

Requested by Representative SMITH DB

**PROPOSED AMENDMENTS TO
HOUSE BILL 2398**

1 On page 1 of the printed bill, line 2, after “codes;” insert “creating new
2 provisions; and”.

3 Delete lines 4 through 29 and delete page 2 and insert:

4 **“SECTION 1.** ORS 455.500 is amended to read:

5 “455.500. (1) The Director of the Department of Consumer and Business
6 Services, in consultation with the appropriate advisory boards, shall adopt,
7 amend and administer a code separate from the state building code, to be
8 known as the Reach Code. The director shall design the code to increase
9 energy efficiency in buildings that are newly constructed, reconstructed, al-
10 tered or repaired.

11 “(2) The Reach Code [*shall*] **must** be a set of statewide optional con-
12 struction standards and methods that are economically and technically fea-
13 sible, including any published generally accepted codes and standards newly
14 developed for construction or for the installation of products, equipment and
15 devices. **The director shall update the code every three years.** When
16 adopting or amending the code, the director, in consultation with the ap-
17 propriate advisory boards, shall:

18 “(a) Review generally accepted codes and standards that achieve greater
19 energy efficiency than the energy efficiency required by the state building
20 code; and

21 “(b) Review technical components of generally accepted construction

1 documents as the director considers necessary to address federal, state and
2 local financial incentives and advances in construction methods, standards
3 and technologies.

4 “(3) When amending the state building code under ORS 455.030, the di-
5 rector shall consider whether any of the standards and methods contained
6 in the Reach Code should be removed from the Reach Code and adopted in
7 the state building code.

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

10 “(a) Does not alter any licensing or certification requirements under ORS
11 446.003 to 446.200, 446.225 to 446.285, 447.010 to 447.156, 460.005 to 460.175,
12 479.510 to 479.945 or 480.510 to 480.670 or this chapter or ORS chapter 693
13 or Department of Consumer and Business Services rules;

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

17 “(c) Requires that a municipality administering and enforcing a building
18 inspection program under ORS 455.148 or 455.150 must recognize and accept
19 the standard, method, installation, product, equipment or device if a person
20 applies to construct, reconstruct, alter or repair a building in conformance
21 with the Reach Code.

22 **“SECTION 2. Section 3 of this 2021 Act is added to and made a part**
23 **of ORS chapter 455.**

24 **“SECTION 3. (1) The Director of the Department of Consumer and**
25 **Business Services shall engage the University of Oregon to analyze and**
26 **compare state building code standards for energy use and energy effi-**
27 **ciency to similar building code standards in other states, with a focus**
28 **on states that are within the marine and cold climate zones, as defined**
29 **by the Building America Program of the United States Department of**
30 **Energy, or a successor agency.**

1 “(2) The analysis and comparison described in subsection (1) of this
2 section must use nationally accepted methods and practices to:

3 “(a) Identify, and create a numeric score to quantify, the level of
4 energy efficiency that buildings achieve in compliance with the 2021
5 state building code; and

6 “(b) Compare the score described in paragraph (a) of this subsection
7 to scores for levels of energy efficiency that buildings achieve in
8 compliance with building codes in other states in the marine and cold
9 climate zones.

10 “(3)(a) The university shall also identify materials and construction
11 methods that national standards organizations recognize as capable
12 of increasing energy efficiency in:

13 “(A) A typical commercial building; and

14 “(B) At least three types of residential structures.

15 “(b) The university shall list categories of materials and con-
16 struction methods that enable energy efficiency increases. Each listed
17 category must correspond with a five percent incremental increase in
18 energy efficiency.

19 “(4) The director shall engage a research institution other than the
20 University of Oregon to develop an energy efficiency cost analysis tool
21 that enables a determination of the cost of materials and equipment
22 for each five percent incremental improvement in energy efficiency.
23 The tool must:

24 “(a) Enable an identification of the cost of energy efficiency im-
25 provements in:

26 “(A) A typical commercial building; and

27 “(B) At least three types of residential structures; and

28 “(b) Show the amortized cost, over a period of not more than 10
29 years, of the equipment and materials necessary to achieve each five
30 percent incremental improvement in energy efficiency.

1 **“SECTION 4. Section 3 of this 2021 Act is repealed on January 1,**
2 **2024.”.**

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