

HOUSE AMENDMENTS TO A-ENGROSSED HOUSE BILL 2020

By JOINT COMMITTEE ON WAYS AND MEANS

June 12

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

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

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

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

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

7 After line 31, insert:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

24 “(E) May not authorize the generation or issuance of offset credits for greenhouse gas emissions
25 reductions or removals that occur during the period beginning on January 1, 2021, and ending on
26 December 31, 2026, as the result of offset projects on state forestlands, unless as of the effective date
27 of this 2019 Act the state forestlands are:

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

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

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

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

33 “(b) In developing offset protocols related to forestry, the office and the department shall avoid
34 permanent or temporary net cumulative reductions, attributable to offset projects, in the regional
35 supply of wood fiber available to wood products manufacturing facilities in this state. This para-

1 graph does not apply to offset projects located on Indian trust lands or Indian fee lands.”.

2 On page 51, after line 30, insert:

3 “(m) Reduce greenhouse gas emissions related to agriculture, with a priority given to the re-
4 placement, repowering or retrofitting of nonroad equipment to reduce emissions that present serious
5 risks to farmworker health.”.

6 On page 93, after line 14, insert:

7 **“SECTION 123a. If section 34 of this 2019 Act is judicially declared by the Supreme Court**
8 **to not impose a tax subject to the provisions of Article IX, section 3a, of the Oregon Con-**
9 **stitution, then the Climate Policy Office shall, as part of the next biennial climate action**
10 **investment plan due pursuant to section 57 of this 2019 Act after the date of the judicial**
11 **declaration:**

12 **“(1) Identify specific opportunities for using state proceeds from auctions conducted un-**
13 **der section 34 of this 2019 Act each biennium to reduce greenhouse gas emissions associated**
14 **with transportation through investments in transportation electrification, compressed na-**
15 **tural gas and hydrogen fuel vehicles and infrastructure, and low-emission and zero-emission**
16 **transit;**

17 **“(2) Identify specific opportunities for using state proceeds from auctions conducted un-**
18 **der section 34 of this 2019 Act each biennium to reduce greenhouse gas emissions through**
19 **the replacement of medium-duty trucks and heavy-duty trucks powered by diesel engines or**
20 **the repower or retrofit of diesel engines that power medium-duty trucks and heavy-duty**
21 **trucks;**

22 **“(3) Identify specific opportunities for using state proceeds from auctions conducted un-**
23 **der section 34 of this 2019 Act each biennium to reduce greenhouse gas emissions related to**
24 **agriculture, with a priority given to the replacement, repowering or retrofitting of nonroad**
25 **equipment to reduce emissions that present serious risks to farmworker health; and**

26 **“(4) Make recommendations, including recommendations for legislation, for modifying the**
27 **distributions of state proceeds from auctions as provided for in sections 34, 35, 41 to 45 and**
28 **46 of this 2019 Act, and the repeal or amendment of any other statutes or session laws, as**
29 **necessary to:**

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

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

35 **“SECTION 123b. Section 123a of this 2019 Act becomes operative on January 2 of the year**
36 **following the date that section 34 of this 2019 Act is judicially declared by the Supreme Court**
37 **to not impose a tax that is subject to the provisions of Article IX, section 3a, of the Oregon**
38 **Constitution.**

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

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

43 **“(2) January 2, 2027.**

44 **“SECTION 123d. (1) Original jurisdiction to determine whether auctions conducted under**
45 **section 34 of this 2019 Act impose a tax or excise that is subject to the provisions of Article**

1 VIII, section 2 (1)(g), of the Oregon Constitution, is conferred on the Supreme Court.

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

5 “(b) The petition must state facts showing how the petitioner is interested, affected or
6 aggrieved and the grounds upon which the petition is based.

7 “(3) The petitioner shall serve a copy of the petition by registered or certified mail upon
8 the Oregon Department of Administrative Services, the Director of the Climate Policy Office,
9 the Attorney General and the Governor.

10 “(4) Proceedings for review under this section shall be given priority over all other mat-
11 ters before the Supreme Court.

12 “(5) In the event that the Supreme Court determines that there are factual issues in the
13 petition, the Supreme Court may appoint a special master to hear evidence and to prepare
14 recommended findings of fact.”.

15 On page 95, after line 9, insert:

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

17 “**Sec. 75.** (1) The Oregon Transportation Commission shall conduct a **biennial** study. The pur-
18 pose of the study is to determine:

19 “(a) The proportionate share that users of vehicles that are powered by different means should
20 pay for the costs of maintenance, operation and improvement of the highways in this state; and

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

22 “(2) If the commission determines that users are not paying a proportionate share, then the
23 commission may include in the report recommendations for legislation.

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

25 “(4) The commission shall report the results of the study to **the Road User Fee Task Force**
26 **established under ORS 184.843**, the Joint Committee on Transportation established under [*section*
27 *26 of this 2017 Act*] **ORS 171.858 and the Joint Committee on Climate Action established under**
28 **section 2 of this 2019 Act**, in the manner provided by ORS 192.245, no later than September 15,
29 [2023] of each odd-numbered year, beginning in 2021.

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

31 “**Sec. 76.** Section 75, **chapter 750, Oregon Laws 2017**, [*of this 2017 Act*] is repealed on January
32 2, [2024] 2030.”.

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

34 “**SECTION 131.** (1) **In addition to and not in lieu of any other appropriation, there is ap-**
35 **propriated to the Oregon Department of Administrative Services, for the biennium beginning**
36 **July 1, 2019, out of the General Fund, the amount of \$15,781,347, for carrying out the pro-**
37 **visions of this 2019 Act.**

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

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

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

6 “(5) Notwithstanding any other law limiting expenditures, the amount of \$250,000 is es-
7 tablished for the biennium beginning July 1, 2019, as the maximum limit for payment of ex-
8 penses from lottery moneys allocated from the Administrative Services Economic
9 Development Fund to the Oregon Business Development Department to conduct the analysis
10 and develop the program proposal required by section 130 of this 2019 Act.

11 “(6) Notwithstanding any other law limited expenditures, the limitation on expenditures
12 established by section 2 (1), chapter _____, Oregon Laws 2019 (Enrolled House Bill 5017),
13 for the biennium beginning July 1, 2019, as the maximum limit for payment of expenses from
14 fees, moneys or other revenues, including Miscellaneous Receipts, the proceeds of bonds for
15 the Orphan Site Account and federal funds from congestion mitigation and air quality grants,
16 drinking water protection, beach bacteria monitoring, laboratory accreditation and
17 woodstove grants and for smoke monitoring laboratory services, but excluding lottery funds
18 and federal funds not described in section 2, chapter _____, Oregon Laws 2019 (Enrolled
19 House Bill 5017), collected or received by the Department of Environmental Quality, for air
20 quality, is increased by \$1,039,640.

21 “(7) Notwithstanding any other law limiting expenditures, the limitation on expenditures
22 established by section 2 (11), chapter _____, Oregon Laws 2019 (Enrolled House Bill 5039),
23 for the biennium beginning July 1, 2019, as the maximum limit for payment of expenses from
24 fees, moneys or other revenues, including Miscellaneous Receipts and federal funds received
25 as reimbursement from the United States Department of Transportation, but excluding lot-
26 tery funds and federal funds not described in section 2, chapter _____, Oregon Laws 2019
27 (Enrolled House Bill 5039), collected or received by the Department of Transportation, for
28 transportation program development, is increased by \$1,983,532.

29 “(8) Notwithstanding any other law limiting expenditures, the limitation on expenditures
30 established by section 2 (15), chapter _____, Oregon Laws 2019 (Enrolled House Bill 5039),
31 for the biennium beginning July 1, 2019, as the maximum limit for payment of expenses from
32 fees, moneys or other revenues, including Miscellaneous Receipts and federal funds received
33 as reimbursement from the United States Department of Transportation, but excluding lot-
34 tery funds and federal funds not described in section 2, chapter _____, Oregon Laws 2019
35 (Enrolled House Bill 5039), collected or received by the Department of Transportation, for
36 central services, is increased by \$1,207,439.

37 “(9) Notwithstanding any other law limiting expenditures, the limitation on expenditures
38 established by section 1 (1), chapter 185, Oregon Laws 2019 (Enrolled Senate Bill 5534), for
39 the biennium beginning July 1, 2019, as the maximum limit for payment of expenses from
40 fees, moneys or other revenues, including Miscellaneous Receipts, but excluding lottery funds
41 and federal funds, collected or received by the Public Utility Commission, for the utility
42 program, is increased by \$2,132,573.

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