

Enrolled Senate Bill 79

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CHAPTER

AN ACT

Relating to energy use of buildings; and declaring an emergency.

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

SECTION 1. (1) There is created the Task Force on Energy Performance Scores, consisting of 13 members. The Governor shall appoint to the task force:

- (a) An owner or manager of a commercial office building;**
- (b) A contractor specializing in the construction of residential structures;**
- (c) A contractor specializing in the construction of commercial structures;**
- (d) A representative of the utility industry;**
- (e) An architect or an engineer;**
- (f) A representative of an organization that provides financial incentives to building owners;**
- (g) A homeowner or a property association manager;**
- (h) An individual who studies, advocates for or specializes in energy efficiency or green building design;**
- (i) A representative of a community college as defined in ORS 341.005, a state institution of higher education listed in ORS 352.002 or a private institution of higher learning located in Oregon;**
- (j) A representative of a trade association for the real estate industry or a related industry;**
- (k) A member of, or the representative of an organization for members of, a licensed building trade that performs work as part of commercial or residential construction;**
- (L) A representative of the Public Utility Commission; and**
- (m) A commercial building energy consultant.**

- (2) The task force shall:**
 - (a) Study and evaluate energy use in new and existing commercial and residential buildings in Oregon;**
 - (b) Develop recommendations for a voluntary energy performance scoring system for use in new and existing commercial and residential buildings; and**
 - (c) Make recommendations regarding the implementation of a statewide mandatory energy performance scoring system for new and existing commercial and residential buildings.**
- (3) In carrying out the duties described in subsection (2) of this section, the task force shall give consideration to the following:**

- (a) Energy performance scoring methods that are used in Oregon or have been adopted by other municipalities, states or nations;
 - (b) The estimated costs per building to obtain an energy performance score;
 - (c) The identification of a consistent methodology for determining an energy performance score;
 - (d) The reliability of the energy performance score and the relationship of the score to the goal of reducing energy consumption in buildings;
 - (e) Necessary qualifications or other criteria for persons responsible for determining the energy performance score of a building;
 - (f) The features for a uniform score publication method to make scores readily available to potential building purchasers and the public;
 - (g) The ability to compare energy performance scores;
 - (h) The availability of state or local governments or private entities to timely conduct energy performance scores; and
 - (i) Any other matters the task force believes would enhance the creation of an energy performance scoring system.
- (4) A majority of the members of the task force constitutes a quorum for the transaction of business.
- (5) Official action by the task force requires the approval of a majority of the members of the task force.
- (6) The task force shall elect one of its members to serve as chairperson.
- (7) If there is a vacancy for any cause, the appointing authority shall make an appointment to become immediately effective.
- (8) The task force shall meet at times and places specified by the call of the chairperson or of a majority of the members of the task force.
- (9) The task force may adopt rules necessary for the operation of the task force.
- (10) The task force shall submit a report, and may include recommendations for legislation, to an interim committee of the Legislative Assembly related to energy no later than October 1, 2010.
- (11) The State Department of Energy and the Department of Consumer and Business Services shall cooperate in providing staff support to the task force.
- (12) Members of the task force are not entitled to compensation, but may be reimbursed for actual and necessary travel and other expenses incurred by them in the performance of their official duties in the manner and amounts provided for in ORS 292.495. Claims for expenses shall be paid out of funds appropriated to the State Department of Energy or the Department of Consumer and Business Services for purposes of the task force.
- (13) All agencies of state government, as defined in ORS 174.111, are directed to assist the task force in the performance of its duties and, to the extent permitted by laws relating to confidentiality, to furnish such information and advice as the members of the task force consider necessary to perform their duties.

SECTION 2. The Task Force on Energy Performance Scores shall make any recommendations for a voluntary energy performance scoring system described in section 1 (2)(b) of this 2009 Act in time for the State Department of Energy to adopt the recommendations by rule no later than July 1, 2010.

SECTION 3. Section 1 of this 2009 Act is repealed on the date of the convening of the next regular biennial legislative session.

SECTION 4. Sections 5 to 7 of this 2009 Act are added to and made a part of ORS chapter 455.

SECTION 5. (1) The Director of the Department of Consumer and Business Services, in consultation with the appropriate advisory boards, shall adopt, amend and administer a code separate from the state building code, to be known as the Reach Code. The director shall

design the code to increase energy efficiency in buildings that are newly constructed, reconstructed, altered or repaired.

(2) The Reach Code shall be a set of statewide optional construction standards and methods that are economically and technically feasible, including any published generally accepted codes and standards newly developed for construction or for the installation of products, equipment and devices. When adopting or amending the code, the director, in consultation with the appropriate advisory boards, shall:

(a) Review generally accepted codes and standards that achieve greater energy efficiency than the energy efficiency required by the state building code; and

(b) Review technical components of generally accepted construction documents as the director considers necessary to address federal, state and local financial incentives and advances in construction methods, standards and technologies.

(3) When amending the state building code under ORS 455.030, the director shall consider whether any of the standards and methods contained in the Reach Code should be removed from the Reach Code and adopted in the state building code.

(4) The inclusion of a standard or method for construction or for the installation of products, equipment or devices in the Reach Code:

(a) Does not alter any licensing or certification requirements under ORS 446.003 to 446.200, 446.225 to 446.285, 447.010 to 447.156, 460.005 to 460.175, 479.510 to 479.945 or 480.510 to 480.670 or this chapter or ORS chapter 693 or Department of Consumer and Business Services rules;

(b) Exempts products, equipment and devices from product certification requirements under ORS 447.010 to 447.156 and 479.510 to 479.945 and the state building code; and

(c) Requires that a municipality administering and enforcing a building inspection program under ORS 455.148 or 455.150 must recognize and accept the standard, method, installation, product, equipment or device if a person applies to construct, reconstruct, alter or repair a building in conformance with the Reach Code.

SECTION 6. The Director of the Department of Consumer and Business Services, subject to the approval of the appropriate advisory boards, shall adopt rules establishing uniform energy conservation standards for inclusion under the state building code. The director shall design the energy conservation standards to increase energy efficiency in buildings that are newly constructed, reconstructed, altered or repaired. The director shall periodically review the energy conservation standards of the state building code and propose updates to the standards as the director considers necessary to reflect changing technology in energy efficiency and to encourage continual improvements in building energy efficiency in accordance with section 7 of this 2009 Act. In reviewing the energy conservation standards, the director shall consider the target standards described in the Architecture 2030 organization's 2030 Challenge and may consider other available nationally recognized energy conservation standards.

SECTION 7. (1) As used in this section, "energy efficiency" means the use of construction and design standards, construction methods, products, equipment and devices to increase efficient use of, and reduce consumption of, electricity, natural gas and fossil fuels in buildings undergoing new construction, reconstruction, alteration or repair.

(2) The Director of the Department of Consumer and Business Services, after consultation with the State Department of Energy and subject to the approval of the appropriate advisory boards, shall adopt amendments to the state building code under ORS 455.030 to increase energy efficiency in buildings that are newly constructed, reconstructed, altered or repaired. In adopting the amendments, the director shall consider generally accepted model codes, products and product standards, the Reach Code adopted under section 5 of this 2009 Act and other available data to evaluate codes and standards that promote energy efficiency in buildings.

(3) The director, in consultation with the appropriate advisory boards, shall develop a schedule for the periodic review of energy efficiency standards and shall establish goals for increasing the level of energy conservation achieved by the use of energy efficiency standards contained in the state building code and the Reach Code. In establishing goals and the schedule for periodic review of standards under this section, the director shall consider the publication schedule of generally accepted construction codes and standards. If the director determines that the adopted review schedule or energy efficiency goals are not practicable for economic or technical reasons, the director may amend the schedule or goals as the director considers appropriate.

SECTION 8. Sections 5 to 7 of this 2009 Act become operative January 1, 2010.

SECTION 9. (1) The Director of the Department of Consumer and Business Services, subject to the approval of the appropriate advisory boards, shall adopt amendments to the state building code under ORS 455.030 that are reasonably estimated to achieve:

(a) An increase in energy efficiency of nonresidential buildings of between 15 and 25 percent by January 1, 2012, compared to nonresidential building energy efficiency on the effective date of this 2009 Act. The director shall design the code amendments to achieve the energy efficiency increase through mandatory requirements for the new construction, reconstruction, alteration or repair of nonresidential buildings. To the extent the director considers practicable, the director shall base the requirements on the American Society of Heating, Refrigerating and Air-Conditioning Engineers standard 90.1-2007 (I-P Edition), Energy Standard for Buildings Except Low-Rise Residential Buildings, as amended and in effect on the effective date of this 2009 Act.

(b) An increase in energy efficiency of residential buildings of between 10 and 15 percent by January 1, 2012, compared to residential building energy efficiency on the effective date of this 2009 Act. The director shall design the code amendments to achieve the energy efficiency increase through mandatory requirements that new construction, reconstruction, alteration or repair of residential buildings uses a greater number of the energy efficiency techniques described in the Low-Rise Residential Dwelling Code than the number of techniques required under that code on the effective date of this 2009 Act.

(2) The director shall adopt initial rules under this section in time for the rules to become effective on January 1, 2010.

SECTION 10. Section 9 of this 2009 Act is repealed January 2, 2012.

SECTION 11. This 2009 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2009 Act takes effect on its passage.

Passed by Senate June 17, 2009

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Secretary of Senate

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President of Senate

Passed by House June 24, 2009

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Speaker of House

Received by Governor:

.....M,....., 2009

Approved:

.....M,....., 2009

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Governor

Filed in Office of Secretary of State:

.....M,....., 2009

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Secretary of State