

## HOUSE AMENDMENTS TO HOUSE BILL 2950

By COMMITTEE ON BUSINESS AND LABOR

May 1

1 On page 1 of the printed bill, line 2, after the second semicolon delete the rest of the line and  
2 insert “amending ORS 446.003, 446.176, 446.280, 446.285, 446.400, 455.010, 455.117, 455.129, 455.144,  
3 455.153, 455.310, 455.420, 455.525, 455.530, 455.570, 455.575, 455.627, 469.700 and 469.740; and repeal-  
4 ing ORS 455.135.”.

5 Delete lines 4 through 30 and delete pages 2 through 7 and insert:  
6

### “FINDINGS

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9 **“SECTION 1. The Legislative Assembly finds and declares that:**

10 **“(1) The use of a consensus-based expedited review system for the uniform statewide**  
11 **adoption, implementation, application and enforcement of certain state building code re-**  
12 **quirements to promote energy efficiency and energy conservation will facilitate and expedite**  
13 **compliance with those state building code requirements by providing a comprehensive source**  
14 **for interpretation of requirements that integrate elements affecting a variety of specialty**  
15 **codes.**

16 **“(2) The establishment of a Construction Industry Energy Board as an advisory board to**  
17 **the Department of Consumer and Business Services is an appropriate means for furthering**  
18 **the goal of facilitating and expediting state building code compliance related to energy effi-**  
19 **ciency and energy conservation.**

20 **“(3) The creation of a Construction Industry Energy Board will improve state building**  
21 **code compliance with regard to energy efficiency and energy use standards by creating an**  
22 **additional body empowered to enforce those standards.**

23 **“(4) The reorganization of certain existing advisory boards and the realignment of code**  
24 **enforcement responsibilities will enable the Department of Consumer and Business Services**  
25 **to more effectively ensure compliance with state building code specialty codes by increasing**  
26 **the focus of appropriate technical expertise, making the advisory boards more responsive to**  
27 **inquiries regarding code requirements and streamlining code enforcement responsibilities.**

28 **“SECTION 2. Section 1 of this 2009 Act is repealed January 2, 2012.**  
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### “CHAPTER ADDITION

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32 **“SECTION 3. Sections 4 to 9 of this 2009 Act are added to and made a part of ORS**  
33 **chapter 455.**  
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35 **“RESIDENTIAL AND MANUFACTURED STRUCTURES BOARD**

1       **“SECTION 4. (1) There is established in the Department of Consumer and Business Ser-**  
2 **VICES a Residential and Manufactured Structures Board, consisting of 11 members appointed**  
3 **by the Governor.**

4       **“(2) The term of office of each member is four years, but a member serves at the pleas-**  
5 **ure of the Governor. Before the expiration of the term of a member, the Governor shall ap-**  
6 **point a successor whose term begins on July 1 next following. A member is eligible for**  
7 **reappointment. If there is a vacancy for any cause, the Governor shall make an appointment**  
8 **to become immediately effective for the unexpired term.**

9       **“(3) The appointment of the board is subject to confirmation by the Senate in the manner**  
10 **prescribed in ORS 171.562 and 171.565.**

11       **“(4) A member of the board is not entitled to compensation, but at the discretion of the**  
12 **Director of the Department of Consumer and Business Services may be reimbursed from**  
13 **funds available to the Department of Consumer and Business Services for actual and neces-**  
14 **sary travel and other expenses incurred by the member in the performance of the member’s**  
15 **official duties in the manner and amount provided in ORS 292.495.**

16       **“(5) The duties of the board shall include, but need not be limited to, assisting the di-**  
17 **rector in administering the low-rise residential dwelling programs and manufactured struc-**  
18 **ture programs of the department.**

19       **“SECTION 5. Notwithstanding the term of office specified by section 4 of this 2009 Act,**  
20 **of the members first appointed to the Residential and Manufactured Structures Board:**

21       **“(1) Two shall serve for terms ending July 1, 2010.**

22       **“(2) Three shall serve for terms ending July 1, 2011.**

23       **“(3) Three shall serve for terms ending July 1, 2012.**

24       **“(4) Three shall serve for terms ending July 1, 2013.**

25       **“SECTION 6. The members of the Residential and Manufactured Structures Board must**  
26 **be residents of this state who are broadly representative of the industries and professions**  
27 **involved in the development and construction of manufactured structures and low-rise resi-**  
28 **dential structures. The membership of the board must include the following:**

29       **“(1) A contractor specializing in the construction of residential structures.**

30       **“(2) A contractor specializing in the remodeling of residential structures.**

31       **“(3) A contractor specializing in the construction of multifamily residential buildings**  
32 **three stories or less above grade.**

33       **“(4) A home designer or architect.**

34       **“(5) A building official.**

35       **“(6) A representative of residential building trade subcontractors.**

36       **“(7) A structural engineer.**

37       **“(8) A representative of a utility or energy supplier.**

38       **“(9) A person who manufactures, sells, leases or distributes new manufactured struc-**  
39 **tures.**

40       **“(10) A representative of low-income or moderate-income housing interests.**

41       **“(11) A public member who does not receive compensation from any industry or profes-**  
42 **sion represented under subsections (1) to (10) of this section.**

43       **“SECTION 7. (1) The Residential and Manufactured Structures Board shall select one of**  
44 **its members as chairperson and another as vice chairperson, for such terms and with duties**  
45 **and powers necessary for the performance of the functions of such offices as the board de-**

1 **termines.**

2 **“(2) A majority of the members of the board constitutes a quorum for the transaction**  
3 **of business.**

4 **“(3) The board shall meet at least twice each year, at times and places specified by the**  
5 **Director of the Department of Consumer and Business Services or by the call of a majority**  
6 **of the members of the board.**

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8 **“CONSTRUCTION INDUSTRY ENERGY BOARD**

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10 **“SECTION 8. (1) There is established a Construction Industry Energy Board, consisting**  
11 **of seven members. The membership shall consist of the following:**

12 **“(a) Two members selected by the Electrical and Elevator Board from the members of**  
13 **the Electrical and Elevator Board who have practical experience in the electric industry.**

14 **“(b) Two members selected by the Residential and Manufactured Structures Board from**  
15 **the members of the Residential and Manufactured Structures Board who have practical ex-**  
16 **perience in the residential structure or manufactured structure industries.**

17 **“(c) Two members selected by the Building Codes Structures Board from the members**  
18 **of the Building Codes Structures Board who have practical experience in construction.**

19 **“(d) One member who is an employee or officer of the State Department of Energy ap-**  
20 **pointed by the Director of the State Department of Energy.**

21 **“(2) The Construction Industry Energy Board shall select one of its members as chair-**  
22 **person and another as vice chairperson, for such terms and with duties and powers neces-**  
23 **sary for the performance of the functions of such offices as the board determines.**

24 **“(3) Except as provided in section 9 (2) of this 2009 Act, a majority of the board consti-**  
25 **tutes a quorum for the transaction of business.**

26 **“(4) The board shall meet at least twice each year, at times and places specified by the**  
27 **Director of the Department of Consumer and Business Services or by the call of a majority**  
28 **of the members.**

29 **“(5) A member of the board is not entitled to compensation, but at the discretion of the**  
30 **director may be reimbursed from funds available to the Department of Consumer and Busi-**  
31 **ness Services for actual and necessary travel and other expenses incurred by the member in**  
32 **the performance of the member’s official duties in the manner and amount provided in ORS**  
33 **292.495.**

34 **“SECTION 9. (1) The Construction Industry Energy Board may develop proposed state**  
35 **building code standards relating to the energy use and energy efficiency aspects of the elec-**  
36 **trical, structural, prefabricated structure and low-rise residential provisions of the code. The**  
37 **proposed standards developed by the board may include, but need not be limited to, standards**  
38 **regarding energy-conserving technology, construction methods, products and materials.**

39 **“(2) Approval by five or more board members is required for the adoption of an energy**  
40 **construction standard by the board. If the standard relates to a specialty code that is ad-**  
41 **ministered by an advisory board described in section 8 (1)(a) to (c) of this 2009 Act, the board**  
42 **may not adopt the standard unless all of the board members who are members of that ad-**  
43 **visory board approve of the adoption.**

44 **“(3) The board shall forward the proposed standards developed by the board to the Di-**  
45 **rector of the Department of Consumer and Business Services. Notwithstanding any provision**

1 in ORS chapters 446 or 455 or ORS 479.510 to 479.945 or 479.950, the director may take action  
2 on the proposed standard without further consultation of an advisory board. The director  
3 shall take action on the proposed standard no later than 30 days after the director receives  
4 the proposed standard. If the director approves the standard, the director shall file the  
5 standard with the Secretary of State under ORS 183.335 as a rule amending the state building  
6 code.

7 “(4) The Construction Industry Energy Board shall identify and give notice to the direc-  
8 tor of the specialty codes that are affected by a proposed standard. If the director adopts the  
9 standard by rule, the standard shall be enforceable as a specialty code provision administered  
10 by the board and enforceable by any appropriate advisory board as a provision of the code  
11 administered by that advisory board.

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13 **“MANUFACTURED STRUCTURES AND PARKS ADVISORY BOARD**

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15 **“SECTION 10.** (1) The Manufactured Structures and Parks Advisory Board is abolished.  
16 On the effective date of this 2009 Act, the tenure of office of the members of the Manufac-  
17 tured Structures and Parks Advisory Board ceases.

18 **“(2) All the duties, functions and powers of the Manufactured Structures and Parks Ad-  
19 visory Board are imposed upon, transferred to and vested in the Residential and Manufac-  
20 tured Structures Board.**

21 **“SECTION 11.** Nothing in section 10 of this 2009 Act relieves a person of a liability, duty  
22 or obligation accruing under or with respect to the duties, functions and powers transferred  
23 by section 10 of this 2009 Act. The Residential and Manufactured Structures Board may  
24 undertake the collection or enforcement of any such liability, duty or obligation.

25 **“SECTION 12.** References in rules of the Department of Consumer and Business Services  
26 to the Manufactured Structures and Parks Advisory Board or an officer of the Manufactured  
27 Structures and Parks Advisory Board are considered to be references to the Residential and  
28 Manufactured Structures Board or an officer of the Residential and Manufactured Structures  
29 Board.

30 **“SECTION 13.** Whenever, in any uncodified law or resolution of the Legislative Assembly  
31 or in any rule, document, record or proceeding authorized by the Legislative Assembly, ref-  
32 erence is made to the Manufactured Structures and Parks Advisory Board or an officer of  
33 the Manufactured Structures and Parks Advisory Board, the reference is considered to be a  
34 reference to the Residential and Manufactured Structures Board or an officer of the Resi-  
35 dential and Manufactured Structures Board.

36 **“SECTION 14.** For the purpose of harmonizing and clarifying statute sections published  
37 in Oregon Revised Statutes, the Legislative Counsel may substitute for words designating the  
38 Manufactured Structures and Parks Advisory Board or its officers, wherever they occur in  
39 Oregon Revised Statutes, words designating the Residential and Manufactured Structures  
40 Board or its officers.

41  
42 **“RESIDENTIAL STRUCTURES BOARD**

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44 **“SECTION 15.** (1) The Residential Structures Board is abolished. On the effective date  
45 of this 2009 Act, the tenure of office of the members of the Residential Structures Board

1 ceases.

2 “(2) All the duties, functions and powers of the Residential Structures Board are imposed  
3 upon, transferred to and vested in the Residential and Manufactured Structures Board.

4 “**SECTION 16.** Nothing in section 15 of this 2009 Act relieves a person of a liability, duty  
5 or obligation accruing under or with respect to the duties, functions and powers transferred  
6 by section 15 of this 2009 Act. The Residential and Manufactured Structures Board may  
7 undertake the collection or enforcement of any such liability, duty or obligation.

8 “**SECTION 17.** References in rules of the Department of Consumer and Business Services  
9 to the Residential Structures Board or an officer of the Residential Structures Board are  
10 considered to be references to the Residential and Manufactured Structures Board or an of-  
11 ficer of the Residential and Manufactured Structures Board.

12 “**SECTION 18.** Whenever, in any uncodified law or resolution of the Legislative Assembly  
13 or in any rule, document, record or proceeding authorized by the Legislative Assembly, ref-  
14 erence is made to the Residential Structures Board or an officer of the Residential Struc-  
15 tures Board, the reference is considered to be a reference to the Residential and  
16 Manufactured Structures Board or an officer of the Residential and Manufactured Structures  
17 Board.

18 “**SECTION 19.** For the purpose of harmonizing and clarifying statute sections published  
19 in Oregon Revised Statutes, the Legislative Counsel may substitute for words designating the  
20 Residential Structures Board or its officers, wherever they occur in Oregon Revised Stat-  
21 utes, words designating the Residential and Manufactured Structures Board or its officers.

22  
23 “AMENDMENTS TO OREGON REVISED STATUTES  
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25 “**SECTION 20.** ORS 446.003 is amended to read:

26 “446.003. As used in ORS 446.003 to 446.200 and 446.225 to 446.285, and for the purposes of ORS  
27 chapters 195, 196, 197, 215 and 227, the following definitions apply, unless the context requires oth-  
28 erwise, or unless administration and enforcement by the State of Oregon under the existing or re-  
29 vised National Manufactured Housing Construction and Safety Standards Act would be adversely  
30 affected, and except as provided in ORS 446.265:

31 “(1) ‘Accessory building or structure’ means any portable, demountable or permanent structure  
32 established for use of the occupant of the manufactured structure and as further defined by rule by  
33 the Director of the Department of Consumer and Business Services.

34 “(2)(a) ‘Alteration’ means any change, addition, repair, conversion, replacement, modification or  
35 removal of any equipment or installation that may affect the operation, construction or occupancy  
36 of a manufactured structure.

37 “(b) ‘Alteration’ does not include:

38 “(A) Minor repairs with approved component parts;

39 “(B) Conversion of listed fuel-burning appliances in accordance with the terms of their listing;

40 “(C) Adjustment and maintenance of equipment; or

41 “(D) Replacement of equipment or accessories in kind.

42 “(3) ‘Approved’ means approved, licensed or certified by the Department of Consumer and  
43 Business Services or its designee.

44 “(4) ‘Board’ means the [*Manufactured Structures and Parks Advisory Board*] **Residential and**  
45 **Manufactured Structures Board.**

1 “(5) ‘Cabana’ means a stationary, lightweight structure that may be prefabricated, or demount-  
2 able, with two or more walls, used adjacent to and in conjunction with a manufactured structure to  
3 provide additional living space.

4 “(6) ‘Certification’ means an evaluation process by which the department verifies a manufactur-  
5 er’s ability to produce manufactured structures to the department rules and to the department ap-  
6 proved quality control manual.

7 “(7) ‘Conversion’ or ‘to convert’ means the process of changing a manufactured structure in  
8 whole or in part from one type of vehicle or structure to another.

9 “(8) ‘Dealer’ means any person engaged in selling or distributing manufactured structures or  
10 equipment, or both, primarily to persons who in good faith purchase or lease manufactured struc-  
11 tures or equipment, or both, for purposes other than resale.

12 “(9) ‘Department’ means the Department of Consumer and Business Services.

13 “(10) ‘Director’ means the Director of the Department of Consumer and Business Services.

14 “(11) ‘Distributor’ means any person engaged in selling and distributing manufactured structures  
15 or equipment for resale.

16 “(12) ‘Equipment’ means materials, appliances, subassembly, devices, fixtures, fittings and  
17 apparatuses used in the construction, plumbing, mechanical and electrical systems of a manufactured  
18 structure.

19 “(13) ‘Federal manufactured housing construction and safety standard’ means a standard for  
20 construction, design and performance of a manufactured dwelling promulgated by the Secretary of  
21 Housing and Urban Development pursuant to the federal National Manufactured Housing Con-  
22 struction and Safety Standards Act of 1974 (Public Law 93-383).

23 “(14) ‘Fire Marshal’ means the State Fire Marshal.

24 “(15) ‘Imminent safety hazard’ means an imminent and unreasonable risk of death or severe  
25 personal injury.

26 “(16) ‘Insignia of compliance’ means:

27 “(a) For a manufactured dwelling built to HUD standards for such dwellings, the HUD label; or

28 “(b) For all other manufactured structures, the insignia issued by this state indicating compli-  
29 ance with state law.

30 “(17) ‘Inspecting authority’ or ‘inspector’ means the Director of the Department of Consumer and  
31 Business Services or representatives as appointed or authorized to administer and enforce provisions  
32 of ORS 446.111, 446.160, 446.176, 446.225 to 446.285, 446.310 to 446.350, 446.990 and this section.

33 “(18) ‘Installation’ in relation to:

34 “(a) Construction means the arrangements and methods of construction, fire and life safety,  
35 electrical, plumbing and mechanical equipment and systems within a manufactured structure.

36 “(b) Siting means the manufactured structure and cabana foundation support and tiedown, the  
37 structural, fire and life safety, electrical, plumbing and mechanical equipment and material con-  
38 nections and the installation of skirting and temporary steps.

39 “(19) ‘Installer’ means any individual licensed by the director to install, set up, connect, hook  
40 up, block, tie down, secure, support, install temporary steps for, install skirting for or make elec-  
41 trical, plumbing or mechanical connections to manufactured dwellings or cabanas or who provides  
42 consultation or supervision for any of these activities, except architects licensed under ORS 671.010  
43 to 671.220 or engineers licensed under ORS 672.002 to 672.325.

44 “(20) ‘Listed’ means equipment or materials included in a list, published by an organization  
45 concerned with product evaluation acceptable to the department that maintains periodic inspection

1 of production of listed equipment or materials, and whose listing states either that the equipment  
2 or materials meets appropriate standards or has been tested and found suitable in a specified man-  
3 ner.

4 “(21) ‘Lot’ means any space, area or tract of land, or portion of a manufactured dwelling park,  
5 mobile home park or recreation park that is designated or used for occupancy by one manufactured  
6 structure.

7 “(22)(a) ‘Manufactured dwelling’ means a residential trailer, mobile home or manufactured home.

8 “(b) ‘Manufactured dwelling’ does not include any building or structure constructed to conform  
9 to the State of Oregon Structural Specialty Code or the Low-Rise Residential Dwelling Code adopted  
10 pursuant to ORS 455.100 to 455.450 and 455.610 to 455.630 or any unit identified as a recreational  
11 vehicle by the manufacturer.

12 “(23) ‘Manufactured dwelling park’ means any place where four or more manufactured dwellings  
13 are located within 500 feet of one another on a lot, tract or parcel of land under the same owner-  
14 ship, the primary purpose of which is to rent or lease space or keep space for rent or lease to any  
15 person for a charge or fee paid or to be paid for the rental or lease or use of facilities or to offer  
16 space free in connection with securing the trade or patronage of such person. ‘Manufactured  
17 dwelling park’ does not include a lot or lots located within a subdivision being rented or leased for  
18 occupancy by no more than one manufactured dwelling per lot if the subdivision was approved by  
19 the local government unit having jurisdiction under an ordinance adopted pursuant to ORS 92.010  
20 to 92.190.

21 “(24)(a) ‘Manufactured home,’ except as provided in paragraph (b) of this subsection, means a  
22 structure constructed for movement on the public highways that has sleeping, cooking and plumbing  
23 facilities, that is intended for human occupancy, that is being used for residential purposes and that  
24 was constructed in accordance with federal manufactured housing construction and safety standards  
25 and regulations in effect at the time of construction.

26 “(b) For purposes of implementing any contract pertaining to manufactured homes between the  
27 department and the federal government, ‘manufactured home’ has the meaning given the term in the  
28 contract.

29 “(25)(a) ‘Manufactured structure’ means a recreational vehicle, manufactured dwelling or recre-  
30 ational structure.

31 “(b) ‘Manufactured structure’ does not include any building or structure regulated under the  
32 State of Oregon Structural Specialty Code or the Low-Rise Residential Dwelling Code.

33 “(26) ‘Manufacturer’ means any person engaged in manufacturing, building, rebuilding, altering,  
34 converting or assembling manufactured structures or equipment.

35 “(27) ‘Manufacturing’ means the building, rebuilding, altering or converting of manufactured  
36 structures that bear or are required to bear an Oregon insignia of compliance.

37 “(28) ‘Minimum safety standards’ means the plumbing, mechanical, electrical, thermal, fire and  
38 life safety, structural and transportation standards prescribed by rules adopted by the director.

39 “(29) ‘Mobile home’ means a structure constructed for movement on the public highways that  
40 has sleeping, cooking and plumbing facilities, that is intended for human occupancy, that is being  
41 used for residential purposes and that was constructed between January 1, 1962, and June 15, 1976,  
42 and met the construction requirements of Oregon mobile home law in effect at the time of con-  
43 struction.

44 “(30) ‘Mobile home park’ means any place where four or more manufactured structures are lo-  
45 cated within 500 feet of one another on a lot, tract or parcel of land under the same ownership, the

1 primary purpose of which is to rent space or keep space for rent to any person for a charge or fee  
2 paid or to be paid for the rental or use of facilities or to offer space free in connection with securing  
3 the trade or patronage of such person. 'Mobile home park' does not include a lot or lots located  
4 within a subdivision being rented or leased for occupancy by no more than one manufactured  
5 dwelling per lot if the subdivision was approved by the municipality unit having jurisdiction under  
6 an ordinance adopted pursuant to ORS 92.010 to 92.190.

7 "(31) 'Municipality' means a city, county or other unit of local government otherwise authorized  
8 by law to enact codes.

9 "(32) 'Recreational structure' means a campground structure with or without plumbing, heating  
10 or cooking facilities intended to be used by any particular occupant on a limited-time basis for rec-  
11 reational, seasonal, emergency or transitional housing purposes and may include yurts, cabins, fabric  
12 structures or similar structures as further defined, by rule, by the director.

13 "(33) 'Recreational vehicle' means a vehicle with or without motive power, that is designed for  
14 human occupancy and to be used temporarily for recreational, seasonal or emergency purposes and  
15 as further defined, by rule, by the director.

16 "(34) 'Residential trailer' means a structure constructed for movement on the public highways  
17 that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, that is  
18 being used for residential purposes and that was constructed before January 1, 1962.

19 "(35) 'Sale' means rent, lease, sale or exchange.

20 "(36) 'Skirting' means a weather resistant material used to enclose the space below the manu-  
21 factured structure.

22 "(37) 'Tiedown' means any device designed to anchor a manufactured structure securely to the  
23 ground.

24 "(38) 'Transitional housing accommodations' means accommodations described under ORS  
25 446.265.

26 "(39) 'Utilities' means the water, sewer, gas or electric services provided on a lot for a manu-  
27 factured structure.

28 "**SECTION 21.** ORS 446.176 is amended to read:

29 "446.176. (1) The Director of the Department of Consumer and Business Services, with the ap-  
30 proval of the [*Manufactured Structures and Parks Advisory Board*] **Residential and Manufactured**  
31 **Structures Board**, shall adopt regulations under the provisions of ORS chapter 183 to provide a  
32 schedule for plan review fees, insignia fees, inspection fees and other necessary fees based on the  
33 estimated cost of administering ORS 446.003 to 446.200 and 446.225 to 446.285.

34 "(2) Fees collected by the department pursuant to this section shall be deposited in the Con-  
35 sumer and Business Services Fund established by ORS 705.145. Moneys deposited into the fund  
36 pursuant to this section are continuously appropriated to the department for use as provided in ORS  
37 446.423.

38 "**SECTION 22.** ORS 446.280 is amended to read:

39 "446.280. [*(1) The Manufactured Structures and Parks Advisory Board is established in the De-*  
40 *partment of Consumer and Business Services. The Director of the Department of Consumer and Busi-*  
41 *ness Services shall appoint the board.*] The **Residential and Manufactured Structures Board** shall  
42 serve in an advisory capacity to the Director of the **Department of Consumer and Business**  
43 **Services** in promulgating, administering and enforcing the plan for the administration and enforce-  
44 ment of the National Manufactured Housing Construction and Safety Standards Act of 1974 (Public  
45 Law 93-383) and safety standards pursuant to ORS 446.003 to 446.200, 446.225 to 446.285, 446.310 to



1 446.350 and 446.395 to 446.420.

2 “[(2) *The board shall consist of 12 members, one member representing or engaged in each of the*  
3 *following:*]

4 “[*(a) The selling, leasing and distributing of new manufactured homes.*]

5 “[*(b) The selling, leasing and distributing of recreational vehicles.*]

6 “[*(c) The manufacturing or assembling of new manufactured homes.*]

7 “[*(d) The manufacturing or assembling of new recreational vehicles.*]

8 “[*(e) The manufacturing, assembling or selling of manufactured dwelling accessory structures.*]

9 “[*(f) The owners or operators of mobile home or manufactured dwelling parks or recreation*  
10 *parks.*]

11 “[*(g) Consumer organizations.*]

12 “[*(h) Users of low and moderate income housing.*]

13 “[*(i) Structural engineering.*]

14 “[*(j) Local government building official duties.*]

15 “[*(k) The deputies or assistants to the State Fire Marshal.*]

16 “[*(L) The installation of manufactured dwellings.*]

17 “[*(3) Appointments shall be made for a term of four years and no member shall be eligible for*  
18 *appointment to more than two full terms of office.*]

19 “[*(4) Vacancies occurring in the membership of the board for any cause shall be filled by ap-*  
20 *pointment for the balance of the unexpired term.*]

21 “[*(5) The director may remove any member of the board for misconduct, incompetency, or neglect*  
22 *of duty.*]

23 “[*(6) The board shall meet at least twice each year.*]

24 “[*(7) Seven members shall constitute a quorum for the transaction of business.*]

25 “[*(8) The board shall elect its own chairperson and meet on call of the director, chairperson or*  
26 *majority of the members. The director shall provide administrative facilities and services for the*  
27 *board.*]

28 “[*(9) Members of the board shall be entitled to compensation and expenses as provided by ORS*  
29 *292.495.*]

30 “**SECTION 23.** ORS 446.285 is amended to read:

31 “446.285. To assist the Director of the Department of Consumer and Business Services in ad-  
32 ministration and enforcement of the National Manufactured Housing Construction and Safety Stan-  
33 dards Act of 1974, and safety standards pursuant to ORS 446.003 to 446.200, 446.225 to 446.285,  
34 446.310 to 446.350 and 446.395 to 446.420, the [*Manufactured Structures and Parks Advisory Board*]  
35 **Residential and Manufactured Structures Board** may approve or conduct programs of training  
36 and education that maintain and advance the professional skills and abilities of persons engaged in  
37 manufacturing, delivery, installation, sale or service of manufactured structures.

38 “**SECTION 24.** ORS 446.400 is amended to read:

39 “446.400. (1) The Department of Consumer and Business Services, subject to approval of the  
40 [*Manufactured Structures and Parks Advisory Board*] **Residential and Manufactured Structures**  
41 **Board**, shall issue licenses as provided by department rules adopted under ORS 455.117 to individ-  
42 uals to install manufactured dwellings and cabanas. The board may adopt classifications of installers  
43 including, but not limited to, temporary installer, limited installer and installer.

44 “(2) In determining the appropriate initial license and renewal fees for installers, the Director  
45 of the Department of Consumer and Business Services, with the approval of the board, shall ensure

1 that the annual income to the department from license and renewal fees established under this sec-  
2 tion does not exceed one-third of the estimated total cost of administering and enforcing ORS  
3 446.003 and 446.395 to 446.420.

4 “(3) Fees collected by the department pursuant to this section shall be deposited in the Con-  
5 sumer and Business Services Fund established by ORS 705.145 and are continuously appropriated to  
6 the department for use as provided in ORS 446.423.

7 “**SECTION 25.** ORS 455.010 is amended to read:

8 “455.010. As used in this chapter, unless the context requires otherwise:

9 “(1)(a) ‘Advisory board’ means the board with responsibility for assisting in the adoption,  
10 amendment or administration of a specialty code, specifically:

11 “(A) The Building Codes Structures Board established under ORS 455.132;

12 “(B) The Electrical and Elevator Board established under ORS 455.138;

13 “(C) The State Plumbing Board established under ORS 693.115;

14 “[*(D) The Manufactured Structures and Parks Advisory Board established under ORS 446.280;*]

15 “[*(E)*] **(D)** The Board of Boiler Rules established under ORS 480.535;

16 “[*(F) The Residential Structures Board established under ORS 455.135; or*]

17 “[*(G)*] **(E)** The Mechanical Board established under ORS 455.140[.];

18 “**(F) The Residential and Manufactured Structures Board created under section 4 of this**  
19 **2009 Act; or**

20 “**(G) The Construction Industry Energy Board created under section 8 of this 2009 Act.**

21 “(b) ‘Appropriate advisory board’ means the advisory board that has jurisdiction over a partic-  
22 ular code, standard, license, certification or matter.

23 “(2) ‘Department’ means the Department of Consumer and Business Services.

24 “(3) ‘Director’ means the Director of the Department of Consumer and Business Services.

25 “(4) ‘Low-Rise Residential Dwelling Code’ means the adopted specialty code prescribing stan-  
26 dards for the construction of residential dwellings that are three stories or less above grade and  
27 have an exterior door for each dwelling unit, but are not facilities or homes described in ORS  
28 443.400 or transient lodging.

29 “(5) ‘Municipality’ means a city, county or other unit of local government otherwise authorized  
30 by law to administer a building code.

31 “(6) ‘Prefabricated structure’ means a building or subassembly that has been in whole or sub-  
32 stantial part manufactured or assembled using closed construction at an off-site location to be  
33 wholly or partially assembled on-site. ‘Prefabricated structure’ does not include a manufactured  
34 dwelling, recreational structure or recreational vehicle, as those terms are defined in ORS 446.003.

35 “(7) ‘Specialty code’ means a code of regulations adopted under ORS 446.062, 446.185, 447.020 (2),  
36 455.020 (2), 455.610, 455.680, 460.085, 460.360, 479.730 (1) or 480.545[.]; **or section 9 of this 2009 Act,**  
37 but does not include regulations adopted by the State Fire Marshal pursuant to ORS chapter 476  
38 or ORS 479.015 to 479.200 and 479.210 to 479.220.

39 “(8) ‘State building code’ means the combined specialty codes.

40 “(9) ‘Structural code’ means the specialty code prescribing structural standards for building  
41 construction.

42 “(10) ‘Unsafe condition’ means a condition caused by earthquake which is determined by the  
43 department or any representative of the department to be dangerous to life and property. ‘Unsafe  
44 condition’ includes but is not limited to:

45 “(a) Any portion, member or appurtenance of a building that has become detached or dislodged

1 or appears likely to fail or collapse and thereby injure persons or damage property; or

2 “(b) Any portion, of a building or structure that has been damaged by earthquake, or by fire or  
3 explosion resulting from an earthquake, to the extent that the structural strength or stability of the  
4 building is substantially less than it was prior to the earthquake.

5 “**SECTION 26.** ORS 455.117 is amended to read:

6 “455.117. (1) Except as provided in subsection (3) of this section, a regulatory body listed in  
7 subsection (2) of this section may adopt rules to administer the licensing, certification or registra-  
8 tion of persons regulated by the body. The rules adopted under this section may include, but need  
9 not be limited to:

10 “(a) The form and content of an application for issuance or renewal of a license, certificate or  
11 registration;

12 “(b) Training and continuing education requirements to maintain a license, certificate or regis-  
13 tration;

14 “(c) The form and content of and the process for preparing and administering examinations and  
15 examination reviews;

16 “(d) The term of a license, certificate or registration; and

17 “(e) The creation of a system for combining two or more licenses, certificates or registrations  
18 issued to an individual by an advisory board or the Department of Consumer and Business Services  
19 into a single license, certificate, registration or other authorization.

20 “(2) Subsection (1) of this section applies to the following:

21 “(a) Subject to ORS 446.003 to 446.200, 446.225 to 446.285 and 446.395 to 446.420, with the ap-  
22 proval of the [*Manufactured Structures and Parks Advisory Board*] **Residential and Manufactured**  
23 **Structures Board**, the Department of Consumer and Business Services for purposes of licenses,  
24 certificates and registrations issued under ORS 446.003 to 446.200, 446.225 to 446.285 and 446.395 to  
25 446.420.

26 “(b) Subject to ORS 447.010 to 447.156 and ORS chapter 693, the State Plumbing Board for  
27 purposes of licenses issued under ORS 447.010 to 447.156 and ORS chapter 693.

28 “(c) Subject to ORS 460.005 to 460.175, after consultation with the Electrical and Elevator  
29 Board, the department for purposes of licenses issued under ORS 460.005 to 460.175.

30 “(d) Subject to ORS 479.510 to 479.945, the Electrical and Elevator Board for purposes of li-  
31 censes issued under ORS 446.210 or 479.510 to 479.945.

32 “(e) Subject to ORS 480.510 to 480.670, the Board of Boiler Rules for purposes of licenses issued  
33 under ORS 480.510 to 480.670.

34 “(3) This section does not authorize the adoption of rules regulating:

35 “(a) Building officials, inspectors, plan reviewers or municipalities;

36 “(b) Persons engaged in the manufacture, conversion or repair of prefabricated structures, pre-  
37 fabricated components or recreational vehicles; or

38 “(c) Master builders certified under ORS 455.800 to 455.820.

39 “**SECTION 27.** ORS 455.129 is amended to read:

40 “455.129. (1) Subject to ORS chapter 183, except as provided in subsection (4) of this section, a  
41 regulatory body listed in subsection (2) of this section may deny a license, certificate, registration  
42 or application or may suspend, revoke, condition or refuse to renew a license, certificate or regis-  
43 tration if the regulatory body finds that the licensee, certificate holder, registrant or applicant:

44 “(a) Has failed to comply with the laws administered by the regulatory body or with the rules  
45 adopted by the regulatory body.

1 “(b) Has failed to comply with an order of the regulatory body or the Director of the Depart-  
2 ment of Consumer and Business Services, including but not limited to the failure to pay a civil  
3 penalty.

4 “(c) Has filed an application for a license, certificate or registration that, as of the date the li-  
5 cense, certificate or registration was issued or the date of an order denying the application, was  
6 incomplete in any material respect or contained a statement that, in light of the circumstances un-  
7 der which it was made, was incorrect or misleading in any respect.

8 “(d) Has performed work without appropriate licensing, certification or registration or has em-  
9 ployed individuals to perform work without appropriate licensing, certification or registration.

10 “(e) Has failed to meet any condition or requirement to obtain or maintain a license, certificate  
11 or registration.

12 “(f) Has acted in a manner creating a serious danger to the public health or safety.

13 “(g) Has been subject to a revocation, cancellation or suspension order or to other disciplinary  
14 action by the Construction Contractors Board or has failed to pay a civil penalty imposed by the  
15 board.

16 “(h) Has been subject to a revocation, cancellation or suspension order or to other disciplinary  
17 action by another state in regard to construction standards, permit requirements or construction-  
18 related licensing violations or has failed to pay a civil penalty imposed by the other state in regard  
19 to construction standards, permit requirements or construction-related licensing violations.

20 “(i) Has, while performing work that requires or that is related to work that requires a valid  
21 license or certificate under ORS 446.003 to 446.200, 446.225 to 446.285, 446.395 to 446.420, 479.510  
22 to 479.945, 479.950 or 480.510 to 480.670, this chapter or ORS chapter 447, 460 or 693, violated any  
23 statute or rule related to the state building code.

24 “(j) Is a business, the owner or an officer of which has an outstanding obligation to pay a civil  
25 penalty assessed under ORS 455.895 or has been the subject of action against the license, certificate  
26 or registration by the Department of Consumer and Business Services, the director or any advisory  
27 board.

28 “(k) Is a business, owner or officer of a reorganized business entity as defined in ORS 657.682,  
29 if an owner, officer, shareholder or partner of the reorganized business entity, or a member if the  
30 reorganized business entity is a member-managed limited liability company, has been subject to a  
31 revocation or suspension order or to a condition or civil penalty under ORS 446.003 to 446.200,  
32 446.225 to 446.285, 446.395 to 446.420, 479.510 to 479.945, 479.950 or 480.510 to 480.670, this chapter  
33 or ORS chapter 447, 460, 693 or 701, or by another state in regard to construction standards, permit  
34 requirements or construction-related licensing violations.

35 “(L) Is ordered to pay damages under a judgment or arbitration award that relates to con-  
36 struction and that has become final by operation of law or on appeal.

37 “(m) Is a business, the owner or an officer of which was an owner or officer in another business  
38 at the time:

39 “(A) The other business was assessed a civil penalty under ORS 455.895 that remains unpaid;  
40 or

41 “(B) An act or failure to act by any owner or officer of the other business resulted in action  
42 being taken against the license, certificate or registration of the other business by the department,  
43 the director or any advisory board.

44 “(2) Subsection (1) of this section applies to:

45 “(a) The State Plumbing Board for purposes of licenses issued under ORS 447.010 to 447.156 or

1 ORS chapter 693.

2 “(b) The Electrical and Elevator Board for purposes of licenses issued under ORS 446.210 or  
3 479.510 to 479.945.

4 “(c) The Board of Boiler Rules for purposes of licenses issued under ORS 480.510 to 480.670.

5 “(d) The department for purposes of licenses issued under this chapter.

6 “(e) The department, subject to Electrical and Elevator Board approval, for purposes of licenses  
7 issued under ORS 460.005 to 460.175.

8 “(f) The department, subject to [*Manufactured Structures and Parks Advisory Board*] **Residential**  
9 **and Manufactured Structures Board** approval, for purposes of licenses, certificates and registra-  
10 tions issued under ORS 446.003 to 446.200, 446.225 to 446.285 and 446.395 to 446.420.

11 “(3) The department may administer and enforce subsection (1) of this section in the same  
12 manner and to the same extent as any advisory board.

13 “(4) This section does not apply to licenses, certificates, registrations or applications for  
14 licensure, certification or registration involving inspectors or involving persons engaged in the  
15 manufacture, conversion or repair of prefabricated structures, prefabricated components or recre-  
16 ational vehicles.

17 “**SECTION 28.** ORS 455.144 is amended to read:

18 “455.144. (1) The Building Codes Structures Board, the Electrical and Elevator Board[, *the Res-*  
19 *idential Structures Board*] and the Mechanical Board shall each be organized and governed as de-  
20 scribed in this section.

21 “(2)(a) The term of office of each member is four years and no member shall be eligible for ap-  
22 pointment to more than two full terms of office. The Governor shall appoint the members of each  
23 board and the board members shall serve at the pleasure of the Governor.

24 “(b) Before the expiration of the term of a member, the Governor shall appoint a successor  
25 whose term begins on July 1 next following. A member is eligible for reappointment. If there is a  
26 vacancy for any cause, the Governor shall make an appointment to become immediately effective for  
27 the unexpired term.

28 “(3) A member of each board is entitled to compensation and expenses as provided in ORS  
29 292.495.

30 “(4) A board shall select one of its members as chairperson and another as vice chairperson, for  
31 such terms and with duties and powers necessary for the performance of the functions of such office  
32 as the board determines.

33 “(5) A majority of the members of a board constitutes a quorum for the transaction of business.

34 “(6) Each board shall meet once every three months at a place, day and hour determined by the  
35 board. A board shall also meet at other times and places specified by the call of the Director of the  
36 Department of Consumer and Business Services.

37 “(7) In accordance with applicable provisions of ORS chapter 183, the director may adopt rules  
38 necessary for the administration of the laws that the Department of Consumer and Business Services  
39 is charged with administering.

40 “(8) The Governor may remove a board member for good cause. ‘Good cause’ for removal of a  
41 member includes, but is not limited to, three unexcused absences during any 12-month period from  
42 a regularly scheduled board meeting.

43 “(9) The appointment of a member of a board is subject to confirmation by the Senate pursuant  
44 to section 4, Article III of the Oregon Constitution.

45 “**SECTION 29.** ORS 455.153 is amended to read:

1 “455.153. (1) A municipality may administer any specialty code or building requirements as  
2 though the code or requirements were ordinances of the municipality if the municipality is author-  
3 ized to administer:

4 “(a) The specialty code under ORS chapter 447 or 455 or ORS 479.510 to 479.945 and 479.995.

5 “(b) Mobile or manufactured dwelling parks requirements adopted under ORS 446.062.

6 “(c) Temporary parks requirements adopted under ORS 446.105.

7 “(d) Manufactured dwelling installation, support and tiedown requirements adopted under ORS  
8 446.230.

9 “(e) Park or camp requirements adopted under ORS 455.680.

10 “(2) Administration of any specialty code or building requirement includes establishing a pro-  
11 gram intended to verify compliance with state licensing requirements and all other administrative  
12 and judicial aspects of enforcement of the code or requirement. Nothing in this section affects the  
13 concurrent jurisdiction of the Director of the Department of Consumer and Business Services, the  
14 Building Codes Structures Board, the State Plumbing Board, [*the Manufactured Structures and Parks*  
15 *Advisory Board,*] the Electrical and Elevator Board, [*the Residential Structures Board or*] the Me-  
16 chanical Board **or the Residential and Manufactured Structures Board** to impose civil penalties  
17 for violations committed within municipalities.

18 “**SECTION 30.** ORS 455.310 is amended to read:

19 “455.310. (1) It is not the purpose of this chapter to require that permits be obtained or fees be  
20 paid for repairs and maintenance that do not violate the intent of the structural and fire and life  
21 safety specialty provisions of the State of Oregon Structural Specialty Code and the Low-Rise Resi-  
22 dential Dwelling Code, adopted pursuant to ORS 455.020 and 455.610, ORS chapter 476, ORS 479.015  
23 to 479.200 and 479.210 to 479.220, when such repair or maintenance is done on a single-family resi-  
24 dence, or a private garage, carport or storage shed that is accessory to a single-family residence.

25 “(2) Items designated by the Director of the Department of Consumer and Business Services,  
26 with the advice of the [*Residential Structures Board*] **Residential and Manufactured Structures**  
27 **Board**, shall be exempt from permits and fees required under this chapter. The director shall, pur-  
28 suant to ORS chapter 183, develop and maintain an applicable list of such exempt items, which shall  
29 include, but not be limited to, concrete slabs, driveways, sidewalks, masonry repair, porches, patio  
30 covers, painting, interior wall, floor or ceiling covering, nonbearing partitions, shelving, cabinet  
31 work, gutters, downspouts, small accessory buildings, door and window replacements, replacement  
32 or repair of siding and replacement or repair of roofing. In making the list of exempt items, the di-  
33 rector shall further define the items on the list contained in this subsection so that no item which  
34 adversely affects the structural integrity of the dwelling shall be on the list.

35 “**SECTION 31.** ORS 455.420 is amended to read:

36 “455.420. (1) Each individual dwelling unit in a multifamily residential building constructed after  
37 October 4, 1977, shall have installed a separate, individual electrical meter for each such dwelling  
38 unit except where a building inspector certified under ORS 455.715 to 455.740 determines that pur-  
39 suant to standards adopted by the Director of the Department of Consumer and Business Services  
40 the installation of a single, central electrical meter for all the dwelling units in such building would  
41 facilitate an overall reduction in electrical consumption by such units.

42 “(2) For the purpose of carrying out the provisions of subsection (1) of this section, the director,  
43 based on recommendations of the [*Residential Structures Board*] **Residential and Manufactured**  
44 **Structures Board**, shall adopt by rule standards for determining whether the installation of a single  
45 electrical meter for all dwelling units in a multifamily residential building facilitates an overall re-

1 duction in electrical consumption by such units.

2 “**SECTION 32.** ORS 455.525 is amended to read:

3 “455.525. (1) In the manner provided in ORS chapter 183 for the adoption of rules and after  
4 consideration of available technology and costs, the Building Codes Structures Board [*and the Res-*  
5 *idential Structures Board shall establish*], **the Residential and Manufactured Structures Board**  
6 **or the Construction Industry Energy Board may make recommendations to the Director of**  
7 **the Department of Consumer and Business Services for the establishment of** basic and uni-  
8 form performance standards to provide maximum energy conservation and use of passive solar en-  
9 ergy in the design, construction, reconstruction, alteration and repair of buildings and other  
10 structures. Such standards shall be submitted to the Director of the Department of Consumer and  
11 Business Services for proposed inclusion in the state building code **by the Building Codes Struc-**  
12 **tures Board or the Residential and Manufactured Structures Board** as provided by ORS 455.030  
13 (4) **or by the Construction Industry Energy Board as provided under section 9 of this 2009**  
14 **Act.**

15 “(2) Any testing requirements adopted under subsection (1) of this section do not apply to  
16 fenestration products that are for use within residential structures if the fenestration products are:

17 “(a) Used in the creation of sunrooms and solariums and constructed with a minimum of a one-  
18 half inch space between the panes; or

19 “(b) Fenestration products used as skylights that constitute no more than 10 percent of the total  
20 glazing used in any dwelling unit.

21 “(3) The [*Residential Structures Board and*] **Residential and Manufactured Structures Board**  
22 **or the Construction Industry Energy Board may, in consultation with** the director [*shall jointly*  
23 *adopt by rule*], **shall develop** default thermal performance values for residential fenestration pro-  
24 ducts that are produced in low volume. Any testing requirements adopted under subsection (1) of  
25 this section or ORS 455.020 or 455.030 **or section 9 of this 2009 Act** do not apply to residential  
26 fenestration products that are produced in low volume.

27 “(4) Fenestration products manufactured for use as skylights that are subject to the provisions  
28 of subsection (1) of this section and have frames that are wood, thermal break aluminum or alumi-  
29 num with vinyl shall be deemed to meet any performance standards included in the state building  
30 code when the following glazing configurations are used:

31 “(a) A minimum one-half inch space between the panes and low-e (emissivity) glass; or

32 “(b) Triple-layered acrylic.

33 “(5) Regulations relating to the use and conservation of energy adopted pursuant to ORS 455.020  
34 (2) shall be reviewed by the Building Codes Structures Board and the [*Residential Structures*  
35 *Board*] **Residential and Manufactured Structures Board.**

36 “**SECTION 33.** ORS 455.530 is amended to read:

37 “455.530. The Building Codes Structures Board [*and the Residential Structures Board*], **the**  
38 **Residential and Manufactured Structures Board or the Construction Industry Energy Board**  
39 **may:**

40 “(1) Apply for and receive moneys from any person, from the federal government, from this state  
41 or from any state agency or department.

42 “(2) Contract with any public agency for the performance of services or the exchange of em-  
43 ployees or services by one to the other necessary in carrying out the purposes of ORS 455.525 [*and*  
44 *455.530*] **and this section.**

45 “**SECTION 34.** ORS 455.570 is amended to read:

1 “455.570. (1) After consultation with the Building Codes Structures Board and the [*State De-*  
2 *partment of Energy*] **Construction Industry Energy Board**, the Director of the Department of  
3 Consumer and Business Services, as provided in this chapter, shall establish maximum lighting  
4 standards for public buildings constructed on or after July 1, 1978. Such standards may distinguish  
5 between type of design, the uses to which buildings are put, location, age or any other applicable  
6 classification.

7 “(2) Such standards shall allow for:

8 “(a) Differences in lighting levels within public buildings for special areas and uses, including  
9 but not limited to hospital, drafting room, and advertising display, and for other areas and activities  
10 requiring special illumination.

11 “(b) The interaction between lighting and heating systems.

12 “(c) Occupational safety and health standards.

13 “(3) The director may by rule or order exempt from the maximum lighting standards, new public  
14 buildings or portions thereof that:

15 “(a) Are of insufficient size to warrant maximum lighting standard regulations;

16 “(b) Should be allowed a specific period of time before compliance with maximum lighting stan-  
17 dards is required;

18 “(c) Are difficult or impractical to regulate based upon location;

19 “(d) Are not open to the public during normal business hours;

20 “(e) Are impractical to regulate, based upon unique design; or

21 “(f) Would not be benefited by regulation, based upon the insignificant amount of energy possible  
22 to conserve.

23 “(4) Any person subject to ORS 455.560 to 455.580 may apply to the director for an exemption  
24 under this section.

25 “**SECTION 35.** ORS 455.575 is amended to read:

26 “455.575. After consultation with the Building Codes Structures Board and the [*State Department*  
27 *of Energy*] **Construction Industry Energy Board**, the Director of the Department of Consumer and  
28 Business Services, as provided in ORS chapter 183, shall establish advisory maximum lighting stan-  
29 dards for public buildings constructed before July 1, 1978, based on the factors set forth in ORS  
30 455.570.

31 “**SECTION 36.** ORS 455.627 is amended to read:

32 “455.627. The Department of Consumer and Business Services, in consultation with the [*Resi-*  
33 *dential Structures Board*] **Residential and Manufactured Structures Board**, shall adopt rules to  
34 create a mandatory random inspection program for minor electrical installations made by electrical  
35 contractors in low-rise residential dwellings.

36 “**SECTION 37.** ORS 469.700 is amended to read:

37 “469.700. (1) The [*Residential Structures Board*] **Construction Industry Energy Board**, after  
38 public hearing, shall adopt a recommended voluntary energy efficiency rating system for single  
39 family residences and provide the State Department of Energy with a copy thereof.

40 “(2) The rating system shall provide a single numerical value or other simple concise means to  
41 measure the energy efficiency of any single family residence, taking into account factors including,  
42 but not limited to, the heat loss characteristics of ceilings, walls, floors, windows, doors and heating  
43 ducts.

44 “(3) Upon adoption of the rating system under subsections (1) and (2) of this section, the de-  
45 partment shall publicize the availability of the system, and encourage its voluntary use in real estate



1 transactions.

2 “(4) As used in subsections (1) to (3) of this section, ‘single family residence’ means a structure  
3 designed as a residence for one family and sharing no common wall with another residence of any  
4 type.

5 “**SECTION 38.** ORS 469.740 is amended to read:

6 “469.740. In accordance with ORS chapter 183 and after consultation with the Building Codes  
7 Structures Board and the [*State Department of Energy*] **Construction Industry Energy Board**, the  
8 Director of the Department of Consumer and Business Services shall adopt rules establishing energy  
9 conservation standards for public buildings. The standards shall provide means of measuring and  
10 reducing total energy consumption and shall take into account:

11 “(1) The climatic conditions of the areas in which particular buildings are located; and

12 “(2) The three basic systems comprising any functioning building, which are:

13 “(a) Energized systems such as those required for heating, cooling, lighting, ventilation,  
14 conveyance and business equipment operation.

15 “(b) Nonenergized systems such as floors, ceilings, walls, roof and windows.

16 “(c) Human systems such as maintenance, operating and management personnel, tenants and  
17 other users.

18

19

#### “**REPEALS OF OREGON REVISED STATUTES**”

20

21 “**SECTION 39.** ORS 455.135 is repealed.

22

23

#### “**CAPTIONS**”

24

25 “**SECTION 40.** The unit captions used in this 2009 Act are provided only for the conven-  
26 ience of the reader and do not become part of the statutory law of this state or express any  
27 legislative intent in the enactment of this 2009 Act.”.

28