

# House Bill 3062

Sponsored by COMMITTEE ON ENVIRONMENT AND WATER

## 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 **as introduced**.

Directs Director of Department of Consumer and Business Services to take certain actions to achieve increases in building energy efficiency. Directs director to adopt aspirational code related to building energy efficiency.

## A BILL FOR AN ACT

1  
2 Relating to energy use of buildings.

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

4 **SECTION 1. Section 2 of this 2009 Act is added to and made a part of ORS chapter 455.**

5 **SECTION 2. (1) As used in this section:**

6 (a) **“Carbon-neutral” means the use of energy conserving building design, energy gener-**  
7 **ation and carbon offsets to counteract the effect of greenhouse gas emissions caused by**  
8 **building operation.**

9 (b) **“Net zero emissions building” means a site for one or more buildings, that are owned**  
10 **by the same person, that:**

11 (A) **Have a net energy consumption of zero on a calendar year basis; or**

12 (B) **Are carbon-neutral on a calendar year basis.**

13 (2) **The Legislative Assembly finds that:**

14 (a) **Oregon should encourage the achievement of net zero emissions building construction**  
15 **in this state by January 1, 2030;**

16 (b) **It is appropriate for the state to adopt a set of uniform energy conservations stan-**  
17 **dards designed to achieve, to the extent practicable, net zero emissions buildings by January**  
18 **1, 2030; and**

19 (c) **Energy conservation standards should be updated periodically to reflect the effect of**  
20 **changing technology on the practicability of achieving net zero emissions buildings.**

21 (3) **The Director of the Department of Consumer and Business Services, in consultation**  
22 **with the State Department of Energy, shall amend the state building code or advisory codes**  
23 **and take any actions the director finds appropriate to adopt, implement, administer, enforce**  
24 **and amend economically and technically feasible standards for the purpose of achieving in-**  
25 **creases in building energy efficiency and reductions in commercial and residential energy**  
26 **consumption, with a goal of achieving net zero emissions by January 1, 2030.**

27 (4) **The director shall adopt and maintain an aspirational code separate from the state**  
28 **building code or advisory codes. The aspirational code shall contain any economically and**  
29 **technically feasible optional standards that might achieve higher energy efficiency than the**  
30 **standards described in subsection (3) of this section. The director shall periodically review**  
31 **the standards described in subsection (3) of this section. The periodic review shall include,**

**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 but need not be limited to, consideration of the aspirational code optional standards for  
2 adoption as amendments to the standards described in subsection (3) of this section.

3 (5) In carrying out the duties imposed under subsections (3) and (4) of this section, the  
4 director is subject to ORS chapter 183 but, notwithstanding any provision of ORS 446.003 to  
5 446.200, 446.395 to 446.420, 447.010 to 447.156, 460.005 to 460.175, 479.510 to 479.945 or 480.510  
6 to 480.670 or this chapter or ORS chapter 693, is not subject to advisory board advice, ap-  
7 proval, consultation, determinations, evaluations, recommendations or review. To the extent  
8 necessary to carry out subsections (3) and (4) of this section, the director may:

9 (a) Amend, approve, modify, reconcile, reject, repeal or suspend any code, specification  
10 or standard of the department or an advisory board under the state building code or a spe-  
11 cialty code;

12 (b) Amend, approve, modify, reconcile, reject, repeal or suspend any policy, practice,  
13 program or rule of the department or of any advisory board; and

14 (c) Approve, condition, limit, reject or suspend the use of any material, method or prod-  
15 uct for building construction.

16 (6) Notwithstanding ORS 455.125, 455.450 or 455.895, if a standard adopted under this  
17 section conflicts with a standard imposed by an advisory board, a person complying with the  
18 standard adopted under this section is not subject to any sanction for violation of the con-  
19 flicting standard of the advisory board.

20 (7) This section does not limit any authority of the director under ORS 455.525, 455.570  
21 or 455.575. The date described in subsections (2) and (3) of this section does not limit the  
22 authority of the director to adopt, maintain or amend standards under subsection (3) or (4)  
23 of this section, or act under subsection (5) of this section, after that date.

24 **SECTION 3.** The Director of the Department of Consumer and Business Services shall  
25 design the amendments to the state building code and other actions taken by the director  
26 under section 2 (3) of this 2009 Act to ensure the achievement of:

27 (1) An increase in nonresidential building energy efficiency of 30 percent by January 1,  
28 2012, compared to the nonresidential building energy efficiency on the effective date of this  
29 2009 Act; and

30 (2) An increase in residential building energy efficiency of 15 percent by January 1, 2012,  
31 compared to the residential building energy efficiency on the effective date of this 2009 Act.

32 **SECTION 4.** Section 3 of this 2009 Act is repealed January 2, 2012.  
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