

A-Engrossed
House Bill 3425

Ordered by the House May 14
Including House Amendments dated May 14

Sponsored by JOINT COMMITTEE ON CARBON REDUCTION

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

Establishes, if State of Oregon adopts cap and trade program, credit available to [*certain households*] **eligible persons** for purpose of mitigating carbon price indirectly paid [*by households*] through purchase of motor vehicle fuel to propel **eligible** motor vehicles on public highways.

Takes effect on 91st day following adjournment sine die or on effective date of chapter _____, Oregon Laws 2019 (Enrolled House Bill 2020), whichever is later.

A BILL FOR AN ACT

1
2 Relating to mitigating household fuel transportation costs; and prescribing an effective date.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1. As used in sections 1 to 6 of this 2019 Act:**

5 (1) **"Allowance"** means a tradable authorization to emit one metric ton of carbon dioxide
6 equivalent, issued by the state as part of the market-based mechanism for covered entities
7 to demonstrate compliance with a cap and trade program.

8 (2) **"Cap and trade program"** means a regulatory program adopted by the state that:

9 (a) **Places a cap on the total anthropogenic greenhouse gas emissions that are regulated**
10 **emissions under the program through setting annual allowance budgets for 2021 to 2050;**

11 (b) **Provides a market-based mechanism for covered entities to demonstrate compliance**
12 **with the program; and**

13 (c) **Regulates as covered entities under the program persons that produce or import fuel**
14 **that is sold or distributed for use in this state, as necessary to address the regulated emis-**
15 **sions that are attributable to the combustion of that fuel.**

16 (3) **"Eligible motor vehicle"** means a passenger motor vehicle that is powered by fuel.

17 (4) **"Eligible person"** means an individual with an adjusted gross income that does not
18 **exceed 250 percent of the federal poverty guidelines, based on the individual's household size**
19 **and household members.**

20 (5) **"Fuel"** means:

21 (a) **Motor vehicle fuel as defined in ORS 319.010; and**

22 (b) **Fuel subject to the tax imposed under ORS 319.530 on the use of fuel in a motor ve-**
23 **hicle within the meaning of ORS 319.520.**

24 (6) **"Median vehicle miles traveled"** means, for a county, the median number of miles
25 **traveled in this state per capita by residents of that county who are eligible persons using**
26 **eligible motor vehicles.**

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 (7) “Per-gallon carbon price” means the portion of the price of a gallon of fuel in Oregon
2 that is attributable to the cost to a fuel producer or importer of being regulated under a cap
3 and trade program adopted by the State of Oregon.

4 **SECTION 2.** (1)(a) Not later than November 30 of each year, beginning in the year that
5 a cap and trade program adopted by the State of Oregon becomes operative, the Department
6 of Transportation, in consultation with the state agency charged with implementing the cap
7 and trade program, shall prepare, for each county, an annual estimate of:

8 (A) The median vehicle miles traveled for that county;

9 (B) The median number of gallons of fuel used by an eligible motor vehicle in traveling
10 the median vehicle miles traveled for that county; and

11 (C) The per-gallon carbon price.

12 (b) In preparing the estimate required under paragraph (a)(C) of this subsection, the de-
13 partment shall take into account differences by county in the median annual cost of a gallon
14 of fuel. The department shall subtract from the estimate any increase solely attributable to
15 a percentage increase, from 2020 to the current calendar year, in the Consumer Price Index
16 for All Urban Consumers, West Region (All Items), as published by the Bureau of Labor
17 Statistics of the United States Department of Labor. The estimate shall be expressed in a
18 positive amount of dollars per gallon of fuel.

19 (c) The Department of Transportation may contract with an independent third-party or-
20 ganization to assist in preparing the estimates required under this subsection.

21 (2) Using the estimates prepared under subsection (1) of this section, the department
22 shall develop a schedule that lists for each county the annual per capita credit amount
23 available to each eligible person who is a resident of the county. The annual per capita credit
24 amount available to an eligible person in a county shall be computed:

25 (a) To reflect the median number of gallons of fuel used by an eligible motor vehicle in
26 traveling the median vehicle miles traveled for the county, multiplied by the per-gallon car-
27 bon price;

28 (b) To closely approximate the carbon price indirectly paid by eligible persons in the
29 county through the purchase of fuel to propel eligible motor vehicles on the public highways;
30 and

31 (c) To reflect any adjustments necessary to account for differences between the total
32 moneys available for issuance of credits during the previous calendar year in the Climate
33 Action Reimbursement Fund established under section 5 of this 2019 Act and the total mon-
34 eys issued as payment of credits during the previous calendar year.

35 (3) Not later than August 15 of each year, the Department of Transportation shall notify
36 the Department of Revenue of, as calculated for each county for the immediately preceding
37 year:

38 (a) The estimates required under this section; and

39 (b) The annual per capita credit amount available to an eligible person.

40 (4) The Department of Transportation may adopt rules necessary to carry out this sec-
41 tion.

42 **SECTION 3.** (1) If the State of Oregon adopts a cap and trade program, each eligible
43 person may apply for a credit under this section in an amount equal to the annual per capita
44 credit amount for the county in which the eligible person is located, as computed under
45 section 2 of this 2019 Act.

1 (2) The Department of Revenue shall provide a means on the personal income tax return,
2 beginning with returns filed for tax years beginning on or after January 1 of the year that
3 a cap and trade program adopted by the State of Oregon becomes operative, by which an
4 eligible person may apply for the credit. An eligible person may apply for the credit on the
5 return filed by the eligible person for any personal income tax year beginning on or after the
6 date on which the estimate required under section 2 of this 2019 Act is made.

7 (3) The department shall allow for an eligible person who is not required to file a personal
8 income tax return to apply for the credit in a form prescribed by the department by rule.

9 (4) An eligible person claiming a credit under this section shall provide to the depart-
10 ment:

11 (a) Proof of registration in Oregon to the eligible person of at least one eligible motor
12 vehicle; and

13 (b) Any other information required by the department by rule.

14 (5) The amount of credit allowed under this section shall equal, for residents of each
15 county:

16 (a) Twice the amount of the per capita credit amount listed for that county on the
17 schedule developed under section 2 of this 2019 Act, if claimed on a joint return, provided the
18 return includes proof of registration of two eligible motor vehicles; or

19 (b) The per capita credit amount listed for that county on the schedule developed under
20 section 2 of this 2019 Act, for credits claimed on all types of personal income tax returns
21 other than joint returns.

22 (6) In no event may more than twice the per capita credit amount be allowed on the basis
23 of one return, regardless of the number of eligible motor vehicles registered to an eligible
24 person.

25 (7) The amounts authorized under this section shall be credited by the department out
26 of the Climate Action Reimbursement Fund established under section 5 of this 2019 Act and
27 in the manner of refund payments in excess of tax liability under ORS chapter 316. The de-
28 partment may not issue a credit unless there are sufficient moneys available in the fund to
29 pay the credit.

30 (8) Amounts received through a credit issued under this section are exempt from per-
31 sonal income taxation under Oregon law.

32 (9) Credits allowed under this section do not bear interest.

33 **SECTION 4.** Except as otherwise provided in section 3 of this 2019 Act, or where context
34 requires otherwise, the provisions of ORS chapters 305 and 314 as to the audit and exam-
35 ination of reports and returns, periods of limitation, determination of and notices of defi-
36 ciencies, assessments, collections, liens, delinquencies, claims for refund and refunds,
37 conferences, appeals to the Oregon Tax Court, stays of collection pending appeal,
38 confidentiality of returns and the penalties and procedures relative thereto, apply to the de-
39 terminations of taxes, credits, penalties and interest under section 3 of this 2019 Act.

40 **SECTION 5.** The Climate Action Reimbursement Fund is established in the State Treas-
41 ury, separate and distinct from the General Fund. The Climate Action Reimbursement Fund
42 shall consist of moneys transferred to the fund under section 6 of this 2019 Act. Interest
43 earned by the fund shall be credited to the fund. Moneys in the fund are continuously ap-
44 propriated to the Department of Revenue to issue credits under section 3 of this 2019 Act.

45 **SECTION 6.** Notwithstanding any contrary provision of law, the Department of Trans-

1 **portation shall annually transfer 30 percent of the moneys deposited in the Transportation**
2 **Decarbonization Investments Account to the Climate Action Reimbursement Fund estab-**
3 **lished under section 5 of this 2019 Act.**

4 **SECTION 7. This 2019 Act does not take effect unless House Bill 2020 becomes law.**

5 **SECTION 8. If House Bill 2020 becomes law, this 2019 Act takes effect on the later of:**

6 **(1) The 91st day after the date on which the 2019 regular session of the Eightieth Legis-**
7 **lative Assembly adjourns sine die; or**

8 **(2) The effective date of chapter _____, Oregon Laws 2019 (Enrolled House Bill 2020).**
9 _____