

# Senate Bill 1533

Sponsored by Senator WHITSETT; Senators ATKINSON, FERRIOLI, JOHNSON, KRUSE, OLSEN, STARR, TELFER, VERGER, WINTERS (Pre-session filed.)

## 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 **as introduced**.

Requires contracting agency to include amount in contract for construction, reconstruction or major renovation of public building equivalent to 1.5 percent of total contract price for inclusion of appropriate green energy technology.

## A BILL FOR AN ACT

1  
2 Relating to green energy technology in public buildings; creating new provisions; and amending ORS  
3 279C.527 and 279C.528.

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

5 **SECTION 1.** ORS 279C.527 is amended to read:

6 279C.527. (1) **As used in this section and in ORS 279C.528:**

7 (a) **"Green energy technology" means technology or a system that employs:**

8 (A) **On-site wind energy generation;**

9 (B) **On-site geothermal energy generation;**

10 (C) **Hydroelectric energy generated by a facility of not more than 10 megawatts of ca-**  
11 **capacity;**

12 (D) **Biomass as an energy source;**

13 (E) **Solar electric or solar thermal systems and passive solar energy systems; or**

14 (F) **Conservation techniques that achieve a significant reduction in energy usage.**

15 (b) **"Public building" means a building that a public body, as defined in ORS 174.109, owns**  
16 **or controls, and that is:**

17 (A) **Used or occupied by employees of the public body; or**

18 (B) **Used for conducting public business.**

19 [(1)] (2) Except as otherwise provided in this section, a public improvement contract for the  
20 construction of a public building or for the reconstruction or major renovation of a public building,  
21 if the cost of the reconstruction or major renovation exceeds 50 percent of the value of the public  
22 building, [*is considered to*] **shall** contain an amount equal to at least 1.5 percent of the total contract  
23 price for the inclusion of appropriate [*solar*] **green** energy technology in the public building. [*Solar*  
24 *energy technology shall include solar electric or solar thermal systems and may include passive solar*  
25 *energy systems when a proposed passive solar energy system will achieve a reduction in energy usage*  
26 *of at least 20 percent.*]

27 [(2)] (3) Before entering into a public improvement contract described in subsection [(1)] (2) of  
28 this section, a contracting agency shall prepare a written determination of whether the inclusion  
29 of [*solar*] **green** energy technology in the construction, reconstruction or major renovation of the  
30 public building is appropriate. The contracting agency shall include in the determination the total

**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 contract price and the amount the agency intends to expend on the inclusion of [solar] **green** energy  
 2 technology in the public building. The State Department of Energy shall develop a form [usable by  
 3 contracting agencies for preparing] **a contracting agency may use to prepare** the written deter-  
 4 mination described in this subsection.

5 [(3)] (4) If the contracting agency determines that [it would be inappropriate to include solar]  
 6 **including green** energy technology in the construction, reconstruction or major renovation of the  
 7 public building **is not appropriate**, subsection [(1)] (2) of this section does not apply to the public  
 8 improvement contract. However:

9 (a) The contracting agency shall spend an amount equal to at least 1.5 percent of the total  
 10 contract price on the inclusion of appropriate [solar] **green** energy technology in a future public  
 11 building project; and

12 (b) The amount [spent by] the contracting agency **spends** on the future public building project  
 13 pursuant to paragraph (a) of this subsection is in addition to any amount required under subsection  
 14 [(1)] (2) of this section for the inclusion of appropriate [solar] **green** energy technology in the future  
 15 public building project.

16 [(4)] (5) Subsection [(3)(a) and (b)] (4) of this section does not apply to a public improvement  
 17 contract for which [no] state funds are **not** directly or indirectly used.

18 [(5)] (6) This section does not exempt an authorized state agency, as defined in ORS 276.905,  
 19 from complying with ORS 276.900 to 276.915, except that an authorized state agency, without com-  
 20 plying with ORS 276.900 to 276.915, may determine that [solar] **green** energy technology [described  
 21 in this section] is appropriate [for inclusion] **to include** in the construction, reconstruction or major  
 22 renovation of a public building.

23 [(6)(a) As used in this section, "public building" means a building owned or controlled by a public  
 24 body, as defined in ORS 174.109, and:]

25 [(A) Used or occupied by employees of the public body; or]

26 [(B) Used for conducting public business.]

27 [(b)] (7) Notwithstanding the provisions of ORS 174.108 (3), this section applies to intergovern-  
 28 mental entities described in ORS 174.108 (3).

29 **SECTION 2.** ORS 279C.528 is amended to read:

30 279C.528. Public improvement contracts subject to ORS 279C.527 are also subject to rules  
 31 [adopted by] the State Department of Energy **adopts** that include, but are not limited to, require-  
 32 ments and specifications for:

33 (1) Using particular [solar] **green** energy [systems or] technologies in public improvements;

34 (2) Determining the cost-effectiveness of [solar] **green** energy [systems or] technologies;

35 (3) Reporting the use of [solar] **green** energy [systems or] technologies in public improvements  
 36 or submitting documents to the department for review, as appropriate; and

37 (4) Determining whether a structure is a public building subject to the requirements of ORS  
 38 279C.527.

39 **SECTION 3.** The amendments to ORS 279C.527 and 279C.528 by sections 1 and 2 of this  
 40 2012 Act apply to contracts for the construction, reconstruction or major renovation of  
 41 public buildings that a contracting agency first advertises or otherwise solicits or, if the  
 42 contracting agency does not advertise or solicit the contract, to contracts into which the  
 43 contracting agency first enters on or after the effective date of this 2012 Act.