and develop the program proposal required by
25 section 130 of this 2019 Act.

26 “(6) Notwithstanding any other law limited expenditures, the limi-
27 tation on expenditures established by section 2 (1), chapter _____,
28 Oregon Laws 2019 (Enrolled House Bill 5017), for the biennium begin-
29 ning July 1, 2019, as the maximum limit for payment of expenses from
30 fees, moneys or other revenues, including Miscellaneous Receipts, the

1 proceeds of bonds for the Orphan Site Account and federal funds from
2 congestion mitigation and air quality grants, drinking water pro-
3 tection, beach bacteria monitoring, laboratory accreditation and
4 woodstove grants and for smoke monitoring laboratory services, but
5 excluding lottery funds and federal funds not described in section 2,
6 chapter _____, Oregon Laws 2019 (Enrolled House Bill 5017), collected
7 or received by the Department of Environmental Quality, for air
8 quality, is increased by \$1,039,640.

9 “(7) Notwithstanding any other law limiting expenditures, the limi-
10 tation on expenditures established by section 2 (11), chapter _____,
11 Oregon Laws 2019 (Enrolled House Bill 5039), for the biennium begin-
12 ning July 1, 2019, as the maximum limit for payment of expenses from
13 fees, moneys or other revenues, including Miscellaneous Receipts and
14 federal funds received as reimbursement from the United States De-
15 partment of Transportation, but excluding lottery funds and federal
16 funds not described in section 2, chapter _____, Oregon Laws 2019
17 (Enrolled House Bill 5039), collected or received by the Department of
18 Transportation, for transportation program development, is increased
19 by \$1,983,532.

20 “(8) Notwithstanding any other law limiting expenditures, the limi-
21 tation on expenditures established by section 2 (15), chapter _____,
22 Oregon Laws 2019 (Enrolled House Bill 5039), for the biennium begin-
23 ning July 1, 2019, as the maximum limit for payment of expenses from
24 fees, moneys or other revenues, including Miscellaneous Receipts and
25 federal funds received as reimbursement from the United States De-
26 partment of Transportation, but excluding lottery funds and federal
27 funds not described in section 2, chapter _____, Oregon Laws 2019
28 (Enrolled House Bill 5039), collected or received by the Department of
29 Transportation, for central services, is increased by \$1,207,439.

30 “(9) Notwithstanding any other law limiting expenditures, the limi-

1 **tation on expenditures established by section 1 (1), chapter 185, Oregon**
2 **Laws 2019 (Enrolled Senate Bill 5534), for the biennium beginning July**
3 **1, 2019, as the maximum limit for payment of expenses from fees,**
4 **moneys or other revenues, including Miscellaneous Receipts, but ex-**
5 **cluding lottery funds and federal funds, collected or received by the**
6 **Public Utility Commission, for the utility program, is increased by**
7 **\$2,132,573.**

8 **“NOTE: Section 132 was deleted by amendment. Subsequent sections were**
9 **not renumbered.”.**

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