

# Enrolled House Bill 2005

Sponsored by Representative KOTEK

CHAPTER .....

AN ACT

Relating to energy efficiency; creating new provisions; amending ORS 455.140, 455.492 and 455.496; and declaring an emergency.

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

**SECTION 1. Section 2 of this 2013 Act and ORS 455.140, 455.492 and 455.496 are added to and made a part of ORS chapter 455.**

**SECTION 2. The Legislative Assembly finds and declares that:**

**(1) It is in the best interest of the State of Oregon to encourage energy efficiency and cost savings through effective mechanical insulation standards; and**

**(2) To fulfill the best interest described in subsection (1) of this section it is beneficial for building owners, operators, contractors, installers, inspectors and regulators to collaborate and identify ways to ensure that mechanical systems operate as efficiently as possible, giving particular attention to maximizing the energy savings of publicly financed buildings.**

**SECTION 3. ORS 455.492 is amended to read:**

455.492. (1) There is established a Construction Industry Energy Board, consisting of *[seven]* 11 members. The membership shall consist of the following:

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

(b) Two members selected by the Residential and Manufactured Structures Board from the members of the Residential and Manufactured Structures Board who have practical experience in the residential structure industry or manufactured structure industry.

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

**(d) Two members selected by the State Plumbing Board from the members of the State Plumbing Board who have practical experience in construction.**

**(e) Two members selected by the Mechanical Board from the members of the Mechanical Board who have practical experience in construction.**

*[(d)]* **(f)** One member who is an employee or officer of the State Department of Energy appointed by the Director of the State Department of Energy.

(2) The Construction Industry Energy Board shall select one of its members as chairperson and another as vice chairperson, for such terms and with duties and powers necessary for the performance of the functions of those positions as the board determines.

(3) Except as provided in ORS 455.496 (2), a majority of the members of the board constitutes a quorum for the transaction of business.

(4) A member of the board is not entitled to compensation, but at the discretion of the director may be reimbursed from funds available to the Department of Consumer and Business Services for actual and necessary travel and other expenses incurred by the member in the performance of the member's official duties in the manner and amount provided in ORS 292.495.

**SECTION 4.** ORS 455.496 is amended to read:

455.496. (1) The Construction Industry Energy Board may evaluate and approve or disapprove proposed state building code standards relating to the energy use and energy efficiency aspects of the electrical, structural, prefabricated structure and low-rise residential specialty codes. The proposed standards evaluated by the board may include, but need not be limited to, standards regarding energy-conserving technology, construction methods, products and materials. The board shall forward any proposed standards recommended by the board to the Director of the Department of Consumer and Business Services for adoption or rejection by the director.

(2) Approval by *[five]* **seven** or more board members is required in order to recommend adoption of an energy construction standard to the director. If the standard relates to a specialty code that is administered by an advisory board described in ORS 455.492 (1)(a) to *[(c)]* **(e)**, the Construction Industry Energy Board may not recommend the standard to the director unless all of the Construction Industry Energy Board members who are members of the advisory board that administers that specialty code approve of recommending the standard.

(3) Notwithstanding any provision of **this chapter or** ORS chapter 446 *[or 455]* or ORS 479.510 to 479.945 or 479.950, **or any provision of ORS chapter 447 regulating fixture installations or regulating plumbing products**, the director may adopt or reject a proposed standard recommended by the Construction Industry Energy Board without further consultation of an advisory board. No later than 30 days after the director receives the proposed standard, the director shall initiate a process for considering the approval or rejection of the recommended proposed standard. If the director approves the standard, the director shall file the standard with the Secretary of State under ORS 183.335 as a rule amending the state building code.

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

**SECTION 5.** ORS 455.140 is amended to read:

455.140. (1) There is established a Mechanical Board consisting of *[nine]* **10** members appointed by the Governor.

(2) The members of the board shall assist the Director of the Department of Consumer and Business Services in administering the code adopted pursuant to ORS 455.020 for mechanical devices and equipment.

(3) The board must consist of:

- (a) One representative of the plumbing industry;
- (b) One sheet metal and air conditioner contractor;
- (c) One municipal mechanical inspector possessing the highest level of mechanical inspector certification issued by the Department of Consumer and Business Services;
- (d) One heating, venting and air conditioning contractor;
- (e) One heating, venting and air conditioning installer;
- (f) One sheet metal and air conditioner installer;
- (g) One representative of a natural gas company or other utility;
- (h) One building official; *[and]*
- (i) **One insulation craftsman who has experience with heat and frost insulation; and**
- [(i)]* (j) One public member who does not receive compensation from any interest represented under paragraphs (a) to *[(h)]* (i) of this subsection.

(4) At least one of the board members described in subsection (3)(b) or (d) of this section must be an owner or operator of a contracting business employing 10 or fewer persons at the time of the member's appointment to the term.

**SECTION 6. Section 2 of this 2013 Act is repealed January 2, 2015.**

**SECTION 7. This 2013 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2013 Act takes effect on its passage.**

**Passed by House April 23, 2013**

**Received by Governor:**

**Repassed by House May 28, 2013**

.....M.,....., 2013

**Approved:**

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Ramona J. Line, Chief Clerk of House

.....M.,....., 2013

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Tina Kotek, Speaker of House

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John Kitzhaber, Governor

**Passed by Senate May 22, 2013**

**Filed in Office of Secretary of State:**

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Peter Courtney, President of Senate

.....M.,....., 2013

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Kate Brown, Secretary of State