

# A-Engrossed Senate Bill 79

Ordered by the Senate April 8  
Including Senate Amendments dated April 8

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## 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.

*[Directs State Department of Energy to adopt energy efficiency rating system to be implemented for residential and nonresidential buildings by specified dates.]*

*[Directs Director of State Department of Energy to convene advisory group to assist in establishing energy performance scores for residential and nonresidential buildings.]*

*[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.]*

**Creates Task Force on Energy Performance Scores. Directs task force to submit report to interim committee of Legislative Assembly by October 1, 2010. Sunsets task force on convening of next regular biennial legislative session.**

**Directs Director of the Department of Consumer and Business Services to adopt Reach Code. Specifies that Reach Code is alternative to state building code. Requires Reach Code to provide more energy-efficient construction standards and methods than state building code.**

**Directs director to take certain actions to achieve increases in building energy efficiency. Declares emergency, effective on passage.**

## A BILL FOR AN ACT

1  
2 Relating to energy use of buildings; and declaring an emergency.

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

4 **SECTION 1. (1) There is created the Task Force on Energy Performance Scores, con-**  
5 **sisting of 13 members. The Governor shall appoint to the task force:**

6 **(a) An owner or manager of a commercial office building;**

7 **(b) A contractor specializing in the construction of residential structures;**

8 **(c) A contractor specializing in the construction of commercial structures;**

9 **(d) A representative of the utility industry;**

10 **(e) An architect or an engineer;**

11 **(f) A representative of an organization that provides financial incentives to building**  
12 **owners;**

13 **(g) A homeowner or a property association manager;**

14 **(h) An individual who studies, advocates for or specializes in energy efficiency or green**  
15 **building design;**

16 **(i) A representative of a community college as defined in ORS 341.005, a state institution**  
17 **of higher education listed in ORS 352.002 or a private institution of higher learning located**  
18 **in Oregon;**

19 **(j) A representative of a trade association for the real estate industry or a related in-**

**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 **dustry;**

2 **(k) A member of, or the representative of an organization for members of, a licensed**  
3 **building trade that performs work as part of commercial or residential construction;**

4 **(L) A representative of the Public Utility Commission; and**

5 **(m) A commercial building energy consultant.**

6 **(2) The task force shall:**

7 **(a) Study and evaluate energy use in new and existing commercial and residential**  
8 **buildings in Oregon;**

9 **(b) Develop recommendations for a voluntary energy performance scoring system for use**  
10 **in new and existing commercial and residential buildings; and**

11 **(c) Make recommendations regarding the implementation of a statewide mandatory en-**  
12 **ergy performance scoring system for new and existing commercial and residential buildings.**

13 **(3) In carrying out the duties described in subsection (2) of this section, the task force**  
14 **shall give consideration to the following:**

15 **(a) Energy performance scoring methods that are used in Oregon or have been adopted**  
16 **by other municipalities, states or nations;**

17 **(b) The estimated costs per building to obtain an energy performance score;**

18 **(c) The identification of a consistent methodology for determining an energy performance**  
19 **score;**

20 **(d) The reliability of the energy performance score and the relationship of the score to**  
21 **the goal of reducing energy consumption in buildings;**

22 **(e) Necessary qualifications or other criteria for persons responsible for determining the**  
23 **energy performance score of a building;**

24 **(f) The features for a uniform score publication method to make scores readily available**  
25 **to potential building purchasers and the public;**

26 **(g) The ability to compare energy performance scores;**

27 **(h) The availability of state or local governments or private entities to timely conduct**  
28 **energy performance scores; and**

29 **(i) Any other matters the task force believes would enhance the creation of an energy**  
30 **performance scoring system.**

31 **(4) A majority of the members of the task force constitutes a quorum for the transaction**  
32 **of business.**

33 **(5) Official action by the task force requires the approval of a majority of the members**  
34 **of the task force.**

35 **(6) The task force shall elect one of its members to serve as chairperson.**

36 **(7) If there is a vacancy for any cause, the appointing authority shall make an appoint-**  
37 **ment to become immediately effective.**

38 **(8) The task force shall meet at times and places specified by the call of the chairperson**  
39 **or of a majority of the members of the task force.**

40 **(9) The task force may adopt rules necessary for the operation of the task force.**

41 **(10) The task force shall submit a report, and may include recommendations for legis-**  
42 **lation, to an interim committee of the Legislative Assembly related to energy no later than**  
43 **October 1, 2010.**

44 **(11) The State Department of Energy and the Department of Consumer and Business**  
45 **Services shall cooperate in providing staff support to the task force.**

1 (12) Members of the task force are not entitled to compensation, but may be reimbursed  
2 for actual and necessary travel and other expenses incurred by them in the performance of  
3 their official duties in the manner and amounts provided for in ORS 292.495. Claims for ex-  
4 penses shall be paid out of funds appropriated to the State Department of Energy or the  
5 Department of Consumer and Business Services for purposes of the task force.

6 (13) All agencies of state government, as defined in ORS 174.111, are directed to assist  
7 the task force in the performance of its duties and, to the extent permitted by laws relating  
8 to confidentiality, to furnish such information and advice as the members of the task force  
9 consider necessary to perform their duties.

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

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

16 **SECTION 4.** Sections 5 to 7 of this 2009 Act are added to and made a part of ORS chapter  
17 455.

18 **SECTION 5.** (1) The Director of the Department of Consumer and Business Services, in  
19 consultation with the appropriate advisory boards, shall adopt, amend and administer a code  
20 separate from the state building code, to be known as the Reach Code. The director shall  
21 design the code to increase energy efficiency in buildings that are newly constructed, re-  
22 constructed, altered or repaired.

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

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

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

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

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

38 (a) Does not alter any licensing or certification requirements under ORS 446.003 to  
39 446.200, 446.225 to 446.285, 447.010 to 447.156, 460.005 to 460.175, 479.510 to 479.945 or 480.510  
40 to 480.670 or this chapter or ORS chapter 693 or Department of Consumer and Business  
41 Services rules;

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

44 (c) Requires that a municipality administering and enforcing a building inspection pro-  
45 gram under ORS 455.148 or 455.150 must recognize and accept the standard, method, instal-

1 lation, product, equipment or device if a person applies to construct, reconstruct, alter or  
2 repair a building in conformance with the Reach Code.

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

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

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

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

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

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

40 (a) An increase in energy efficiency of nonresidential buildings of between 15 and 25  
41 percent by January 1, 2012, compared to nonresidential building energy efficiency on the ef-  
42 fective date of this 2009 Act. The director shall design the code amendments to achieve the  
43 energy efficiency increase through mandatory requirements for the new construction, re-  
44 construction, alteration or repair of nonresidential buildings. To the extent the director  
45 considers practicable, the director shall base the requirements on the American Society of

1 **Heating, Refrigerating and Air-Conditioning Engineers standard 90.1-2007 (I-P Edition), En-**  
2 **ergy Standard for Buildings Except Low-Rise Residential Buildings, as amended and in effect**  
3 **on the effective date of this 2009 Act.**

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

11 **(2) The director shall adopt initial rules under this section in time for the rules to be-**  
12 **come effective on January 1, 2010.**

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

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

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