

Enrolled
House Bill 2620

Sponsored by Representative HOLVEY

CHAPTER

AN ACT

Relating to inclusion of solar energy technologies in public buildings.

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

SECTION 1. Sections 2 and 3 of this 2007 Act are added to and made a part of ORS 279C.005 to 279C.670.

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

(2) Before entering into a public improvement contract described in subsection (1) of this section, a contracting agency shall prepare a written determination of whether the inclusion of solar energy technology in the construction, reconstruction or major renovation of the public building is appropriate. The contracting agency shall include in the determination the total contract price and the amount the agency intends to expend on the inclusion of solar energy technology in the public building. The State Department of Energy shall develop a form usable by contracting agencies for preparing the written determination described in this subsection.

(3) If the contracting agency determines that it would be inappropriate to include solar energy technology in the construction, reconstruction or major renovation of the public building, subsection (1) of this section does not apply to the public improvement contract. However:

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

(b) The amount spent by the contracting agency on the future public building project pursuant to paragraph (a) of this subsection is in addition to any amount required under subsection (1) of this section for the inclusion of appropriate solar energy technology in the future public building project.

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

(5) This section does not exempt an authorized state agency, as defined in ORS 276.905, from complying with ORS 276.900 to 276.915, except that an authorized state agency, without complying with ORS 276.900 to 276.915, may determine that solar energy technology described in this section is appropriate for inclusion in the construction, reconstruction or major renovation of a public building.

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

- (A) Used or occupied by employees of the public body; or
- (B) Used for conducting public business.

(b) Notwithstanding the provisions of ORS 174.108 (3), this section applies to intergovernmental entities described in ORS 174.108 (3).

SECTION 3. Public improvement contracts subject to section 2 of this 2007 Act are also subject to rules adopted by the State Department of Energy that include, but are not limited to, requirements and specifications for:

- (1) Using particular solar energy systems or technologies in public improvements;
- (2) Determining the cost-effectiveness of solar energy systems or technologies;
- (3) Reporting the use of solar energy systems or technologies in public improvements or submitting documents to the department for review, as appropriate; and
- (4) Determining whether a structure is a public building subject to the requirements of section 2 of this 2007 Act.

SECTION 4. The State Department of Energy shall report to the Seventy-fifth Legislative Assembly on or before January 31, 2009, and to the Seventy-sixth Legislative Assembly on or before January 31, 2011, on the use of solar energy technology in the construction, reconstruction and major renovation projects that are subject to section 2 of this 2007 Act.

SECTION 5. Section 2 of this 2007 Act applies only to public improvement contracts first advertised, but if not advertised then entered into, on or after the effective date of this 2007 Act.

Passed by House May 7, 2007

Received by Governor:

Repassed by House May 31, 2007

.....M.,....., 2007

Approved:

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Chief Clerk of House

.....M.,....., 2007

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Speaker of House

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Governor

Passed by Senate May 29, 2007

Filed in Office of Secretary of State:

.....M.,....., 2007

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President of Senate

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Secretary of State