

**HOUSE AMENDMENTS TO
SENATE BILL 375
(INCLUDING AMENDMENTS TO RESOLVE CONFLICTS)**

By COMMITTEE ON ENERGY AND THE ENVIRONMENT

May 24

- 1 On page 2 of the printed bill, delete lines 33 through 36.
2 In line 37, delete “(13)” and insert “(12)”.
3 In line 41, delete “(14)” and insert “(13)”.
4 In line 45, delete “(15)” and insert “(14)”.
5 On page 3, line 3, delete “(16)” and insert “(15)”.
6 In line 5, delete “(17)” and insert “(16)”.
7 In line 7, delete “(18)” and insert “(17)”.
8 In line 9, delete “(19)” and insert “(18)”.
9 In line 12, delete “(20)” and insert “(19)”.
10 Delete lines 14 through 22.
11 In line 23, delete “(22)” and insert “(20)”.
12 In line 25, delete “(23)” and insert “(21)”.
13 In line 27, delete “(24)” and insert “(22)”.
14 In line 40, delete “(25)” and insert “(23)”.
15 On page 4, line 4, delete “(26)” and insert “(24)”.
16 In line 6, delete “(27)” and insert “(25)”.
17 In line 10, delete “(28)” and insert “(26)”.
18 In line 14, delete “(29)” and insert “(27)”.
19 In line 16, delete “(30)” and insert “(28)”.
20 On page 8, delete lines 35 through 38.
21 In line 39, delete “(18)(a)” and insert “(17)(a)”.
22 On page 9, line 23, after “(a)” insert “of this subsection”.
23 Delete lines 36 through 45.
24 On page 10, delete lines 1 through 7.
25 In line 8, delete the first “4” and insert “3”.
26 In line 16, delete “residential furnace,”.
27 In line 26, delete “5” and insert “4”.
28 In line 33, delete “residential”.
29 In line 34, delete “furnace,”.
30 In line 41, delete “6” and insert “5”.
31 On page 11, after line 19, insert:
32 **“SECTION 5a. If House Bill 2565 becomes law, section 5 of this 2007 Act (amending ORS**
33 **469.255) is repealed and ORS 469.255, as amended by section 6, chapter __, Oregon Laws 2007**
34 **(Enrolled House Bill 2565), is amended to read:**

1 “469.255. (1) A manufacturer of a product specified in ORS 469.238 that is sold or offered for
2 sale, or installed or offered for installation, in this state shall test samples of the manufacturer’s
3 products in accordance with the test methods specified in ORS 469.233 or, if more stringent, those
4 specified in the state building code.

5 “(2) If the test methods for products required to be tested under this section are not provided
6 for in ORS 469.233 or in the state building code, the State Department of Energy shall adopt test
7 methods for these products. The department shall use test methods approved by the United States
8 Department of Energy or, in the absence of federal test methods, other appropriate nationally re-
9 cognized test methods for guidance in adopting test methods. The State Department of Energy may
10 periodically review and revise its test methods.

11 “(3) A manufacturer of a product regulated pursuant to ORS 469.229 to 469.261, **except for**
12 **manufacturers of single-voltage external AC to DC power supplies, walk-in refrigerators and**
13 **walk-in freezers**, shall certify to the State Department of Energy that the products are in compli-
14 ance with the minimum energy efficiency standards specified in ORS 469.233. The department shall
15 establish rules governing the certification of these products and may coordinate with the certif-
16 ication **and testing** programs of other states and federal agencies with similar standards.

17 “(4)(a) The department shall establish rules governing the identification of the products that
18 comply with the minimum energy efficiency standards specified in ORS 469.233. The rules shall be
19 coordinated to the greatest extent practicable with the labeling programs of other states and federal
20 agencies with equivalent efficiency standards.

21 “(b) Identification required under paragraph (a) of this subsection shall be by means of a mark,
22 label or tag on the product and packaging at the time of sale or installation.

23 “(c) The department shall waive marking, labeling or tagging requirements for products marked,
24 labeled or tagged in compliance with federal requirements or for products certified pursuant to
25 subsection (3) of this section, unless the department determines that state marking, labeling or tag-
26 ging is required to provide adequate energy efficiency information to the consumer.”.

27 In line 20, delete “7” and insert “6”.

28 In line 25, delete “subsection (1) of this section” and insert “paragraph (a) of this subsection”.

29 In line 32, delete “subsection (1) of this section” and insert “paragraph (a) of this subsection”
30 and delete “of the de-”.

31 In line 33, delete “partment”.

32 On page 12, after line 4, insert:

33 “**SECTION 6a. If House Bill 2565 becomes law, section 6 of this 2007 Act (amending ORS**
34 **469.261) is repealed and ORS 469.261, as amended by section 7, chapter __, Oregon Laws 2007**
35 **(Enrolled House Bill 2565), is amended to read:**

36 “469.261. (1)(a) Notwithstanding ORS 469.233, the State Department of Energy shall periodically
37 review the minimum energy efficiency standards specified in ORS 469.233.

38 “[*(b) After the review pursuant to paragraph (a) of this subsection, the Director of the State De-*
39 *partment of Energy may adopt rules to update the minimum energy efficiency standards specified in*
40 *ORS 469.233 if the director determines that:*]

41 “[*(A)(i) Adjoining states with similar minimum energy efficiency standards for new products have*
42 *modified the standards applicable to products governed by ORS 469.233 and the modified minimum*
43 *efficiency standards adopted in such states are consistent with the energy policy of ORS 469.010; and]*

44 “[*(ii) Failure to change the minimum energy efficiency standards specified in ORS 469.233 would*
45 *impose a substantial hardship on manufacturers, retailers or the public; or]*

1 “(B) *The modified minimum efficiency standards are necessary due to federal action or to the*
2 *outcome of collaborative consultations with manufacturers and the energy departments of other states.*]

3 “(b) **After the review pursuant to paragraph (a) of this subsection, the Director of the**
4 **State Department of Energy may adopt rules to update the minimum energy efficiency**
5 **standards specified in ORS 469.233 if the director determines that the standards need to be**
6 **updated:**

7 “(A) **To promote energy conservation in the state;**

8 “(B) **To achieve cost-effectiveness for consumers; or**

9 “(C) **Due to federal action or to the outcome of collaborative consultations with man-**
10 **ufacturers and the energy departments of other states.**

11 “(c)(A) In addition to the rules adopted under paragraph (b) of this subsection, the director may
12 postpone by rule the operative date of any of the minimum **energy** efficiency standards specified in
13 ORS 469.233 if the director determines that:

14 “(i) Adjoining states with similar minimum energy efficiency standards have postponed the op-
15 erative date of their corresponding minimum **energy** efficiency standards; or

16 “(ii) Failure to modify the operative date of any of the minimum energy efficiency standards
17 would impose a substantial hardship on manufacturers, retailers or the public.

18 “(B)(i) The director may not postpone the operative date of a minimum energy efficiency stand-
19 ard under subparagraph (A) of this paragraph for more than one year.

20 “(ii) If at the end of the first postponement period the director determines that adjoining states
21 have further postponed the operative date of minimum **energy** efficiency standards and the re-
22 quirements of [*sub-subparagraph*] **subparagraph** (A) of this paragraph continue to be met, the di-
23 rector may postpone the operative date for not more than one additional year.

24 “(d) **After the review pursuant to paragraph (a) of this subsection, the director may**
25 **adopt rules to establish new minimum energy efficiency standards if the director determines**
26 **that new standards are needed:**

27 “(A) **To promote energy conservation in the state;**

28 “(B) **To achieve cost-effectiveness for consumers; or**

29 “(C) **Due to federal action or to the outcome of collaborative consultations with man-**
30 **ufacturers and the energy departments of other states.**

31 “(e) **If the director adopts rules under paragraph (b) of this subsection to update the**
32 **minimum energy efficiency standards specified in ORS 469.233 or under paragraph (d) of this**
33 **subsection to establish new minimum energy efficiency standards:**

34 “(A) **The rules may not take effect until one year following their adoption by the director;**
35 **and**

36 “(B) **The Governor shall cause to be introduced at the next Legislative Assembly a bill**
37 **to conform the statutory minimum energy efficiency standards to the minimum energy effi-**
38 **ciency standards adopted by the director by rule.**

39 “[(2) *If the director adopts rules under subsection (1)(b) of this section to update the minimum en-*
40 *ergy efficiency standards specified in ORS 469.233 or under of subsection (1)(c) of this section to post-*
41 *pone the operative dates of the minimum energy efficiency standards specified in ORS 469.233, then the*
42 *Governor shall cause to be introduced at the next Legislative Assembly a bill to conform the statutory*
43 *minimum energy efficiency standards and operative dates to the minimum energy efficiency standards*
44 *and operative dates adopted by the director by rule.*]

45 “(2) **If the director determines that implementation of a state minimum energy efficiency**

1 **standard requires a waiver of federal preemption, the director shall apply for a waiver of**
2 **federal preemption pursuant to 42 U.S.C. 6297(d)."**

3 In line 5, delete "8" and insert "7" and delete "(1)".

4 In line 6, delete "(18)(a) become operative on" and insert "(17)(a) applies to walk-in refrigerators
5 and walk-in freezers on or after".

6 Delete lines 7 through 12 and insert:

7 **"SECTION 8. (1) The amendments to ORS 469.238 by section 3 of this 2007 Act become**
8 **operative on September 1, 2009.**

9 **"(2) The amendments to ORS 469.239 by section 4 of this 2007 Act become operative on**
10 **September 1, 2010."**

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