

Senate Bill 651

Sponsored by Senator WHITSETT; Senators FERRIOLI, KRUSE, TELFER, Representative GARRARD

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 renovation of public building is considered to contain amount equal to at least 1.5 percent of total contract price for inclusion of solar, geothermal or wind energy technology.

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, **geothermal or wind** energy technology in the public building.
11 Solar energy technology [*shall include*] **includes** solar electric or solar thermal systems and may
12 include passive solar energy systems when a proposed passive solar energy system will achieve a
13 reduction in energy usage of at least 20 percent.

14 (2) Before entering into a public improvement contract described in subsection (1) of this sec-
15 tion, a contracting agency shall prepare a written determination of whether the inclusion of solar,
16 **geothermal or wind** energy technology in the construction, reconstruction or major renovation of
17 the 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 **geothermal or wind** energy technology in the public building. The State Department of Energy
20 shall develop a form usable by contracting agencies for preparing the written determination de-
21 scribed in this subsection.

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

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

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

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 public building project.

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

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

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

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

12 (B) Used for conducting public business.

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

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

16 279C.528. Public improvement contracts subject to ORS 279C.527 are also subject to rules
17 adopted by the State Department of Energy that include, but are not limited to, requirements and
18 specifications for:

19 (1) Using particular solar, **geothermal or wind** energy systems or technologies in public im-
20 provements;

21 (2) Determining the cost-effectiveness of solar, **geothermal or wind** energy systems or technol-
22 ogies;

23 (3) Reporting the use of solar, **geothermal or wind** energy systems or technologies in public
24 improvements or submitting documents to the department for review, as appropriate; and

25 (4) Determining whether a structure is a public building subject to the requirements of ORS
26 279C.527.

27 **SECTION 3. The amendments to ORS 279C.527 and 279C.528 by sections 1 and 2 of this**
28 **2009 Act apply to public improvement contracts first advertised or otherwise solicited or, if**
29 **not advertised or solicited, first entered into on or after the effective date of this 2009 Act.**

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