

HOUSE AMENDMENTS TO HOUSE BILL 3612

By COMMITTEE ON ENERGY AND THE ENVIRONMENT

February 13

1 On page 2 of the printed bill, delete lines 28 through 45 and delete page 3 and insert:

2 “**SECTION 3.** ORS 276.915 is amended to read:

3 “276.915. (1) An authorized state agency may construct or renovate a facility only if the au-
4 thorized state agency determines that the design incorporates all reasonable cost-effective energy
5 conservation measures and alternative energy systems. The determination by the authorized state
6 agency shall include consideration of indoor air quality issues and operation and maintenance costs.

7 “(2) Whenever an authorized state agency determines that [*any*] a major facility is to be con-
8 structed or renovated, the **authorized state** agency shall cause to be included in the design phase
9 of the construction or renovation a provision that requires an energy consumption analysis [*identi-*
10 *fying all reasonable cost-effective energy conservation measures and alternative energy systems*] to be
11 prepared for the facility under the direction of a professional engineer or licensed architect **or un-**
12 **der the direction of a person that is prequalified in accordance with this section.** The au-
13 thorized **state** agency and the State Department of Energy shall agree to the list of energy
14 conservation measures and alternative energy systems [*to be analyzed*] **that the energy consump-**
15 **tion analysis will include.** The **energy consumption** analysis and facility design shall be delivered
16 to the State Department of Energy during the design development phase of the facility design. The
17 State Department of Energy shall review the **energy consumption** analysis and forward its findings
18 to the authorized state agency within 10 working days after receiving the **energy consumption**
19 analysis, if practicable.

20 “(3) The State Department of Energy, in consultation with [*the Oregon Department of Adminis-*
21 *trative Services and the Oregon University System*] **authorized state agencies**, shall adopt rules to
22 carry out the provisions of ORS 276.900 to 276.915. These rules shall:

23 “(a) Include a simplified and usable method for determining which energy conservation measures
24 and alternative energy systems are cost-effective. The method shall reflect the energy costs of the
25 utility serving the facility.

26 “(b) Prescribe procedures for determining if a facility design incorporates all reasonable cost-
27 effective energy conservation measures and alternative energy systems.

28 “(c) Establish fees through which an authorized state agency will reimburse the State Depart-
29 ment of Energy for [*its*] **the department’s** review of energy consumption analyses and facility de-
30 signs and [*its*] **the department’s** reporting tasks. [*Such*] **The** fees imposed [*shall*] **may** not exceed
31 0.2 percent of the capital construction cost of the facility. [*The fees shall*] **and must** be included in
32 the energy consumption analysis required in subsection (2) of this section. The State Department
33 of Energy may provide for a waiver of fees and reviews if the authorized state agency demonstrates
34 that the facility will be designed and constructed in a manner that incorporates only cost-effective
35 energy conservation measures or in a manner that exceeds the energy conservation provisions of the

1 state building code by 20 percent or more.

2 “(d) Periodically define highly efficient facilities. A facility constructed or renovated after June
3 30, 2001, shall exceed the energy conservation provisions of the state building code by 20 percent
4 or more, unless otherwise required by rules adopted under this section.

5 “[e] *Require an authorized state agency to reduce the amount of use of nonrenewable energy by*
6 *at least 10 percent from the amount used by the state agency in the 2000 calendar year.*]

7 “(e) **Establish guidelines for implementing subsection (4) of this section.**

8 “(f) **Establish guidelines for incorporating energy efficiency requirements into rental or**
9 **lease agreements to be phased in as current rental or lease agreements expire or as new**
10 **rental or lease agreements are entered into, allowing reasonable time for the owner to im-**
11 **plement the requirements of this section.**

12 “(g) **Establish criteria by which the State Department of Energy determines that a per-**
13 **son is prequalified to perform work in accordance with this section.**

14 “(4) **Before June 30, 2015, an authorized state agency shall reduce the total amount of**
15 **energy the authorized state agency uses in the authorized state agency’s facilities by at least**
16 **20 percent from a baseline amount the State Department of Energy determines by rule based**
17 **on usage in calendar year 2000.**

18 “(5) **An authorized state agency shall report annually to the State Department of Energy**
19 **concerning energy use in the authorized state agency’s facilities. The State Department of**
20 **Energy shall specify by rule the form and content of and deadlines for the reports.**

21 “(6) [*The State Department of Energy shall require state agencies*] **An authorized state agency**
22 **that [*fail*] **fails to achieve and maintain a [*10 percent reduction on and after June 30, 2003,*] 20 per-**
23 **cent reduction in energy use on and after June 30, 2015, shall [*to*] submit biennial energy con-**
24 **servation plans to the State Department of Energy. The State Department of Energy shall specify**
25 **by rule the form and content of and deadlines for the energy conservation plans.****

26 “(7) **The State Department of Energy by rule may require mandatory prequalification as**
27 **a condition for a person to submit a bid or proposal to:**

28 “(a) **Direct an energy consumption analysis for an authorized state agency under sub-**
29 **section (2) of this section, unless the person is a professional engineer or architect;**

30 “(b) **Enter into an energy savings performance contract; or**

31 “(c) **Perform energy management services, including but not limited to energy audits and**
32 **building commissioning.**

33 “(8) **The State Department of Energy may recover from authorized state agencies the**
34 **costs associated with administering the provisions of this section, including costs associated**
35 **with adopting rules, maintaining a state energy use database and prequalifying a person un-**
36 **der this section.**

37 “[4] (9) **The State Department of Energy, the Oregon Department of Administrative Services**
38 **and the Oregon University System shall jointly prepare a biennial report summarizing the progress**
39 **toward achieving the goals of this section. The biennial report shall be made available to the**
40 **public.”**

41 On page 4, delete lines 1 through 16.