

Requested by Representative NERON

**PROPOSED AMENDMENTS TO  
HOUSE BILL 3031**

1 Delete lines 4 through 8 of the printed bill and insert:

2 **“SECTION 1. As used in sections 1 to 7 of this 2023 Act:**

3 **“(1) ‘ASHRAE’ means the American Society of Heating, Refriger-**  
4 **ating and Air-Conditioning Engineers.**

5 **“(2) ‘Certified TAB technician’ means an individual certified by the**  
6 **Associated Air Balance Council, the National Environmental Balanc-**  
7 **ing Bureau or the Testing, Adjusting and Balancing Bureau to test,**  
8 **adjust and balance an HVAC system.**

9 **“(3) ‘HVAC’ means heating, ventilation and air conditioning.**

10 **“(4)(a) ‘Mechanical engineer’ means an independent, registered**  
11 **professional engineer, as defined in ORS 672.002, with professional ex-**  
12 **perience with HVAC systems.**

13 **“(b) ‘Mechanical engineer’ does not mean a mechanical engineer**  
14 **who is employed by a school district or who is affiliated with a con-**  
15 **tractor hired by a school district to carry out the work required under**  
16 **sections 1 to 7 of this 2023 Act.**

17 **“(5)(a) ‘Mechanical ventilation system’ means a building ventilation**  
18 **system consisting of permanent, mechanically powered equipment,**  
19 **such as motor-driven fans and blowers.**

20 **“(b) ‘Mechanical ventilation system’ does not include devices such**  
21 **as wind-driven turbine ventilators, portable air cleaning and filtration**

1 devices and mechanically operated windows.

2 “(6) ‘Ppm’ means parts per million.

3 “(7) ‘Qualified adjusting personnel’ means:

4 “(a) A certified TAB technician; or

5 “(b) An individual working under the on-site supervision of a cer-  
6 tified TAB technician.

7 “(8) ‘Qualified testing personnel’ means:

8 “(a) A certified TAB technician; or

9 “(b) A person certified to perform ventilation verification assess-  
10 ments of HVAC systems through a certification body accredited by the  
11 American National Standards Institute National Accreditation Board.

12 “(9) ‘School district’ has the meaning given that term in ORS  
13 332.002.

14 “(10) ‘Specialty code’ has the meaning given that term in ORS  
15 455.010.

16 “(11) ‘Training agent’ has the meaning given that term in ORS  
17 660.010.

18 **“SECTION 2. (1) Whenever a school district undertakes indoor**  
19 **HVAC infrastructure improvements using federal and state funds**  
20 **made available to the school district specifically for such purposes, the**  
21 **school district shall expend such funds toward carrying out the pro-**  
22 **visions of this section. A school district is not obligated to carry out**  
23 **the provisions of this section until funds are so expended.**

24 **“(2) A school district shall have a ventilation verification assess-**  
25 **ment performed by qualified testing personnel at each school facility.**  
26 **The assessment shall be performed at least once every five years. The**  
27 **assessment shall include the following:**

28 **“(a) A description of HVAC equipment model numbers or serial**  
29 **numbers and a general description of HVAC equipment.**

30 **“(b) Testing to determine maximum filter efficiency.**

1       “(c) A calculation of the minimum outside air ventilation rates for  
2 each occupied area based on anticipated occupancy and the minimum  
3 required ventilation rate per occupant, as described in the minimum  
4 ventilation rate requirements set forth in the applicable specialty code.

5       “(d) Physical measurements of outside air rates.

6       “(e) Verification of the proper operation of ventilation components  
7 in accordance with applicable standards set forth in the specialty code.

8       “(f) Measurement of all air distribution inlets and outlets.

9       “(g) Verification of the proper operation of the HVAC system and  
10 that required maintenance has been performed in accordance with  
11 ASHRAE Standard 62.1-2022, Section 8 and Table 8-1 and any applicable  
12 specialty code.

13       “(h) Verification of control sequences in accordance with the ap-  
14 plicable standards set forth in the specialty code.

15       “(i) The collection of field data for the installation of a mechanical  
16 ventilation system, if no mechanical ventilation system exists at the  
17 school facility.

18       “(3) Qualified testing personnel shall record the results of the as-  
19 sessment in a report and submit the report for review by a mechanical  
20 engineer as described in section 4 of this 2023 Act.

21       “SECTION 3. (1) Whenever a school district undertakes indoor  
22 HVAC infrastructure improvements using federal and state funds  
23 made available to the school district specifically for such purposes, the  
24 school district shall expend such funds toward carrying out the pro-  
25 visions of this section. A school district is not obligated to carry out  
26 the provisions of this section until funds are so expended.

27       “(2) A school district shall ensure that each classroom is equipped  
28 with a carbon dioxide monitor that meets applicable standards re-  
29 quired for carbon dioxide monitors under the specialty code and that  
30 each monitor:

1       “(a) Is mounted to a wall between three and six feet above the floor  
2 and at least five feet away from doors and operable windows.

3       “(b) Displays, at a minimum, carbon dioxide level readings that are  
4 readily visible to an individual who is inside the classroom.

5       “(c) Provides notification by a visual indicator on the monitor that  
6 is made readily visible to an individual who is inside the classroom  
7 when carbon dioxide levels in the classroom exceed 1,100 ppm.

8       “(d) Maintains a record of previous data, which includes at least the  
9 maximum carbon dioxide concentrations measured.

10       “(e) Has a range of at least 400 to 5,000 ppm.

11       “(f) Is certified by the manufacturer to be accurate within 75 ppm  
12 at 1,000 ppm carbon dioxide concentration and is certified by the  
13 manufacturer to require calibration no more frequently than once ev-  
14 ery five years.

15       “(3) Qualified testing personnel shall assess whether carbon dioxide  
16 monitors meet the requirements of this section and include the as-  
17 sessment in the report submitted to a mechanical engineer under  
18 section 4 of this 2023 Act.

19       “(4)(a) If a classroom carbon dioxide concentration alarm setpoint  
20 is exceeded for more than 15 minutes more than four times during a  
21 month, classroom ventilation rates shall be adjusted or a direct out-  
22 side airflow intake flow measurement device installed, and its accu-  
23 racy verified, to ensure that peak carbon dioxide concentrations in the  
24 classroom remain below the setpoint.

25       “(b) Adjustments shall be performed by qualified adjusting person-  
26 nel.

27       “(c) Each school shall:

28       “(A) Record all incidents where the setpoint is breached in a class-  
29 room and maintain these records for at least five years.

30       “(B) Upon request by a member of the public and free of charge,

1 provide reasonable access to review the records described in subpara-  
2 graph (A) of this paragraph in the central office of each school facility  
3 and in the central administrative office for each school district.

4 “(d) Nothing in paragraph (c) of this subsection requires the De-  
5 partment of Education to verify the contents of the records described  
6 in paragraph (c) of this subsection.

7 “(5) The Department of Education may, by rules adopted under  
8 section 7 of this 2023 Act, adjust the technical requirements for carbon  
9 dioxide monitors described in this section based on technological de-  
10 velopments and as is consistent with maintaining proper ventilation  
11 in classrooms in accordance with any applicable standards set forth  
12 by the specialty code.

13 **“SECTION 4. (1) Whenever a school district undertakes indoor**  
14 **HVAC infrastructure improvements using federal and state funds**  
15 **made available to the school district specifically for such purposes, the**  
16 **school district shall expend such funds toward carrying out the pro-**  
17 **visions of this section. A school district is not obligated to carry out**  
18 **the provisions of this section until funds are so expended.**

19 “(2) A school district shall obtain an HVAC assessment report pre-  
20 pared by qualified testing personnel. The report shall include the re-  
21 sults of the ventilation verification assessment carried out under  
22 section 2 of this 2023 Act and a description of whether carbon dioxide  
23 monitors meet the requirements of section 3 of this 2023 Act.

24 “(3) A school district shall ensure that a mechanical engineer re-  
25 views the report prepared under subsection (2) of this section. The  
26 mechanical engineer shall confirm or adjust the estimated minimum  
27 outside air ventilation rates and determine what, if any, additional  
28 adjustments, repairs, upgrades or replacements would be necessary to  
29 meet the minimum ventilation and filtration requirements of the spe-  
30 cialty code, and provide a cost estimate for all recommended work.

1       “(4) A school district shall perform the necessary adjustments, re-  
2 pairs, upgrades or replacements recommended by the mechanical en-  
3 gineer under subsection (3) of this section.

4       “SECTION 5. (1) A school district shall require a contractor carry-  
5 ing out work on projects for indoor HVAC infrastructure improve-  
6 ments under sections 1 to 7 of this 2023 Act to:

7       “(a) Participate as a training agent in an apprenticeship program  
8 registered with the State Apprenticeship and Training Council to pro-  
9 vide on-the-job training opportunities for apprentices in apprenticeable  
10 occupations to perform work on the project;

11       “(b) Establish and implement a plan for outreach, recruitment and  
12 retention of women, minority individuals and veterans to perform  
13 work on the project with the aspirational target of having at least 15  
14 percent of total work hours performed by individuals in one or more  
15 of those groups;

16       “(c) Pay wages to workers who perform work on the project at a  
17 rate that is no less than the prevailing wage rate;

18       “(d) Offer employer-paid family health insurance and retirement  
19 benefits to workers who perform work on the project;

20       “(e) Demonstrate a history of material compliance in the previous  
21 three years, or provide available history for a new business, with fed-  
22 eral and state wage and hour laws and applicable prevailing wage rate  
23 laws;

24       “(f) Demonstrate a history of material compliance in the previous  
25 three years, or provide available history for a new business, with the  
26 rules and other requirements of state agencies with oversight regard-  
27 ing occupational safety and health; and

28       “(g) Ensure at all times during the duration of the project that  
29 work is performed by qualified testing personnel or qualified adjusting  
30 personnel as required by sections 1 to 7 of this 2023 Act.

1       “(2)(a) In lieu of complying with the requirements described under  
2 subsection (1) of this section, a contractor may provide the school  
3 district with a copy of a project labor agreement and shall be exempted  
4 from the requirements described in subsection (1) of this section.

5       “(b) As used in this subsection, ‘project labor agreement’ means a  
6 project labor agreement as defined in 48 C.F.R. 52.222-34, as in effect  
7 on the effective date of this 2023 Act.

8       “SECTION 6. (1) If a school district completes the work recom-  
9 mended by a mechanical engineer under section 4 of this 2023 Act, the  
10 school district shall, within 30 days of completing the work, submit to  
11 the Department of Education an HVAC verification report that in-  
12 cludes:

13       “(a) The name and address of the school facility and the name and  
14 address of the person preparing the report.

15       “(b) A description of assessment, maintenance, adjustment, repair,  
16 upgrade and replacement activities performed and outcomes, includ-  
17 ing:

18       “(A) The minimum efficiency reporting value of the filtration sys-  
19 tem.

20       “(B) Verification that ventilation rates for facility classrooms, au-  
21 ditoriums, gymnasiums, nurses’ offices, restrooms, offices and other  
22 occupiable indoor spaces meet the minimum ventilation rate require-  
23 ments set forth in the specialty code or an explanation of why the  
24 current system is unable to meet those requirements.

25       “(C) Verified exhaust rates for facility classrooms, auditoriums,  
26 gymnasiums, nurses’ offices, restrooms, offices and other occupiable  
27 indoor spaces and whether those rates meet the requirements of the  
28 system design.

29       “(D) Documentation of initial operating verifications, adjustments  
30 and final operating verifications.

1       **“(E) Verification that carbon dioxide monitors have been installed**  
2 **and are operating in compliance with section 3 of this 2023 Act.**

3       **“(F) Verification that work performed satisfies the workforce stan-**  
4 **dards described in section 5 of this 2023 Act, including providing the**  
5 **names and certification or license numbers of contractors, qualified**  
6 **testing personnel and qualified adjusting personnel.**

7       **“(2) The department shall maintain a copy of the report required**  
8 **under this section for at least five years.**

9       **“(3) The HVAC verification report described in this section is sub-**  
10 **ject to inspection as a public record under ORS 192.311 to 192.478.**

11       **“(4) Nothing in this section requires the department to verify the**  
12 **contents of a HVAC verification report described in this section.**

13       **“SECTION 7. The Department of Education may adopt rules as**  
14 **necessary to carry out sections 1 to 7 of this 2023 Act.”.**

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