

A-Engrossed
House Bill 2093

Ordered by the House March 28
Including House Amendments dated March 28

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of Governor Kate Brown for Oregon Department of Administrative Services)

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.

Permits Oregon Department of Administrative Services to contract with other entity, and to participate in, sponsor, conduct or administer cooperative procurements, for purpose of acquiring, installing, maintaining or operating devices or facilities to deliver electricity to public for electric motor vehicles. **Requires state agency that contracts with other entity for purposes of Act to require other entity to pay prevailing rate of wage.** Specifies that solely for purpose of contracting agency's participating in, sponsoring, conducting or administering cooperative procurement, device or facility for delivering electricity to public for electric motor vehicles is not public improvement.

Becomes operative on January 1, 2020.

Takes effect on 91st day following adjournment sine die.

A BILL FOR AN ACT

1
2 Relating to procurements for facilities that deliver electricity to the public for electric motor vehi-
3 cles; creating new provisions; amending ORS 276.255; and prescribing an effective date.

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

5 **SECTION 1.** ORS 276.255, as amended by section 1, chapter 90, Oregon Laws 2018, is amended
6 to read:

7 276.255. (1)(a) A state agency may locate, on premises the state agency owns or controls, devices
8 or facilities that the state agency installs, or has installed, specifically to deliver electricity to the
9 public for electric motor vehicles.

10 (b) A state agency may contract with a vendor that will distribute, dispense or otherwise make
11 available electricity from devices or facilities described in paragraph (a) of this subsection.

12 (2)(a) The Oregon Department of Administrative Services may install or have installed devices
13 or facilities described in subsection (1)(a) of this section in as many locations as are sufficient to
14 meet demand for the devices or facilities.

15 (b) The department by rule shall establish criteria by means of which a state agency shall de-
16 termine an appropriate number of locations at which the state agency may install or have installed
17 devices or facilities described in subsection (1)(a) of this section.

18 (c) Notwithstanding paragraph (b) of this subsection, a state agency may install or have installed
19 devices or facilities described in subsection (1)(a) of this section at more than the number of lo-
20 cations determined in accordance with the department's rule if the state agency obtains a grant to
21 support the installations at each additional location.

22 **(3)(a) The department may contract or otherwise agree with another entity to acquire,**
23 **install, maintain or operate devices or facilities described in subsection (1)(a) of this section.**

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 **The department may also participate in, sponsor, conduct or administer cooperative pro-**
2 **curments in accordance with ORS 279A.200 to 279A.225 under which public bodies, as defined**
3 **in ORS 174.109, and other purchasers the department authorizes by rule may acquire, install,**
4 **maintain or operate devices or facilities to deliver electricity to the public for electric motor**
5 **vehicles.**

6 **(b) Solely for the purpose of a contracting agency's participating in, sponsoring, con-**
7 **ducting or administering a cooperative procurement under paragraph (a) of this subsection**
8 **and notwithstanding the definition of "public improvement" in ORS 279A.010, a device or fa-**
9 **ility for delivering electricity to the public for electric motor vehicles is not a public im-**
10 **provement.**

11 [(3)] (4) A state agency that contracts with a vendor under subsection (1)(b) or (3)(a) of this
12 section shall require in the contract that the vendor:

13 (a) Indemnify the state agency against any claim related to or arising out of the vendor's oper-
14 ations on premises that the state agency owns or controls; [and]

15 (b) Obtain a policy of liability insurance in an amount sufficient to pay foreseeable claims that
16 relate to or arise out of the vendor's operations, name the state agency as an insured party in the
17 policy and maintain coverage under the policy during the term of the contract and for two years
18 after the contract term expires[.]; and

19 **(c) Pay workers that the vendor employs for any work related to installing a device or**
20 **facility the prevailing rate of wage, as defined in ORS 279C.800.**

21 [(4)] (5) A state agency may by order establish and adjust prices for using devices or facilities
22 described in subsection (1)(a) of this section that are located on premises the state agency owns or
23 controls. The state agency shall **endeavor to** set the price for using the devices or facilities at a
24 level that:

25 (a) Recovers to the maximum extent practicable the cost of operating and administering the
26 devices or facilities described in subsection (1)(a) of this section; and

27 (b) Does not exceed 110 percent of the average market price for delivering electricity to the
28 public for the purpose described in subsection (1)(a) of this section in the county in which the device
29 or facility is located.

30 [(5)] (6) Subject to subsection [(4)] (5) of this section, a state agency shall set [a uniform] **the**
31 **price for delivering electricity at devices and facilities located on premises that the state agency**
32 **owns or controls. The state agency shall use criteria and a methodology that the department speci-**
33 **fies for calculating the [uniform] price.**

34 [(6)] (7) The department shall report to the Legislative Assembly in the manner provided by ORS
35 192.245 not later than February 1, 2019, February 1, 2021, and February 1, 2023, concerning state
36 agency implementation of the authority granted in **subsections (1), (2), (4), (5) and (6) of this**
37 **section. Each report must, as of the date of the report:**

38 (a) List the number of devices or facilities for delivering electricity to the public for electric
39 motor vehicles that state agencies installed or had installed in the previous two years and the total
40 number of installations that have occurred since June 2, 2018;

41 (b) List the number of devices or facilities that state agencies have planned for installation in
42 the next two years;

43 (c) List the cost to the state agency of each installation and calculate:

44 (A) An average cost for installations that state agencies have completed or had completed; and

45 (B) An overall trend line for costs that state agencies have incurred;

1 (d) Specify the current [*uniform*] price that each state agency charges under subsection [(5)] (6)
2 of this section and any changes in the [*uniform*] price that occurred in the previous two years;

3 (e) Specify for each state agency an average rate of utilization for all of the devices or facilities
4 located on premises that the state agency owns or controls, calculated as the ratio of the time each
5 day during which a person is actually using the devices or facilities and the time each day in which
6 the devices and facilities are available for use; and

7 (f) Specify whether and to what extent using electric motor vehicles and devices or facilities
8 located on premises that state agencies own or control to provide electricity for state agency elec-
9 tric motor vehicles results in a cost savings to the state agency in comparison to using motor ve-
10 hicles that do not use electricity for propulsion.

11 **SECTION 2. (1) The amendments to ORS 276.255 by section 1 of this 2019 Act become**
12 **operative on January 1, 2020.**

13 **(2) The Oregon Department of Administrative Services or a contracting agency that**
14 **adopts rules under ORS 279A.065 or 279A.070 may adopt rules and take any other action be-**
15 **fore the operative date specified in subsection (1) of this section that is necessary to enable**
16 **the department or the contracting agency, on and after the operative date specified in sub-**
17 **section (1) of this section, to exercise all of the duties, functions and powers conferred on**
18 **the department or the contracting agency by the amendments to ORS 276.255 by section 1**
19 **of this 2019 Act.**

20 **SECTION 3. This 2019 Act takes effect on the 91st day after the date on which the 2019**
21 **regular session of the Eightieth Legislative Assembly adjourns sine die.**

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