

House Bill 2017

Sponsored by Representatives MCLANE, WHISNANT; Representatives CONGER, HUFFMAN

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**.

Requires contracting agency to set aside amount equal to 1.5 percent of amount contracting agency budgeted for public improvement contracts and dedicate amount toward including appropriate solar energy technology in construction, reconstruction or major renovation of public buildings. Provides exceptions.

Becomes operative 91 days after effective date of Act.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to energy systems used in public buildings; creating new provisions; amending ORS
3 279C.527 and 279C.528; and declaring an emergency.

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, if*
8 *the cost of the reconstruction or major renovation exceeds 50 percent of the value of the public building,*
9 *is considered to contain an amount equal to at least 1.5 percent of the total contract price for the*
10 *inclusion of appropriate solar energy technology in the public building. Solar energy technology shall*
11 *include solar electric or solar thermal systems and may include passive solar energy systems when a*
12 *proposed passive solar energy system will achieve a reduction in energy usage of at least 20 percent.]*

13 **(1) As used in this section and in ORS 279C.528:**

14 **(a) "Public building" means a building that is owned or controlled by a public body, as**
15 **defined in ORS 174.109, and that is:**

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

17 **(B) Used for conducting public business.**

18 **(b) "Solar energy technology" means a solar electric or solar thermal system and a pas-**
19 **sive solar energy system, if the passive solar energy system reduces energy usage by a**
20 **minimum of 20 percent.**

21 **(2)(a) Except as otherwise provided in this section, a contracting agency, for the purpose**
22 **described in paragraph (b) of this subsection, each biennium shall set aside in an account in**
23 **the contracting agency's operating fund an amount equal to 1.5 percent of the amount the**
24 **contracting agency budgeted for public improvement contracts for the biennium.**

25 **(b) The contracting agency shall dedicate the amount set aside under paragraph (a) of**
26 **this subsection for the purpose of including appropriate solar energy technology in the con-**
27 **struction, reconstruction or major renovation of public buildings for which the contracting**
28 **agency awards public improvement contracts.**

29 **(c) A contracting agency may exclude from the amount that is subject to the provisions**

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 **of paragraphs (a) and (b) of this subsection the amount that the contracting agency budgeted**
 2 **for the reconstruction or major renovation of a public building if the cost of the recon-**
 3 **struction or major renovation does not exceed 50 percent of the value of the public building.**

4 [(2)] (3) Before entering into a public improvement contract [*described in subsection (1) of this*
 5 *section,*] **for the construction, reconstruction or major renovation of a public building,** a con-
 6 tracting agency shall [*prepare a written determination of*] **determine in writing** whether [*the inclu-*
 7 *sion of*] **including** solar energy technology in the construction, reconstruction or major renovation
 8 of the public building is appropriate. The contracting agency shall include in the determination the
 9 total contract price and the amount the agency intends to expend on [*the inclusion of*] **including**
 10 solar energy technology in the public building. The State Department of Energy shall develop a form
 11 [*usable by*] **that** contracting agencies [*for preparing*] **may use to prepare** the written determination
 12 described in this subsection.

13 [(3)] (4) If the contracting agency determines that [*it would be inappropriate to include*] **includ-**
 14 **ing** solar energy technology in the construction, reconstruction or major renovation of the public
 15 building **is not appropriate,** [*subsection (1) of this section does not apply to the public improvement*
 16 *contract. However:*] **the contracting agency does not need to dedicate a portion of the amount**
 17 **set aside in subsection (1)(a) of this section for the purpose of including solar energy tech-**
 18 **nology in the construction, reconstruction or major renovation of the public building. The**
 19 **contracting agency may not, however, reduce the amount set aside under subsection (1)(a)**
 20 **of this section as a consequence of making the determination described in this subsection.**

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

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

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

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

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

35 [(A) *Used or occupied by employees of the public body; or]*

36 [(B) *Used for conducting public business.]*

37 [(b)] (6) Notwithstanding the provisions of ORS 174.108 (3), **for the purposes of this section,**
 38 [*applies to*] **an** intergovernmental [*entities*] **entity** described in ORS 174.108 (3) **is a public body as**
 39 **defined in ORS 174.109.**

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

41 279C.528. A public improvement [*contracts*] **contract that is** subject to ORS 279C.527 [*are*] **is**
 42 also subject to rules adopted by the State Department of Energy that include, but are not limited
 43 to, requirements and specifications for:

44 (1) Using **a** particular solar energy [*systems or technologies*] **technology** in a public [*improve-*
 45 *ments*] **improvement;**

1 (2) Determining the cost-effectiveness of a solar energy [*systems or technologies*] **technology**;

2 (3) Reporting the use of a solar energy [*systems or technologies*] **technology** in a public [*im-*
3 *provements*] **improvement** or submitting a [*documents*] **document** to the department for review, as
4 appropriate; and

5 (4) Determining whether a structure is a public building subject to the requirements of ORS
6 279C.527.

7 **SECTION 3.** The amendments to ORS 279C.527 and 279C.528 by sections 1 and 2 of this
8 2011 Act apply to a contract that a contracting agency first advertises or otherwise solicits
9 on or after the operative date set forth in section 4 of this 2011 Act or, if the contracting
10 agency does not advertise or solicit the contract, to a contract that the contracting agency
11 enters into on or after the operative date set forth in section 4 of this 2011 Act.

12 **SECTION 4.** (1) The amendments to ORS 279C.527 and 279C.528 by sections 1 and 2 of this
13 2011 Act become operative on the 91st day following the effective date of this 2011 Act.

14 (2) The Director of the State Department of Energy, the Director of the Oregon Depart-
15 ment of Administrative Services, the Attorney General or a contracting agency that adopts
16 rules under ORS 279A.065 may take any action before the operative date specified in sub-
17 section (1) of this section that is necessary to enable the director, the Attorney General or
18 the contracting agency to exercise, on and after the operative date specified in subsection
19 (1) of this section, all of the duties, functions and powers conferred on the director, the At-
20 torney General or the contracting agency by the amendments to ORS 279C.527 and 279C.528
21 by sections 1 and 2 of this 2011 Act.

22 **SECTION 5.** This 2011 Act being necessary for the immediate preservation of the public
23 peace, health and safety, an emergency is declared to exist, and this 2011 Act takes effect
24 on its passage.