

HB 2020 -2, -4, -5, -6, -7, -8, -11, -14, -15, -16, -17, -19, -26, -27, -31, -32, -33, -34, -35, -36, -37, -39, -40, -41, -43, -44, -46, -47, -48, -49, -53, -56, -57, -60, -61, -63, -67, -68, -69, -70, -71, -77, -79

STAFF MEASURE SUMMARY

Joint Committee On Carbon Reduction

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Meeting Dates: 2/8, 2/11, 2/15, 2/18, 2/22, 2/23, 2/25, 3/1, 3/2, 3/25, 3/29, 4/1, 4/5, 4/29, 5/3

WHAT THE MEASURE DOES:

Modifies state **GHG (GHG) reduction goals** to: at least 45 percent below 1990 emission levels by 2035; and at least 80 percent below 1990 emission levels by 2050.

Establishes the Joint Committee on Climate Action (**Joint Committee**). Requires Joint Committee to be comprised of members appointed by President of Senate and Speaker of House. Establishes parameters for the Committees operation. Requires Joint Committee to: provide general oversight of policy related to climate; and examine, prioritize and making recommendations to the Joint Committee on Ways and Means (JWM) on expenditures and investments of state auction proceeds. Requires Joint Committee to consider recommendations in: biennial expenditure reports and audit; biennial climate action investment plan; and by the Environmental Justice Task Force in developing recommendations to JWM.

Establishes the Carbon Policy Office (**CPO**) within the Department of Administrative Services (DAS). Requires CPO to coordinate state actions toward achieving GHG emission reduction goals and other statutes, rules and policies that govern the state's and agencies actions to reduce GHG emissions; and carry out the duties, functions and powers established by Act and certain other statutes, rules or policies.

Requires the CPO Director to adopt the Oregon Climate Action Program (**OCAP**) by rule. Requires Governor to appoint **nine-member advisory committee**, comprised of persons impacted by or otherwise interested in OCAP, to advise the CPO Director in **adopting rules**. Requires OCAP to: place a **cap** on the total regulated anthropogenic GHG emissions through setting **allowance budgets** starting in 2021 through 2050 and provide a **market-based mechanism** for covered entities to demonstrate compliance. Stipulates that the annual allowance budget for 2021 must be a number of allowances equal to baseline emissions. Requires allowances available each year to decline by constant amount as necessary during 2022 through 2035 and 2036 through 2050 to accomplish reduction levels. Establishes process for CPO to undertake to calculate baseline emissions attributable to covered entities.

Declares the **purpose** of the regulatory and expenditure portion (sections 7 to 41 of Act) of OCAP is to: (1) achieve a reduction in total levels of regulated emissions of at least 45 percent below 1990 emissions levels by 2035 and at least 80 percent below 1990 emissions levels by 2050; (2) promote GHG emissions sequestration and mitigation; (3) promote adaptation and resilience by natural and working lands, fish and wildlife resources, communities and the economy in the face of climate change and ocean acidification; and (4) provide assistance to households, businesses and workers impacted by the transition to an economic system that allows for the State to achieve GHG reduction goals.

Requires CPO to designate the following as **covered entities**:

- Certain permitted entities with emissions that meet or exceed 25,000 metric tons of carbon dioxide equivalent;
- Certain permitted entities if the industry description and code listed under the North American Industry Classification System is fossil fuel electric power generation;
- Electric system manager for purpose of addressing regulated emissions from outside of the state that are

attributable to the electricity generated and scheduled for delivery and consumption in Oregon, including wholesale market purchases;

- Natural gas marketer for purpose of addressing emissions attributable to combustion of natural gas sold for use in state by persons who are not designated as covered entities;
- Natural gas utility for the purpose of addressing emissions attributable to combustion of natural gas that the utility imports, sells or distributes that are not accounted for through the regulation of an air contamination source; and
- Entities that produce or import into Oregon fuel that is sold or distributed for use in this state.

Requires CPO Director to adopt rules for the **market-based compliance** mechanism that include: (1) criteria for the allocation of allowances; (2) standards for offset projects and the use of offset credits; (3) administration of auctions of allowances; (4) trading of compliance instruments; (5) banking and carrying forward allowances; (6) prohibiting allowance borrowing from future annual allowance budgets; (7) allowing opt-in entities and general market participants to participate in the market-based compliance mechanism; and (8) compliance periods, standards for calculating compliance obligations and procedures to demonstrate compliance.

Requires covered entities, opt-in entities and general market participants to **register** to participate in OCAP. Stipulates covered or opt-in entity is required to **surrender compliance instrument** equal to compliance obligation no later than date specified by rule. Establishes for purpose of 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.

Provides **exemptions and exclusions** for certain entities and emissions from regulation from the OCAP program including a temporary exclusion for certain fluorinated gases. Requires CPO to report to Joint Committee regarding the temporary exclusion no later than September 15, 2024.

Requires CPO to allocate a percentage of allowances for each annual allowance budget to be distributed into an **allowance price containment reserve**. Authorizes the CPO to allocate percentage to voluntary renewable electricity generation reserve.

Requires CPO Director to adopt rules for allocating allowances for **direct distribution** at no cost to covered entities that are **electric companies** as follows: 100 percent of the electric company's forecasted emissions from 2021 – 2030 to align with the trajectory of emissions required under the renewable portfolio standard and statutes establishing the elimination of coal from the electricity supply; and from 2031 – 2050 the amount directly distributed must decline in amount proportionate to decline in the overall cap. Requires CPO to allocate allowances to **electric system managers** that are covered entities as follows: 100 percent during 2021 for eligible covered emissions; and in 2022 until 2050 a declining amount proportionate to the decline in the overall cap. Requires CPO Director to adopt rules for allocating allowances for direct distribution at no cost to covered entities that are **natural gas utilities**. Requires natural gas utility to be directly distributed allowances at amount equal to emissions attributable to providing service to natural gas utility's low-income residential customers. Requires CPO to consult with the PUC in determining the quantity of allowances to directly allocate. Requires natural gas utilities to use allocated allowances to minimize program impacts on low-income residential customers. Requires CPO to allocate allowances for direct distribution at no cost to covered or opt-in entity engaged in the manufacturing of goods through **emission-intensive, trade-exposed (EITE)** processes as identified by certain North American Industry Classification System (NAICS) codes. Prohibits covered or opt-in entity that is fossil fuel distribution and storage facility or infrastructure, or electric generating unit from receiving allowances at no cost. Establishes annual allocation of no cost allowances for covered or opt-in EITE entities are as follows: 100 percent during 2021; and in 2022 until 2050 a percentage that is adjusted annually in schedule adopted by the CPO

Director by rule in amount proportionate to the decline in the overall cap. Establishes processes for calculating annual good specific emissions, and sector and facility benchmarks. Requires CPO Director to adopt process for EITE entities to apply for allowance allocation adjustment by rule. Requires CPO Director to adopt process to determine whether allowances be allocated at no cost to mitigate leakage for entities that begin manufacturing goods on or after effective date of Act and manufactures goods through EITE process listed in certain NAICS codes by rule. Requires CPO to provide **report** to the Joint Committee no later than Nov 1 following the end of every second compliance period on the **benchmarks established and an assessment** of the EITE of included industries; reduction opportunities; and whether an adjustment of benchmarks is warranted.

Establishes **offset** projects: must be located in United States or jurisdiction that Oregon has entered into linkage agreement with; must not be otherwise required by law; and must result in GHG emissions reductions or removals that are real, permanent, quantifiable, verifiable and enforceable; and are in addition to emission reductions otherwise required by law. Stipulates no more than 8 percent of a covered entities compliance obligation may be met by surrendering offset and a no more than 4 percent may be met by surrendering credits from offset projects that do not provide direct environmental benefit in Oregon. Authorizes CPO Director to adopt by rule additional restrictions on the number of allowable offsets that may be surrendered by covered entity if air contamination source is in impacted community if: source is within nonattainment level, or area projected by Department of Environmental Quality (DEQ) to become nonattainment area within five years and source substantially contributes to or causes nonattainment or projected nonattainment; or source is in violation of any air quality permit issued by DEQ or regional air quality control authority. Requires CPO Director in adopting offset rules to: (1) take into consideration standards, rules or protocols for offset credits in similar programs; (2) encourage development of Oregon offset projects; (3) consult with certain agencies; (4) adopt process for offset credit invalidation; and (5) provisions to withhold up to three percent of the offset credits issued for each project to deposit in offset integrity account to be used to replace invalidated credits. Requires CPO Director to appoint compliance **offsets protocol advisory committee** to provide guidance in developing and updating offset protocols. Requires CPO to conduct **review and provide report** to the Joint Committee on implementation of offset portion of Act and rules adopted on or before September 15, 2031.

Requires CPO Director by rule, in consultation with Portland State University Population Research Center, Oregon Health Authority and other relevant agencies and officials, to **designate impacted communities by census tract**. Requires CPO to review and update methodology and designation of impacted communities every five years.

Requires CPO to hold **auction** annually. Authorizes CPO to engage independent auction administrator; or qualified financial services administrator. Requires CPO to set auction floor price, allowance price containment reserve floor price, and hard ceiling price for 2021 and a schedule for prices to increase by fixed percentage each year. Requires CPO to take action to minimize potential for market manipulation by specifying as **holding limits** the maximum number of allowances that may be held for use or traded by registered entity at any time. Requires CPO to consider prevailing prices for carbon in other jurisdiction and set prices in a manner that enables linkage agreements with other jurisdiction when adopting rules establishing floor and ceiling prices.

Establishes the **Auction Proceeds Distribution Fund** and requires CPO to certify amount available for distribution and distribute funds as follows: all money that constitutes revenues described in Article IX, section 3a, of the Oregon Constitution, must be transferred to the Transportation Decarbonization Investments Account; all money that constitutes revenues described in Article VIII, section 2 (1)(g), of the Oregon Constitution, must be transferred to the Common School Fund; and remaining money must be transferred to the Climate Investments Fund.

Requires CPO to submit a **market activity report** to the Joint Committee no later than six months after the close of each compliance period. Stipulates the report must detail activity during **compliance period** and include aggregated information on: number of allowances bought and sold at each auction and all auction prices; beginning and ending balances of all account reserves held by CPO; regulated emission reductions achieved during compliance period and progress towards achieving reduction levels; and estimated impacts of OCAP on fuel, electricity and natural gas prices in Oregon.

Requires CPO Director to consider **market-based compliance mechanisms** designed to reduce GHG emission in other jurisdictions; and provide for implementation of OCAP in manner that avoids double counting of emissions or emission reductions and enables state to pursue **linkage agreements** with other jurisdictions. Prohibits linking with other jurisdiction unless the CPO Director notifies the Governor of intention to link and the Governor makes certain findings. Requires Governor, in consultation with Attorney General, to issue findings within 45-days of receiving notice and directs Governor to provide findings to Legislative Assembly. Stipulates findings issued are not subject to judicial review.

Requires no later than June 1 of each even numbered year the CPO must deliver a **biennial climate action investment plan** (Investment Plan) to the EJTF, the Governor and the Joint Committee. Requires the Environmental Justice Task Force to review and develop recommendations in response to the Investment Plan to be reported to the Governor and Joint Committee no later than August 1 of each even numbered year.

Establishes **Oregon Climate Action Program Operating Fund** (OCAP Operating Fund) in the State Treasury and continuously appropriates money in OCAP Operating Fund to Oregon DAS for use by the CPO. Stipulates money in OCAP Operating Fund consists of money appropriated by Legislative Assembly and any other money deposited into OCAP Operating Fund by any other source. Places limitation on the use of civil penalties

Requires money deposited in the **Climate Investments Fund** and the **Transportation Decarbonization Investments Account** must be allocated in a manner **consistent with purposes** established in Act and requirements of the Oregon Constitution. Requires that allocations to the maximum extent feasible, cost-effective and consistent with law: prioritize projects that benefit impacted communities; complement efforts to achieve and maintain local air quality; provide opportunities for Indian tribes, members of impacted communities and businesses owned by women or members of minority groups to participate and benefit from statewide efforts to reduce GHG emissions; makes use of domestically produced products; promotes low carbon economic development opportunities; and provides assistance to help households businesses and workers transitioning to economic system that allow as state to achieve GHG emission goals.

Establishes the **Climate Investments Fund** in the State Treasury. Stipulates money in the Climate Investments Fund may be used for projects, programs, and activities to further purpose of the Act. Authorizes Legislative Assembly to allocate money in the Climate Investment Fund each biennium in the following way: 10 percent for projects, programs, and activities that benefit Indian tribes; percentage not to exceed__ to be allocated to the Oregon Climate Action Program Operating Fund; and no less than \$___ to be allocated to the Just Transition Fund.

Establishes the **Transportation Decarbonization Investments Account** as a separate account within the State Highway Fund. Stipulates moneys deposited in account must be used only: as authorized by Article IX, section 3a of the Oregon Constitution and for activities that further the purposes of the Act. Provides direction to Legislative Assembly on allocating money from Transportation Decarbonization Investments Account.

Directs Public Utility Commission (PUC) to require that proceeds received by an electric company or natural gas utility used from the **sale of allowances that had been directly distributed** at no cost are: to be spent by the

within the service territory of the electric company or natural gas utility; and are used only for activities that serve to reduce GHG emissions or provide energy assistance to retail customers, consistent with the Act. Requires an electric company or natural gas utility to **prioritize the use of auction proceeds** for energy assistance programs, including: rate design-based solutions; bill assistance, weatherization, energy efficiency, transportation electrification measures and grid modernization; and participation by low-income residential customers in conservation programs to further reduce out-of-pocket costs for energy efficiency measures. Requires the PUC, after consultation with the Oregon Housing and Community Services Department (OHCS), to adopt rules for implementation and enforcement.

Establishes requirements for contractors of projects funded in whole or in part by moneys allocated by the Legislative Assembly from the Climate Investments Fund or the Transportation Decarbonization Investments Account. Directs DAS to adopt **model rules specifying labor, workforce, and contracting procedures** for all state agencies to use in administering funds for projects from the Climate Investments Fund or the Transportation Decarbonization Investments Account.

Requires all recipients of moneys from the Climate Investments Fund to **report annually** to the CPO on the expenditure of moneys received and the result of the expenditures. Requires that no later than January 1 of each even numbered year the CPO shall deliver a biennial report to the Governor and Joint Committee describing investments and the result of those investments in carrying out purpose of Act. Requires all recipients of moneys from the Transportation Decarbonization Investments Account to report annually to the Oregon Department of Transportation (ODOT) on the expenditure of moneys received and the result of the expenditures. Requires that no later than January 1 of each even numbered year the Oregon Department of Transportation (ODOT) deliver a biennial report to the Governor and Joint Committee describing investments and the result of those investments in carrying out purpose of Act

Requires CPO and ODOT to jointly select an independent third-party organization to prepare a **biennial audit** of all programs, projects or activities funded by the Climate Investments Fund and the Transportation Decarbonization Investments Account. Requires the CPO and ODOT to provide the audit report to the Governor and the Joint Committee.

Establishes the **Just Transition Fund** in the State Treasury and continuously appropriates moneys to the Higher Education Coordinating Commission (HECC) to be distributed for the Just Transition Program. Requires HECC to set aside 50 percent of the funds deposited each biennium in a reserve account. Requires the HECC to continue to credit the reserve account until the balance is the lesser of: an amount that, in the HECC's determination, is adequate to fund programs or activities that provide financial support for workers dislocated or adversely affected by climate change or climate change policies; or \$ _____. Requires the HECC in consultation with Employment Department and other interested agencies to establish a Just Transition Program for the purposes of distributing money from the Just Transition Fund. Requires money distributed through the **Just Transition Program** to: (1) support economic diversification, job creation, job training and other employment services; (2) provide financial support for workers dislocated or adversely affected by climate change or climate change policies; (3) provide mental health services for workers dislocated or adversely affected by climate change or climate change policies; or (4) other actions consistent with purposes of Act to provide related workforce support to communities in this state that are adversely affected by climate change or climate change policies.

Authorizes the **PUC**, in the manner it determines is proper, to allow a rate or rate schedule of a public utility to include differential rates to reflect amounts to enable the utility to assist low-income residential customers. Requires rates or rates schedules to minimize the shifting of costs to ratepayers that do not qualify for low income assistance.

Requires no later than November 1 of each even numbered year for the OHCS and the Oregon Department of Energy (ODOE) to jointly transmit to the Governor and the Legislative Assembly a **biennial statewide energy burden report**. Requires OHCS and ODOE to adopt rules, in consultation with consumer-owned utilities, for gathering necessary data to prepare report.

Transfers duties, functions and powers of Environmental Quality Commission and Department of Environmental Quality related to **GHG reporting** (ORS468A.280) to Carbon Policy Office. Makes conforming changes in GHG reporting statute.

Repeals Energy Facility Siting Council **carbon dioxide emissions standards**. Includes provisions for treatment of site certificate conditions affected by repeal of standards.

Provides that provisions related to CPO, OCAP, investment of certain moneys, PUC, transfer of duties, and repeal of Energy Facility Siting Council carbon dioxide emissions standards become **operative January 1, 2021**.

Provides for **expedited supreme court review** of: provisions of Act relating to receipt of money through sales of allowances by auction do not render Act a bill for raising revenue and that certain revenue from auctions are subject to provisions of Article IX, section 3a of the Oregon Constitution upon petition by adversely affected party.

Appropriates \$____ from the General Fund to the DAS for the biennium beginning July 1, 2019 for use by the CPO in the development and implementation of the OCAP. Appropriates \$____ from the General Fund to the EJTF for the biennium beginning July 1, 2019 which may be used for compensation and expenses incurred by non-legislative EJTF members and for provision by the Governor of clerical and administrative staff.

Requires DAS to report on actions being taken to **prepare for implementation** of Act to the Joint Committee on or before September 15, 2020.

Declares emergency, effective on passage.

ISSUES DISCUSSED:

- Interim committee process
- Potential cost of cap-and-invest program to Oregonians
- Cost to Oregonians of not reducing greenhouse gas emissions
- Program revenue investments
- Interaction with transportation package
- Other governments that have adopted cap and trade programs
- Current and historical temperatures
- Effect on future generations
- Actions individuals and industries have taken to reduce greenhouse gas emissions
- Other programs and policies
- Role of rulemaking in the program
- Forest management and effects of forest fires

EFFECT OF AMENDMENT:

-2 Removes emergency clause.

-4 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 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 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 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 Constitution 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.

-8 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.

-11 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 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 Effective January 2, 2022, repeals statutory provisions of low carbon fuel standard.

-15 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 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 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 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 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 Requires the Carbon Policy Office to designate as covered entities under the Oregon Climate Action Program 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 Requires Oregon Department of Administrative Services 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 STATEWIDE GREENHOUSE GAS EMISSIONS REDUCTION GOALS

Replaces measure. Modifies state anthropogenic greenhouse gas (GHG) reduction levels to: at least 45 percent below 1990 emission levels by 2035; and at least 80 percent below 1990 emission levels by 2050.

Establishes the Joint Committee on Climate Action (Joint Committee). Establishes parameters for the Committees membership and operation. Requires Joint Committee to: provide general oversight of policy related to climate; examine, prioritize and making recommendations to the Joint Committee on Ways and Means (JWM) on expenditures and investments of state auction proceeds. Requires Joint Committee to consider certain recommendations in developing recommendations to JWM.

Establishes the Carbon Policy Office (CPO) within the Department of Administrative Services (DAS). Requires CPO to coordinate state actions toward achieving greenhouse gas emission reduction goals and other policies that govern the state's and agencies actions to reduce GHG emissions; and carry out the duties, functions and powers established by Act and certain other statutes, rules or policies. Authorizes CPO to advise, consult and cooperate with other entities with respect to all matters relating to GHG reduction emission levels. Requires Governor to appoint director subject to Senate Confirmation. Authorizes director to adopt rules to carry out duties committed to the CPO. Establishes parameters for the director and CPO's organization.

Requires the CPO Director to adopt and Oregon Climate Action Program (OCAP) by rule. Declares the purpose of the sections 7 to 41 of Act, regulatory and expenditure portion of OCAP is to: a) achieve a reduction in total levels of regulated emissions of at least 45 percent below 1990 emissions levels by 2035 and at least 80 percent below 1990 emissions levels by 2050; b) promote GHG emissions sequestration and mitigation; c) promote adaptation and resilience by natural and working lands, fish and wildlife resources, communities and the economy, state's infrastructure in the face of climate change and ocean acidification; and d) to provide assistance to households, businesses and workers impacted by climate change and ocean acidification. Requires OCAP to: place a cap on the total regulated anthropogenic GHG emissions through setting allowance budgets starting in 2021 through 2050 and provide a market-based mechanism for covered entities to demonstrate compliance. Stipulates that the annual allowance budget for 2021 must be a number of allowances equal to baseline emissions. Requires

allowances available each year to decline by constant amount as necessary during 2022 through 2035 and 2036 through 2050 to accomplish reduction levels. Establishes process for CPO to undertake to calculate baseline emissions attributable to covered entities. Requires CPO to designate certain entities as covered entities.

Requires CPO Director to adopt rules for the market-based compliance mechanism that include specific provisions, including certain penalties. Requires covered or opt-in entity to surrender compliance instrument equal to compliance obligation no later than date specified by rule. Requires all covered or opt-in entities and general market participants to register to participate in the OCAP. Requires CPO Director to adopt registration and other necessary requirements for participating in auctions by rule.

Requires CPO to exempt land disposal site and a cogeneration facility owned or operated by a public university or Oregon Health and Science University. Requires CPO to exclude the following emissions from being regulated: GHG emissions attributable to certain permitted entities that are attributable to the electricity generation that is delivered and consumed in another state, and for which the capital and fuel costs are included in a multistate jurisdictional electric company rates charged to customers outside of Oregon; GHG emissions from the combustion of aviation, water craft or railroad locomotive fuel; and GHG emissions attributable to a consumer-owned utility if the three-year average of annual emissions is less than 25,000 metric tons of carbon dioxide equivalent. Authorizes CPO to exempt anyone that imports a de minimis amount of gasoline and diesel fuel as determined by rule.

Requires CPO to allocate a percentage of allowances for each annual allowance budget to be distributed into an allowance price containment reserve, voluntary renewable energy generation reserve, electricity price containment reserve, and EITE process reserve account. Requires CPO to allocate allowances for direct distribution at no cost to covered entities electric system managers other than electric companies, natural gas utilities and entities that are engaged in emission-intensive, trade-exposed (EITE) process.

Authorizes CPO to allocate allowances for direct distribution into any other reserve account established by rule that the CPO determines is necessary. Requires after making all allocations the CPO must allocate remaining allowances to auction holding account and distribute the annual allowance budget. Stipulates if allowances distributed into auction holding account remain unsold after two or more consecutive auctions the CPO may redistribute allowances to the allowance price containment reserve.

Requires CPO Director, in consultation with Public Utility Commission (PUC), adopt rules for allocating allowances for direct distribution at no cost to covered entities that are electric companies. Requires direct distribution to be for the exclusive benefit of rate payers. Requires rules to allow for electric company to use allowances to meet compliance obligations associated electricity use to serve the load of the company's retail consumers subject to PUC oversight. Requires rules to implement direct distribution as follows: 100 percent of the electric company's forecasted regulated emissions from 2021 – 2030 to align with the trajectory of emissions required under the renewable portfolio standard and statutes establishing the elimination of coal from the electricity supply; and from 2031 – 2050 the amount directly distributed must decline in amount proportionate to decline in the allowance budgets. Specifies what forecasted regulated emissions are based on.

Requires CPO to allocate allowances to electric system managers that are covered entities as follows: 100 percent during 2021 for eligible covered emissions; and in 2022 until 2050 a declining amount proportionate to the decline in the allowance budgets. Requires proceeds of the sale of directly distributed allowances to be used by the consumer-owned utility for the benefit of the rate payers and consistent with purposes of Act. Requires a consumer-owned utility's governing body, that sells directly distributed allowances, to report no later than September 15th of each even numbered year to the Joint Committee on the use of the proceeds from the sale of allowances.

Requires CPO Director, in consultation with PUC, to adopt rules for allocating allowances for direct distribution at no cost to covered entities that are natural gas utilities. Requires natural gas utility to be directly distributed allowances at amount equal to emissions attributable to providing service to natural gas utility's low-income residential customers. Requires CPO to consult with the PUC in determining the quantity of allowances to directly allocate. Requires natural gas utilities to use allocated allowances to minimize program impacts on low-income residential customers. Requires CPO director to adopt a process by rule to designate an entity as EITE that: begins manufacturing on or after operative date of Act; or manufactures a good or service not listed but is identified as an EITE process by rule.

Requires CPO to designate a covered or opt-in as an emission-intensive, trade-exposed (EITE) entity if the entity is in control of an air contamination source and is engaged in manufacturing of goods through certain North American Industry Classification System (NAICS) codes. Requires CPO Director to contract with third-party organization to assist in gathering data and conducting necessary analyses. Authorizes rules adopted to allow for the CPO to assign a good manufactured by an EITE entity a temporary benchmark and to adjust the temporary benchmark after the close of the first compliance period. Prohibits covered or opt in entity that is a fossil fuel distribution and storage facility or infrastructure, or electric generating unit from being designated as an EITE entity and receiving allowances at no cost. Requires CPO to complete study on leakage risk of air contamination sources that report between 10,000 and 25,000 metric tons of carbon dioxide equivalent no later than September 15, 2021. Requires the annual allocation of allowances for direct distribution at no cost to an EITE entity to be the number of allowances equal to the sum of the total annual good-specific emissions calculations for the goods manufactures by the entity, multiplied by 95 percent. Specifies what annual good-specific emissions calculations are based on. Requires CPO to calculate and apply facility benchmark for each good manufactured in Oregon by each EITE for the calendar year 2020-2023. Establishes process for calculating facility benchmark. Requires CPO to apply a best available technology benchmark for each good manufactured in Oregon by EITE beginning in 2024 until 2050. Requires CPO to adopt best available technology benchmarks no later than January 1, 2024 and is required to update once every six years. Stipulates best available technology benchmark must represent the GHG emissions attributable to a manufacturer if the entity were to use the best available technology as of the date that the benchmark was last updated. Requires CPO to review and consider emission intensity audit reports produced by qualified independent third-party organization. Authorizes EITE to submit emission intensity audit report to CPO that includes specific analysis and information. Requires CPO director to adopt a means for attributing covered entities and opt in entities GHG emissions to the manufacturer and requirements for pertinent records to be submitted for verification. Requires CPO director to adopt process by rule for entity to apply for adjustment of allowance allocation. Requires CPO to submit report to the Joint Committee no later than September 15, 2030.

Requires offset projects: be located in United States or approved by jurisdiction that Oregon has entered into linkage agreement with; not be otherwise required by law; and result in greenhouse gas emissions reductions or removals that are real, permanent, quantifiable, verifiable and enforceable; and are in addition to emission reductions otherwise required by law. Stipulates no more than 8 percent of a covered entities compliance obligation may be met by surrendering offset and no more than 4 percent may be met by surrendering credits from offset projects that do not provide direct environmental benefit in Oregon. Authorizes CPO Director to adopt by rule additional restrictions on the number of allowable offsets in certain areas. Establishes requirements for offset rules adopted by CPO Director. Requires CPO to withhold percentage of offset credits issued for each project and deposit it in an offset integrity account to be used to replace offset credits that are invalidated.

Requires any offset protocols and GHG inventory and monitoring requirements related to offset protocols must: be straightforward and effective to implement and administer; provide for flexibility for landowners and make use

of aggregation or other mechanisms to increase development across the broadest possible variety of types and sizes of land. Requires CPO to collaborate and consult with Oregon Department of Forestry (ODF) in the development and monitoring of offset protocols related to forestry. Requires forestry offset protocols to: prioritize reforestation, avoided forest conversion and improved forest management; be consistent with the Oregon Forest Practices Act and be able to be administered consistently with applicable state and local land use laws; and may include offset protocols for low carbon-impact building materials and urban forestry. Requires CPO and ODF to jointly convene a technical advisory committee to advise in the development and monitoring. Requires the CPO to collaborate and consult with all relevant state agencies in the development and monitoring of offset protocols related to agriculture and conservation on natural and working lands. Requires the CPO in consider developing certain protocols. Requires the CPO Director to appoint a technical advisory committee. Requires the CPO to regularly review and update offset. Requires CPO Director in adopting and updating offset protocol rules to: consult and consider the recommendations of ODA, ODF, EJTF, OWEB and other relevant state agencies; and persons. Requires CPO Director to appoint a compliance offsets program advisory committee to provide guidance to the CPO. Establishes compliance offsets program advisory committee member requirements.

Requires CPO Director by rule, in consultation with Portland State University Population Research Center, Oregon Health Authority and other relevant agencies and officials, to designate impacted communities. Requires methodology to gives greater weight to the criteria that the CPO determines are the most accurate predictors of vulnerability to the impacts of climate change and ocean acidification. Requires CPO to review and update methodology and designation of impacted communities every five years.

Requires CPO to hold auction annually and to engage independent auction administrator; or qualified financial services administrator. Requires CPO to set auction floor price, allowance price containment reserve floor price, and hard ceiling price for 2021 and a schedule for prices to increase by fixed percentage each year. Requires rules be adopted for making an unlimited number of allowances available for auction upon exceedance of hard price ceiling. Requires CPO to take action to minimize potential for market manipulation. Requires CPO to consider prevailing prices for carbon in other jurisdiction and setting prices in a manner that enables linkage agreements. Requires reserve allowance auction from the allowance price containment reserve to be conducted separately from other auctions for the purpose of addressing high costs of compliance instruments. Prohibits general market participants from participating in reserve auctions. Requires CPO to offer for sale allowances from any reserve at the ceiling price if the hard ceiling price for an auction is reached as necessary to meet demand. Directs auction proceeds to the State Treasurer and deposited in Auction Proceeds Distribution Fund and any proceed from the sale of allowances must be transferred to the State Treasurer and deposited in the Oregon Climate Action Program Operating Fund.

Establishes the Auction Proceeds Distribution Fund and requires CPO to certify amount available for distribution and distribute funds as follows: all money that constitutes revenues described in Article IX, section 3a, of the Oregon Constitution, must be transferred to the Transportation Decarbonization Investments Account; all money that constitutes revenues described in Article VIII, section 2 (1)(g), of the Oregon Constitution, must be transferred to the Common School Fund; 2 percent must be transferred to the Oregon Climate Action Program Operating Fund; and the remainder to the Climate Investments Fund.

Requires the CPO to annually submit a report to the Joint Committee detailing activity during the compliance period under the market-based compliance mechanism. Requires report to include certain information.

Requires CPO Director to consider market-based compliance mechanisms designed to reduce greenhouse gas emission in other jurisdictions; and provide for implementation of OCAP in manner that avoids double counting of emissions or emission reductions and enables state to pursue linking agreements with other jurisdictions.

Prohibits linking with other jurisdiction unless the CPO Director notifies the Governor of intention to link and the Governor makes certain findings. Requires Governor to issue findings within 45 days of receiving notice and directs Governor to provide findings to Legislative Assembly. Requires Governor to consider advice of the Attorney General in making findings. Stipulates findings issued are not subject to judicial review.

Requires Governor to appoint nine-member advisory committee, comprised of persons impacted by or otherwise interested in OCAP, to advise the CPO Director in adopting rules.

Establishes Oregon Climate Action Program Operating Fund (OCAP Operating Fund) in the State Treasury and continuously appropriates money in OCAP Operating Fund to Oregon Department of Administrative Services for use by the CPO. Outlines what money in OCAP Operating Fund consists of. Places restrictions on use of any civil penalty.

States Legislative Assembly intent. Requires certain information obtained by state be treated as confidential business information and is exempt from disclosure under the public records law and may not be disclosed to any person or entity except in aggregated form or to another state agency or executive department that Oregon has entered into a linkage agreement with. Requires any person who this information is disclosed to under linkage agreement must treat the information as confidential business information, exempt from disclosure under the public records law.

Authorizes CPO Director to impose a civil penalty for certain violations and requires all civil penalties recovered to be deposited in OCAP Operating Fund.

Establishes the Transportation Decarbonization Investments Account as a separate account within the State Highway Fund. Stipulates that of the money deposited in the Transportation Decarbonization Investments Account that 50 percent may be expended by the Department of Transportation (ODOT) for transportation projects selected by the Oregon Transportation Commission (OTC) pursuant to direction and 50 percent to provide grants for transportation projects and to provide technical assistance to applicants for and recipients of the grants. Authorizes ODOT to provide grants to cities, counties and metropolitan planning organizations for transportation projects. Requires ODOT adopt rules specifying the competitive process used to apply for a grant. Requires ODOT be advised by the OCAP Advisory Committee. Prohibits a transportation project from being funded using Transportation Decarbonization Investments Account unless the OTC determines that the transportation project furthers the purposes of the Act and may constitutionally be funded by revenues described in Article IX, section 3a, of the Oregon Constitution. Requires OTC to seek input from the applicable area commission on transportation prior to selecting projects. Requires OTC to consider whether project will further certain objectives and investments. Requires OTC to give priority to projects that accomplish certain objectives. Requires OTC to provide for a balanced distribution over time of moneys: among all geographic areas of this state; and to the extent practicable, in a manner that provides equal funding support between projects that result in greenhouse gas emissions reductions and projects that support climate change adaptation.

Requires a contracting agency, when using funds from the Transportation Decarbonization Investments Account to give a preference of not more than 10 percent to: building materials procured from manufacturers subject to a carbon pricing program; and nursery stock that is grown, propagated and sold entirely within this state, notwithstanding provisions of law requiring contract be awarded to lowest responsible bidder. Stipulates if the contracting agency finds that the building material is not available in the quantity, quality, type or timeframe required for the procurement, or if the cost of the building material is more than 10 percent the contracting agency may decline to give the building material preference. Stipulates that if the department finds that the nursery stock is not available in the quantity, quality, type or timeframe required for the procurement, or if the

cost of the nursery stock is more than 10 percent more than the contracting agency may decline to give the nursery stock preference. Declares that this section does not apply to emergency work, minor alterations, ordinary repairs or maintenance work for public improvements or to other construction contracts.

Establishes the Climate Investments Fund. Requires money in the Climate Investments Fund to be used for projects, programs and activities that further the purposes set forth in the Act. Requires the Legislative Assembly to allocate the moneys deposited in the fund, as informed by the biennial climate action investment plan adopted by the Climate Policy Office. Requires that of the moneys deposited in the Climate Investments Fund each biennium that 10 percent be allocated for investments and expenditures that benefit eligible Indian tribes; and that until July 1, 2027: 40 percent be allocated for investments and expenditures that benefit impacted communities; no more than one percent shall be allocated to provide technical assistance to eligible Indian tribes and impacted communities that are applicants for or recipients of moneys allocated from the Climate Investments Fund; and \$10 million per biennium to be deposited in the Just Transition Fund.

Requires a contracting agency, when using funds from the Climate Investments Fund to give a preference of not more than 10 percent to: building materials procured from manufacturers subject to a carbon pricing program notwithstanding provisions of law requiring contract be awarded to lowest responsible bidder. Stipulates if the contracting agency finds that the building material is not available in the quantity, quality, type or timeframe required for the procurement, or if the cost of the building material is more than 10 percent the contracting agency may decline to give the building material preference. Establishes if a construction project receives more than \$50,000 in funding from moneys deposited in the Climate Investments Fund or the Transportation Decarbonization Investments Account the primary contractor participating in the construction project must meet specified standards. Prohibits farm labor contractor (ORS 658.405) from receiving moneys from the Climate Investments Fund or the Transportation Decarbonization Investments Account unless the farm labor contractor is in compliance with all licensing and any other requirements or regulations imposed upon farm labor contractors (ORS 658.405 to 658.503). Requires DAS to adopt model rules that specify labor, workforce and contracting procedures for all state agencies to use in administering funds for construction projects that received more than \$50,000 in funding from moneys deposited in the Climate Investments Fund or the Transportation Decarbonization Investments Account. Requires model rules to require the use of a project labor agreement for construction projects that receive more than \$200,000 in funding from moneys deposited in the Climate Investments Fund or the Transportation Decarbonization Investments Account. Specifies for all other construction the model rules shall: establish measurable, enforceable goals for the training and hiring of persons who are members of impacted communities and for contracting with businesses that are owned or operated by members of impacted communities; and establish wage, benefit and labor relations standards consistent with the Act. Requires model rules to promote best practices in procurement and contracting and that steel, iron, coatings for steel and iron and manufactured products that the contractor purchases for the project and that become part of a permanent structure be produced in the United States unless the administering agency finds that: the requirement is inconsistent with the public interest; steel, iron, coatings for steel and iron and manufactured products are not produced in the United States in sufficient and reasonably available quantities and with satisfactory quality; or it will increase the costs of the project, exclusive of labor costs involved in final assembly for manufactured products, by 25 percent or more. Requires a contractor to spend at least 75 percent of the total amount the contractor spends in connection with construction on steel, iron, coatings for steel and iron and manufactured products that become part of a permanent structure to purchase steel, iron, coatings for steel and iron and manufactured products that are produced in the United States. Requires DAS to consult with representatives of labor and workforce equity and contractor equity prior to adopting or amending rule.

Establishes the Just Transition Fund and continuously appropriates fund to the Higher Education Coordinating Commission (HECC) to be used for certain purposes. Requires fund to include a reserve account to be maintained and used to fund programs or activities that provide financial support for workers dislocated or adversely affected by climate change or climate change policies.

Requires the HECC in consultation with the Employment Department and other interested state agencies, to establish: Just Transition Program for the purpose of distributing moneys deposited in the Just Transition Fund; and a Just Transition Plan for the implementation and administration of the Just Transition Program. Requires HECC to submit a biennial report to the Governor and the Joint Committee that includes certain information. Requires money distributed through the Just Transition Program to be distributed to: support economic diversification, job creation, job training and other employment services; provide financial support for workers dislocated or adversely affected by climate change or climate change policies; or other related workforce support to communities are adversely affected by climate change or climate change policies consistent with the purposes set forth in Act. Requires HECC to seek to develop and implement the Just Transition Program in a manner consistent and complementary to other programs, policies and incentives. Authorizes the Just Transition Program to include a competitive grant program. Authorizes HECC to perform activities necessary to ensure compliance with applicable requirements and if applicant is determined to not have complied to refund money.

Any auction proceeds deposited in the Common School Fund are continuously appropriated to Department of State Lands to be used in manner that is consistent with Oregon Constitution and carries out purposes of Act.

Requires all public and private entities receiving money from the Climate Investments Fund to annually report to the CPO on moneys received and the results of the expenditures. Requires no later than January 1 of each even-numbered year, the CPO must deliver a biennial report to the Governor and the Joint Committee describing: the investments from the Climate Investments Fund; whether the investments met the requirements for allocations; and the effectiveness of those investments in carrying out the purposes of the Act. Requires all public and private entities receiving money from the Transportation Decarbonization Investments Account to annually report ODOT on the moneys received and the results of the expenditures. Requires no later than January 1 of each even-numbered year, ODOT deliver a biennial report to the Governor and the Joint Committee describing: the transportation projects funded from the Transportation Decarbonization Investments Account; how the transportation projects met the requirements of the Act; and the results of the transportation projects in furthering the purposes set forth Act. Requires CPO and ODOT to jointly select an independent third-party organization to prepare a biennial audit of all programs, projects or activities funded by the Climate Investments Fund and the Transportation Decarbonization Investments Account. Requires the CPO and ODOT to provide the audit report together with the biennial reports to the Governor and the Joint Committee. Directs the CPO to deliver biennial climate action plan no later than June 1 of each even-numbered year to the EJTF, the Governor and the Joint Committee. Requires the climate action investment plan to identify the short-term and long-term objectives of the state for making expenditures and investments of state proceeds from auctions for purposes of Act and consistent with the requirements of the Oregon Constitution. Specifies information required to be included in the biennial climate action investment plan. Requires the CPO to consult with ODOT, PUC, EJTF, any other relevant agencies, representatives of eligible Indian tribes; and the citizens' advisory committee. Requires CPO Director to convene a citizens' advisory committee to advise the office in carrying out the requirements of this section. Requires in proposing investments from the Climate Investments Fund for inclusion in the biennial climate action investment plan the CPO must give first priority to considering whether an investment of expenditure will: benefit impacted communities; complement efforts to achieve and maintain local air quality; provide opportunities for Indian tribes, members of impacted communities and businesses owned by women or members of minority groups to participate and benefit from statewide efforts to reduce greenhouse gas

emissions; promotes low carbon economic development opportunities; or provides assistance to help households businesses and workers transitioning to economic system that allow as state to achieve GHG emission goals. Requires CPO to aim to develop proposal that would result in: (a) an amount approximately equal to the amount of proceeds received through the purchase of allowances by natural gas utilities, to be invested in energy efficiency improvements benefitting the retail customers in Oregon of natural gas utilities; (b) an amount approximately equal to half the amount of proceeds received through the purchase of allowances by EITE entities to be used to assist the EITE entities in using best available technology; (c) an amount approximately equal to the amount of proceeds received through the purchase of allowances related to GHG emissions attributable to the direct combustion of municipal solid waste to generate renewable energy to be used for programs for reducing plastics-related greenhouse gas emissions. Establishes additional priorities to be considered when proposing expenditures. Requires Governor to consider the climate action investment plan prepared by the CPO in preparing the Governor's budget. Requires the EJTF to review and develop recommendations in response to the biennial climate action investment plan and deliver a report on the EJTF's recommendations to the Governor and the Joint Committee no later than August 1 of each even-numbered year.

Stipulates that if, an electric company sells allowances that were directly distributed at no cost to the electric company, the PUC shall require the proceeds received by the electric company through the sale: be spent for the exclusive benefit of the electric company's retail electricity consumers; and be used only for activities that serve to reduce GHG emissions or provide assistance to the electric company's retail electricity consumers, consistent with the purposes of Act. Requires certain prioritization. Requires the PUC after consultation with the Housing and Community Services Department (OHCS), to adopt implementation rules that must include a regular reporting requirement to the PUC. Requires the PUC to report no later than September 15 of each even-numbered year to the Joint Committee and to the CPO on how electric companies have made use of allowances. Requires the PUC to establish a process to ensure prudent, appropriate, and contemporaneous cost recovery for public utilities subject to compliance with OCAP. Authorizes the PUC, in the manner it determines is proper, to allow a rate or rate schedule of a public utility to include differential rates to reflect amounts to enable the utility to assist low-income residential customers. Requires rates or rates schedules to minimize the shifting of costs to ratepayers that do not qualify for low income assistance.

Requires OHCS and State Department of Energy (ODOE) to jointly submit to the Governor and the Legislative Assembly a biennial statewide energy burden report no later than November 1 of every even-numbered year. Authorizes OHCS and ODOE to jointly necessary adopt rules after consultation with consumer-owned utilities. Establishes purposes of the biennial energy burden report. Requires OHCS, in consultation with ODOE to convene an Energy Burden and Poverty Working Group to provide guidance and assistance.

Transfers the duties, functions and powers of the Department of Environmental Quality (DEQ) related to registration and reporting requirements for electricity and fossil fuels (ORS 468A.280) to the Carbon Policy Office. Requires the Director of DEQ to transfer and CPOR Director to take possession of all records and property related to the reporting requirements for electricity and fossil fuels and transfer any employees engaged in relevant duties and functions. Stipulates rules established by the EQC in respects to reporting program are in effect until superseded or repealed by rules of the CPO. Transfers reference from EQC or Department of Environmental Quality in uncodified laws or resolutions to CPO Director and CPO.

Authorizes CPO to adjust by rule the registration and reporting required if necessary to accommodate participation in an energy imbalance market by persons who import, sell allocate or distribute electricity, or as necessary to otherwise address developments in electricity markets. Repeals Energy Facility Siting Council carbon dioxide emissions standards and forestry offset provisions.

Requires the Environmental Quality Commission (EQC) to adopt by rule standards and requirements for reducing methane gas emissions from landfills. Requires prior to adopting standards and requirements the EQC must consider the standards and requirements of the State of California. Exempts the following landfills from standards and requirements: landfills that emit less than 25,000 metric tons of carbon dioxide equivalent in anthropogenic greenhouse gas emissions annually; landfills that only receive hazardous waste; landfills that only receive building demolition or construction wastes; and land disposal sites that are closed and no longer receiving solid waste, are maintained in compliance certain statutes and have less than 450,000 tons of waste-in-place. Requires rules include: reporting requirements; methane gas collection and control system requirements; standards and requirements for methane limits, monitoring and corrective actions; alternative compliance measures and methods that may be applied for certain landfills on a case-by-case basis; and standards and requirements for records retention, landfill closure notification, gas collection and control device removal or modification and annual operating reports. Requires EQC to adopt landfill methane emission rules in time for rules to be operative no later than July 1, 2021.

Declares intent of Legislative Assembly that provisions of Act relating to receipt of money through sales of allowances by auction do not render Act a bill for raising revenue subject to provisions of Article IV, sections 18 and 25(2) of the Oregon Constitution. Assigns original jurisdiction to the Supreme Court to determine whether the Act is a bill for raising revenue. Declares original jurisdiction to the Supreme Court to determine whether auctions conducted impose a tax that is subject to the provisions of Article IX, section 3a, of the Oregon Constitution. Establishes processes for judicial review.

Appropriates \$____ from the General Fund to the Oregon Department of Administrative Services for the biennium beginning July 1, 2019 for use by the CPO in the development and implementation of the OCAP. Appropriates \$____ from the General Fund to the Environmental Justice Task Force (EJTF) for the biennium beginning July 1, 2019 which may be used for compensation and expenses incurred by EJTF members who are not members of the Legislative Assembly and for provision by the Governor of clerical and administrative staff support to the EJTF.

Require DAS to report on actions being taken to prepare for implementation of Act to the Joint Committee on or before September 15, 2020. Requires CPO to conduct review and provide report to the Joint Committee on implementation of offset portion of Act and rules adopted on or before September 15, 2031. Outlines requirements for report. Requires CPO to conduct review and provide report to the Joint Committee on the exclusion from GHG emission from aviation fuel and fuel used in watercraft and railroad locomotives no later than January 1, 2025. Outlines purpose of report. Requires ODOT in consultation with the Department of Revenue and any other relevant state agencies, to study the creation of refunds or credits deposited in the Transportation Decarbonization Investments Fund to offset estimated increases in motor vehicle fuel costs and report to the Joint Committee and the Joint Committee on Transportation on or before September 15, 2019. Requires study include costs attributable to the regulation of motor vehicle fuel producers and importers as covered entities for Oregon households whose combined incomes are at or below 100 of the area median income and refunds or credits available to offset the estimated increase in motor vehicle fuel used to propel motor vehicles off road for vehicles used in the agricultural and natural resource sectors.

Establishes certain sections of Act become operative January 1, 2021. Authorizes certain agencies to take action prior to operative date if necessary to carry out provisions of Act. Declares emergency, effective on passage.

-32 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 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 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 Prohibits moneys in the Transportation Decarbonization Investments Account from being pledged or assigned to secure a bond or other debt obligation.

-35 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.

-36 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 Requires proposed linkage agreement provides that Oregon does not relinquish any authority to a linking jurisdiction over setting prices.

-39 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 Removes section 34, requirements for construction projects funded by certain auction proceeds.

-41 Removes section 70, expedited judicial review for auction proceeds being subject to Article IX, section 3a of the Oregon Constitution.

-43 Removes emergency clause and changes expedited judicial review deadlines for filing petitions to July 1, 2020.

-44 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.

-46 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 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 plan 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 vehicles on public highways to ODOT. Removes emergency clause and declares takes effect on the 91st day after sine die.

-48 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 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 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 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.

-57 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 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 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.

-63 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.

-67 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 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 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 opportunities

available to covered and opt-in entities; and whether conclusions of assessments warrant an adjustment to methods of calculating benchmarks.

-69 (Similar to -68 with changes underline). 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, multiplied by 95 percent. 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 2026, 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 2027 and for each following year until and including 2050. Requires CPO adopt best available technology benchmarks no later than January 1, 2027, and update once every 12 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; any indirect energy or environmental impacts associated with a technology under consideration for 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 opportunities available to covered and opt-in entities; and whether conclusions of assessments warrant an adjustment to methods of calculating benchmarks.

-70 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 emergency work, minor alterations, ordinary repairs, or maintenance work for public improvements or to other construction contracts.

-71 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 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.

-77 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.

-79 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.

BACKGROUND:

A cap-and-trade program is a market-based system designed to reduce greenhouse gas emissions. Total allowed emissions are capped at a given level that decreases each year. Polluters are required to buy an allowance for each ton of greenhouse gas they emit above a specified amount, as quantified through mandatory reporting of emissions to the government. Allowances are purchased at auctions held either by the government or a contracted third party. Allowances may also be distributed for free, often to emissions-intensive, trade-exposed industries. Covered entities can also purchase offset credits to meet their compliance obligations. Offsets represent a verified emission reduction of one ton of carbon dioxide equivalent from an uncapped sector. At the end of each compliance period, polluters must remit a number of allowances equal to their emissions or face a penalty. Companies may sell surplus allowances to other companies. A cap-and-invest program uses the proceeds generated from the auction of allowances for designated purposes.

Ten states currently have cap-and-trade systems. Nine are Northeastern states that joined together in 2009 to create a common carbon market through the Regional Greenhouse Gas Initiative. California runs a separate program that began in 2012 and is linked to the Canadian province of Quebec and Nova Scotia through the Western Climate Initiative. These programs include emissions from transportation fuels, natural gas, industrial processes, and electricity generation including emissions associated with imported electricity. The linked jurisdictions participate in joint auctions of allowances, and allowances issued by one jurisdiction can be used by any compliance entity within the linked programs.