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February 5, 2019

Senate Environment and Natural Resources Committee
Oregon State Legislature
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Re SB 1530 and Amendment -27: Written Testimony for the Record

Chair Dembrow and Committee:

I personally support the concepts in SB 1530 and the -27 changes as well as: (1) creation of the Greenhouse Gas Reduction Board; (2) creation of the Office of Greenhouse Gas Regulation; and (3) placement of the initiative within the Department of Environmental Quality. In the next (and hopefully last) round of amendments, I suggest the following changes.

Entity Identification: The current drafts of 1530 and – 27 fail to provide consistency in identifying the Board and the Office. Sometimes the whole name is used; at other times only “board” or “office” is used. The bill should identify these terms in the definitions and then simply use “board” or “office” where intended. If some office or board other than those associated with OGGI, it should be named in toto. Likewise, if the bill refers to a “department,” it should provide a full identification, because of the multiple departments involved: e.g. DOF, DEQ, DLCD, DHCS, DAS

Shifting moneys. Sen. Olsen in the Feb. 4 hearing raised an important point regarding the need to avoid enabling local governments or state agencies merely to shift the moneys made available thru OGGI to replace existing programs. Replacement prevention is addressed in Sections 34(7) and 39(5). An additional way is to require the chief budget officer of any entity receiving OGGI funds to provide a non-replacement certificate in any report filed by a public recipient of OGGI funds as required in Section 42(1).

Participation of non-voting members. Sen. Olsen also raised this issue in the Feb. 4 hearing. Based on the workload, the Board will need to meet frequently to address the tasks and deadlines imposed by SB 1530 and -27. The legislators appointed to the Board will determine their own participation. As to the other non-voting members, my experience in serving on and helping to create the Land Conservation and Development Commission and The Energy Trust of Oregon, as well as serving 8 years on the Energy Facility Siting Council, is that the agency heads (DEQ, DOT, PUC, and OCCRI) are busy people. It seems important for each agency to provide to the chair of the Board and the Office, within 30 days of the Board’s formation, a written commitment plan binding the director and stating whatever budgetary support is needed for participation without causing delays for intra-agency consultations and budget reviews. The plan needs to be acceptable, both to the Chair of the Board and to the Office.

Drafting suggestions follow

Drafting Suggestions for SB 1530 and -27

(srs 2/5/20)

1. After SB 1530 page 3, line 35, add the following

“(9) “Board” means the “Oregon Greenhouse Gas Reduction Board as established in Section 97 (SB 1530-27) of this 2020 Act.”

Renumber and search and replace

2. After SB 1530 page 5, line 11 add the following

“(28) “Office” means the Office of Greenhouse Gas Regulation as established in Section 104 of this 2020 Act.

Renumber and search and replace.

3. In SB 1530, on page 36, line 20 after the period add.

“Such report shall contain a certification by the chief budget officer of the entity that OGGI funds have not been used and will not be used to replace existing staff, programs, facilities, or distributions.”

4. In SB 1530 – 27, page 28, after line 5 add the following:

“(5) The director of each named agency shall provide to the chairperson of the Board and to the Office, within 30 days of the Board’s formation, a written commitment plan binding the director and stating whatever budgetary support is needed for participation without causing delays for intra-agency consultations and budget reviews. The plan shall be, in form and substance, deemed acceptable, both to the chairperson of the Board and to the Office if revisions are not requested by either recipient within 10 days of the plan’s delivery.”