

Requested by JOINT COMMITTEE ON WAYS AND MEANS

**PROPOSED AMENDMENTS TO  
A-ENGROSSED HOUSE BILL 2007**

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 pe-**  
6 **troleum gas, hydrogen and electricity.**

7 **“(2) ‘Best available exhaust control technology’ means the most effective**  
8 **exhaust controls to reduce diesel particulate that rely on passively regener-**  
9 **ated diesel particulate control technology supported in a vehicle’s normal**  
10 **duty cycle.**

11 **“[(3) ‘Combined weight’ has the meaning given that term in ORS 825.005.]**

12 **“[(4)] (3) ‘Cost-effectiveness threshold’ means the cost, in dollars, per ton**  
13 **of diesel particulate matter reduced, as established by rule of the Environ-**  
14 **mental Quality Commission.**

15 **“[(5)] (4) ‘Diesel engine’ means a compression ignition engine.**

16 **“[(6)] (5) ‘Environmental Mitigation Trust Agreement’ means the **fully****  
17 **executed Environmental Mitigation Trust Agreement **for State Benefici-****  
18 **aries effective October 2, 2017, and issued pursuant to Paragraph 17**  
19 **of [required by] the Volkswagen ‘Clean Diesel’ Marketing, Sales Practices**  
20 **and Products Liability Litigation partial consent decree dated October 25,**  
21 **2016.**

1        “[7] (6) ‘Equivalent equipment’ means a piece of equipment that per-  
2 forms the same function and has the equivalent horsepower to a piece of  
3 equipment subject to a replacement.

4        “[8] (7) ‘Equivalent motor vehicle’ means a motor vehicle that performs  
5 the same function and is in the same weight class as a motor vehicle subject  
6 to a replacement.

7        “(8) **‘Gross vehicle weight rating’ means the value specified by the**  
8 **manufacturer as the maximum loaded weight of a single or a combi-**  
9 **nation vehicle.**

10        “(9) ‘Heavy-duty truck’ means a motor vehicle or combination of vehicles  
11 operated as a unit that has a [*combined weight*] **gross vehicle weight rating**  
12 that is greater than 26,000 pounds.

13        “(10) ‘Incremental cost’ means the cost of a qualifying repower or retrofit  
14 less a baseline cost that would otherwise be incurred in the normal course  
15 of business.

16        “(11) ‘Medium-duty truck’ means a motor vehicle or combination of vehi-  
17 cles operated as a unit that has a [*combined weight*] **gross vehicle weight**  
18 **rating** that is greater than 14,000 pounds but less than or equal to 26,000  
19 pounds.

20        “(12) ‘Motor vehicle’ has the meaning given that term in ORS 825.005.

21        “(13) ‘Nonroad diesel engine’ means a diesel engine of 25 horsepower or  
22 more that is not designed primarily to propel a motor vehicle on public  
23 highways.

24        “[14] *‘Oregon diesel engine’ means an engine at least 50 percent of the use*  
25 *of which, as measured by miles driven or hours operated, will occur in Oregon*  
26 *for the three years following the repowering or retrofitting of the engine.]*

27        “[15] (14) ‘Oregon diesel truck engine’ means a diesel engine in a truck  
28 at least 50 percent of the use of which, as measured by miles driven or hours  
29 operated, has occurred in Oregon for the two years preceding the scrapping  
30 of the engine.

1        “[16] (15) ‘Public highway’ has the meaning given that term in ORS  
2 825.005.

3        “[17(a)] (16)(a) ‘Replacement’ means:

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

6        “(B) To scrap a piece of equipment powered by a nonroad diesel engine  
7 and replace the equipment with equivalent equipment.

8        “(b) ‘Replacement’ does not mean ordinary maintenance, repair or re-  
9 placement of a diesel engine.

10       “[18] (17) ‘Repower’ means to scrap an old diesel engine and substitute  
11 it with a new engine, a used engine or a remanufactured engine, or with  
12 electric motors, drives or fuel cells, with a minimum useful life of seven  
13 years.

14       “[19] (18) ‘Retrofit’ means to equip a diesel engine with new emissions-  
15 reducing parts or technology after the manufacture of the original engine  
16 **or to convert the diesel engine into an engine capable of being powered**  
17 **by alternative fuel.** A retrofit must use the greatest degree of emissions  
18 reduction available for the particular application of the equipment  
19 retrofitted that meets the cost-effectiveness threshold.

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

21       “[21] (20) ‘Truck’ means a motor vehicle or combination of vehicles op-  
22 erated as a unit that has a *[combined weight]* **gross vehicle weight rating**  
23 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  
26 owner or operator includes only one heavy-duty truck and the heavy-duty  
27 truck is registered in Multnomah, Clackamas or Washington County;

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

30       “(g) Involve the retrofit of concrete mixer trucks or trucks that are used

1 for the transportation of aggregate; or”.

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

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

5 On page 5, delete line 26 and insert:

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

7 After line 32, insert:

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

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

10 After line 33, insert:

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

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

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

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

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

18 “(b) For which the contracting agency is a state contracting agency; and

19 “(c) If the public improvement is located within Multnomah, Clackamas  
20 or Washington County.”.

21 After line 11, insert:

22 “(b) The Director of Transportation, the Director of the Oregon Depart-  
23 ment of Administrative Services and the Attorney General may adopt rules  
24 for contract specifications relating to the use of diesel engines on site and  
25 in the course of performing a public improvement contract by a state con-  
26 tracting agency. In adopting rules under this paragraph, the directors and  
27 the Attorney General shall consider the minimum standards established by  
28 the Department of Environmental Quality under paragraph (a) of this sub-  
29 section.”.

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

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

4 **“SECTION 18a. (1) Section 18 of this 2019 Act applies to public im-**  
5 **provement contracts advertised or solicited on or after January 1, 2022,**  
6 **or, for public improvement contracts that are not advertised or solici-**  
7 **ted, public improvement contracts that a contracting agency enters**  
8 **into on or after January 1, 2022.**

9 **“(2) Notwithstanding subsection (1) of this section, section 18 of this**  
10 **2019 Act applies to any public improvement contract advertised or so-**  
11 **lited on or after the effective date of this 2019 Act or, for a public**  
12 **improvement contract that is not advertised or solicited, any public**  
13 **improvement contract that a contracting agency enters into on or af-**  
14 **ter the effective date of this 2019 Act, if the public improvement con-**  
15 **tract is for:**

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

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

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

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

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

21 Delete lines 40 through 45.

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

23 **“(3) The task force shall:**

24 **“(a) Consider public funding strategies for supporting businesses in re-**  
25 **ducing emissions from diesel engines used in the course of conducting busi-**  
26 **ness activities.**

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

29 **“(A) Taxes;**

30 **“(B) Fees;**

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

2 “(D) Strategies employed by other states to accrue funds for diesel emis-  
3 sions reduction programs.

4 “(c) Develop statewide incentive strategies to encourage replacement, re-  
5 power or retrofitting of medium-duty trucks and heavy-duty trucks owned by  
6 owners located outside Multnomah, Clackamas or Washington County, tak-  
7 ing into consideration the incentive strategies employed by adjoining states.

8 “(d) Identify the barriers to small contractor participation in public con-  
9 tracting that exist under clean diesel in public contracting provisions.”.

10 On page 13, line 44, delete “(a)”.

11 On page 14, line 1, delete “(b)” and insert “(2)”.

12 In line 3, delete “paragraph (a) of this subsection” and insert “subsection  
13 (1) of this section”.

14 In line 4, delete “paragraph (a) of this”.

15 In line 5, after “subsection” insert “(1) of this section”.

16 Delete lines 8 through 13 and insert:

17 **“SECTION 23. In addition to and not in lieu of any other appropri-  
18 ation, there is appropriated to the Department of Environmental  
19 Quality, for the biennium beginning July 1, 2019, out of the General  
20 Fund, the amount of \$407,718, which may be expended to carry out the  
21 duties of the department under this 2019 Act.”.**

22 In line 14, delete “23” and insert “24”.

23 In line 17, delete “24” and insert “25”.

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