

**B-Engrossed**  
**House Bill 2620**

Ordered by the Senate May 24  
Including House Amendments dated May 2 and Senate Amendments dated  
May 24

Sponsored by Representative HOLVEY

**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.

Provides that public improvement contracts for construction or certain reconstruction or major renovation of public buildings are considered to contain amount equal to at least 1.5 percent of total contract price for inclusion of appropriate solar energy technology. Provides exceptions.

Requires State Department of Energy to develop forms and report to Legislative Assembly in 2009 and 2011 on use of solar energy technology in construction, reconstruction or major renovation of public buildings.

**A BILL FOR AN ACT**

1  
2 Relating to inclusion of solar energy technologies in public buildings.

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

4 **SECTION 1. Sections 2 and 3 of this 2007 Act are added to and made a part of ORS**  
5 **279C.005 to 279C.670.**

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

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

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

25 **However:**

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

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

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

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

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

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

18 (B) Used for conducting public business.

19 (b) Notwithstanding the provisions of ORS 174.108 (3), this section applies to intergov-  
20 ernmental entities described in ORS 174.108 (3).

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

24 (1) Using particular solar energy systems or technologies in public improvements;

25 (2) Determining the cost-effectiveness of solar energy systems or technologies;

26 (3) Reporting the use of solar energy systems or technologies in public improvements or  
27 submitting documents to the department for review, as appropriate; and

28 (4) Determining whether a structure is a public building subject to the requirements of  
29 section 2 of this 2007 Act.

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

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

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