

Requested by Senator FINDLEY

**PROPOSED AMENDMENTS TO
SENATE BILL 869**

1 In line 2 of the printed bill, before the period insert “; and prescribing
2 an effective date”.

3 Delete lines 4 through 8 and insert:

4 **“SECTION 1. As used in sections 2, 3 and 4 of this 2023 Act:**

5 **“(1) ‘Board’ means an appropriate advisory board as defined in ORS
6 455.010.**

7 **“(2) ‘Boards’ means any combination of two or more appropriate
8 advisory boards as defined in ORS 455.010.**

9 **“SECTION 2. (1) The Department of Consumer and Business Ser-
10 vices shall, as the department’s responsibilities relate to efficiency or
11 resiliency in buildings:**

12 **“(a) Exercise any and all authority and discretion the department
13 has available under applicable law to help to identify, at a minimum,
14 emissions reductions consistent with the greenhouse gas emissions
15 reduction goals specified in ORS 468A.205;**

16 **“(b) In addition to the department’s existing responsibilities, prior-
17 itize and take such actions as are necessary to accelerate reductions
18 in greenhouse gas emissions, including but not limited to obtaining
19 board approval for any rulemaking; and**

20 **“(c) Consider and integrate, after obtaining board approval, the
21 prevention or reduction of impacts from climate change and the**

1 state’s greenhouse gas emissions reduction goals into the department’s
2 planning, budgeting, investment and policy-making decisions, which
3 must involve, at a minimum:

4 “(A) Prioritizing actions that reduce greenhouse gas emissions in a
5 cost-effective manner;

6 “(B) Prioritizing actions that help vulnerable populations and envi-
7 ronmental justice communities, as defined in ORS 469A.400, adapt to
8 impacts from climate change; and

9 “(C) Consulting with the Environmental Justice Council when
10 evaluating priorities the department sets and actions the department
11 takes to adapt to and mitigate the impacts from climate change.

12 “(2)(a) In addition to the general directives specified in subsection
13 (1) of this section, the department with the approval of the boards
14 shall contribute to the state’s achievement of greenhouse gas emis-
15 sions reduction goals and the mitigation of impacts from climate
16 change by:

17 “(A) Setting goals for improved energy efficiency in buildings;

18 “(B) Reviewing options for, and the feasibility of, reducing
19 greenhouse gas emissions that result from manufacturing, transport-
20 ing, installing, disposing of and recovering materials used in building
21 construction, based on the findings of the boards and after consulting
22 with the Department of Environmental Quality under paragraph (c)(B)
23 of this subsection; and

24 “(C) Reviewing the potential benefits and the feasibility of updating
25 building ventilation standards and of specifying standards for air
26 cleaners present in building mechanical systems and in occupied in-
27 door spaces, consistent with actions taken by the boards.

28 “(b) To carry out the directives specified in paragraph (a)(A) of this
29 subsection, the Department of Consumer and Business Services shall:

30 “(A) Obtain the approval of the boards and consult with the State

1 Department of Energy to specify energy efficiency goals for new resi-
2 dential and commercial construction that aim to achieve by 2030, at
3 each new residential or commercial building site, at least a 60 percent
4 reduction in annual energy consumption from standards specified in
5 the statewide building code and applicable specialty codes that were
6 in effect in 2006, excluding consumption of electricity in transportation
7 or in powering appliances or other loads that the statewide building
8 code or specialty codes do not regulate;

9 “(B) Consult with the State Department of Energy and obtain board
10 approval for metrics derived from best practices and academic re-
11 search to inform updates to the statewide building code and applicable
12 specialty codes specifying a baseline for, and achievable reductions in,
13 energy consumption;

14 “(C) Report not later than December 31 of every third year, begin-
15 ning with December 31, 2023, to an interim committee of the Legisla-
16 tive Assembly related to the environment concerning:

17 “(i) The Department of Consumer and Business Services’ evaluation
18 of progress toward achieving the goals the department specifies under
19 subparagraph (A) of this paragraph; and

20 “(ii) Options for achieving the goals over the course of the subse-
21 quent three updates to the statewide building code and applicable
22 specialty codes;

23 “(D) After consultation with the boards, outline and evaluate for
24 feasibility in the report described in subparagraph (C) of this para-
25 graph a range of available options for achieving steady progress to-
26 ward the goals described in subparagraph (A) of this paragraph over
27 the course of scheduled updates to the statewide building code and
28 applicable specialty codes that occur up until 2030; and

29 “(E) Update the Reach Code described in ORS 455.500 to reflect in-
30 cremental progress toward the goals specified in subparagraph (A) of

1 this paragraph each time the Department of Consumer and Business
2 Services updates the statewide building code.

3 “(c) To carry out the directives specified in paragraph (a)(B) of this
4 subsection, the department shall consult with the Department of En-
5 vironmental Quality to:

6 “(A) Review, to the extent feasible, greenhouse gas emissions that
7 occur as a result of the manufacture, transport, installation, disposal
8 and recovery of materials used in building construction; and

9 “(B) To the extent feasible and after obtaining approval of the
10 boards, review applicable standards that the Department of Transpor-
11 tation has specified for procuring building construction materials and
12 identify options to reduce greenhouse gas emissions attributable to
13 building materials that meet standards set by the boards, so that lower
14 carbon materials, if available, may serve the same function and pro-
15 vide the same level of safety and durability.

16 “(3) In carrying out the directives set forth in this section, the De-
17 partment of Consumer and Business Services shall consider industry
18 standards including, where appropriate, standards promulgated by the
19 American Society of Heating, Refrigerating and Air-Conditioning En-
20 gineers. The department shall seek board approval for actions taken
21 under this section.

22 “SECTION 3. The Department of Consumer and Business Services
23 shall, no later than December 31, 2024, report to an interim committee
24 of the Legislative Assembly related to the environment. The report
25 under this section shall include the department’s findings and recom-
26 mendations, after review by the boards, on options for, and the feasi-
27 bility of, reducing greenhouse gas emissions that result from
28 manufacturing, transporting, installing, disposing of and recovering
29 materials used in building construction, based on the findings of the
30 department and the Department of Environmental Quality under sec-

1 **tion 2 (2)(c)(B) of this 2023 Act, including:**

2 **“(1) Specifying the use of lower carbon materials in the statewide**
3 **building code or applicable specialty code; or**

4 **“(2) Other means recommended by the Department of Consumer**
5 **and Business Services and the Department of Environmental Quality**
6 **for reducing greenhouse gas emissions attributable to building mate-**
7 **rials.**

8 **“SECTION 4. (1) Section 2 of this 2023 Act becomes operative on**
9 **January 1, 2024.**

10 **“(2) The Director of the Department of Consumer and Business**
11 **Services, after obtaining board approval, may adopt rules and take any**
12 **other action before the operative date specified in subsection (1) of this**
13 **section that is necessary to enable the director, on and after the op-**
14 **erative date specified in subsection (1) of this section, to undertake**
15 **and exercise all of the duties, functions and powers conferred on the**
16 **director by section 2 of this 2023 Act.**

17 **“SECTION 5. This 2023 Act takes effect on the 91st day after the**
18 **date on which the 2023 regular session of the Eighty-second Legislative**
19 **Assembly adjourns sine die.”.**

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