

Senate Bill 446

Sponsored by Senator TELFER, Representative WHISNANT (at the request of Deschutes County)

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**.

Provides that public improvement contract for construction or certain reconstruction or major renovation of public building is considered to contain amount equal to at least 1.5 percent of total contract price for inclusion of certain types of energy technology. Provides exceptions.

A BILL FOR AN ACT

1
2 Relating to 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) Except as otherwise provided in this section, a public improvement contract for the
7 construction of a public building or for the reconstruction or major renovation of a public building,
8 if the cost of the reconstruction or major renovation exceeds 50 percent of the value of the public
9 building, is considered to contain an amount equal to at least 1.5 percent of the total contract price
10 for the inclusion of appropriate [*solar*] energy technology in the public building **that in the aggre-**
11 **gate reduces the use of energy from conventional sources to a level at least 20 percent lower**
12 **than energy usage in a comparable building that does not include the technology. The tech-**
13 **nology may include, but is not limited to, energy systems that use electricity generated from**
14 **sources described in ORS 469A.025, efficient fluorescent lighting, high-efficiency water heat-**
15 **ers, energy efficient window coverings or screens, high-albedo roof coatings or insulation.**
16 Solar energy technology [*shall include solar electric or solar thermal systems and*] may include pas-
17 sive solar energy systems when a proposed passive solar energy system will achieve a reduction in
18 energy usage of at least 20 percent.

19 (2) Before entering into a public improvement contract described in subsection (1) of this sec-
20 tion, a contracting agency shall prepare a written determination of whether [*the inclusion of solar*
21 *energy technology*] **including energy technology of the types described in subsection (1) of this**
22 **section** in the construction, reconstruction or major renovation of the public building is appropriate.
23 The contracting agency shall include in the determination the total contract price and the amount
24 the agency intends to expend on the inclusion of [*solar*] energy technology **of the types described**
25 **in subsection (1) of this section** in the public building. The State Department of Energy shall de-
26 velop a form usable by contracting agencies for preparing the written determination described in
27 this subsection.

28 (3) If the contracting agency determines that it would be inappropriate to include [*solar*] energy
29 technology **of the types described in subsection (1) of this section** in the construction, recon-
30 struction or major renovation of the public building, subsection (1) of this section does not apply to
31 the public improvement contract. 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 total
2 contract price on the inclusion of appropriate [*solar*] energy technology **of the types described in**
3 **subsection (1) of this section** in a future public building project; and

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

8 (4) Subsection (3)(a) and (b) of this section does not apply to a public improvement contract for
9 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, from
11 complying with ORS 276.900 to 276.915, except that an authorized state agency, without complying
12 with ORS 276.900 to 276.915, may determine that [*solar*] energy technology **of the types** described
13 in **subsection (1) of this section** is appropriate for inclusion in the construction, reconstruction or
14 major renovation of a public building.

15 (6)(a) As used in this section, “public building” means a building owned or controlled by a public
16 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 intergovernmental
20 entities described in ORS 174.108 (3).

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

22 279C.528. Public improvement contracts subject to ORS 279C.527 are also subject to rules
23 adopted by the State Department of Energy that include, but are not limited to, requirements and
24 specifications for:

25 (1) Using particular [*solar*] energy systems or technologies **of the types described in ORS**
26 **279C.527 (1)** in public improvements;

27 (2) Determining the cost-effectiveness of [*solar*] energy systems or technologies **of the types**
28 **described in ORS 279C.527 (1)**;

29 (3) Reporting the use of [*solar*] energy systems or technologies **of the types described in ORS**
30 **279C.527 (1)** in public improvements or submitting documents to the department for review, as ap-
31 propriate; and

32 (4) Determining whether a structure is a public building subject to the requirements of ORS
33 279C.527.

34 **SECTION 3.** The amendments to ORS 279C.527 and 279C.528 by sections 1 and 2 of this
35 2009 Act apply only to public improvement contracts first advertised or, if not advertised,
36 then first entered into on or after the effective date of this 2009 Act.

37