

HOUSE AMENDMENTS TO HOUSE BILL 2496

By COMMITTEE ON ENERGY AND ENVIRONMENT

April 16

1 On page 1 of the printed bill, line 3, delete “, 279C.528, 455.466 and 455.467” and insert “and
2 279C.528”.

3 In line 22, delete “(b)” and insert “(b)(A)”.

4 In line 24, delete “(A)” and insert “(i)”.

5 On page 2, line 1, delete “(B)” and insert “(ii)”.

6 After line 1, insert:

7 “(B) ‘Public building’ does not include an airport, as defined in ORS 836.005.”.

8 Delete lines 11 through 18 and insert:

9 “(B) ‘Total contract price’ does not include:

10 “(i) Costs of advertising, soliciting, evaluating bids or proposals for or awarding a public con-
11 tract;

12 “(ii) Costs of moving contracting agency employees, equipment and furnishings from and to a
13 public building;

14 “(iii) Costs of locating, renting or leasing and preparing to occupy alternative facilities;

15 “(iv) Ordinary operating costs for a public building during periods of reconstruction or reno-
16 vation;

17 “(v) Costs of storing equipment or furnishings at a site away from a public building;

18 “(vi) Labor costs for employees of a contracting agency;

19 “(vii) Direct costs that are solely for the purpose of retrofitting or improving a public building’s
20 ability to withstand a seismic event; and

21 “(viii) Costs that bear only a tenuous relationship to the construction, reconstruction or major
22 renovation of a public building.”.

23 In line 32, after “contract” insert “with a total contract price of \$5 million or more”.

24 On page 3, delete lines 23 through 40 and insert:

25 “(4)(a) Of the amount that a contracting agency provides in a public improvement contract un-
26 der subsection (2) of this section for the purpose of including green energy technology as part of the
27 construction, reconstruction or major renovation of a public building, the contracting agency may
28 expend as much as half or, if green energy technology is not appropriate for the public building, the
29 entirety, as follows:

30 “(A) If an analysis under subsection (5)(a)(B) of this section shows that the available total solar
31 resource fraction at the site of the public building is 75 percent or less, the contracting agency may
32 improve energy use efficiency in the public building by:

33 “(i) Designing, engineering and constructing, reconstructing or renovating the public building
34 to reduce or offset energy use in accordance with guidelines the State Department of Energy adopts
35 by rule; or

1 “(ii) Installing or preparing the public building for an installation of devices, technologies and
2 other measures that reduce or offset energy use in accordance with guidelines the department
3 adopts by rule.

4 “(B) The contracting agency may include woody biomass energy technology as part of con-
5 structing, reconstructing or performing a major renovation on the public building if the woody
6 biomass energy technology creates new energy generation capacity that did not exist on the date
7 on which the original building permit for the public building was issued, the contracting agency has
8 considered the potential costs of the woody biomass energy technology and:”.

9 In lines 41 through 44, restore the bracketed material and delete the boldfaced material.

10 On page 4, lines 3 and 4, restore the bracketed material and delete the boldfaced material.

11 In line 7, delete “(c)” and insert “(b)”.

12 In line 8, delete “paragraph (b)(B)” and insert “subparagraph (B)(ii)” and restore “paragraph”
13 and delete “subsection”.

14 In line 24, delete “paragraph” and insert “subparagraph”.

15 In line 38, delete “(3)(b) and (c)” and insert “(3)(a) and (b)”.

16 In line 40, after “building” insert a comma.

17 On page 5, delete lines 8 through 18 and insert:

18 “(7) A contracting agency may choose to consolidate in one public building, or in one location
19 away from the site of the public building, all or a substantial portion of the green energy technology
20 that the contracting agency would otherwise include as part of the construction, reconstruction or
21 major renovation of one or more other public buildings if:

22 “(a) The total amount the contracting agency expends on green energy technology is an aggre-
23 gate of all of the amounts that, under this section and ORS 279C.528, the contracting agency must
24 expend on each of the public buildings that are part of the same project; and

25 “(b) The project, taken as a whole, otherwise meets the requirements set forth in this section
26 and ORS 279C.528.”.

27 On page 7, delete lines 4 through 45 and delete pages 8 and 9 and insert:

28 “**SECTION 3. The amendments to ORS 279C.527 and 279C.528 by sections 1 and 2 of this**
29 **2019 Act apply to procurements that a contracting agency first advertises or otherwise so-**
30 **licits or, if the contracting agency did not advertise or otherwise solicit the procurement, to**
31 **public contracts into which the contracting agency enters on or after the operative date**
32 **specified in section 4 of this 2019 Act.**

33 “**SECTION 4. (1) The amendments to ORS 279C.527 and 279C.528 by sections 1 and 2 of**
34 **this 2019 Act become operative on January 1, 2020.**

35 “**(2) The Director of the State Department of Energy and the Director of the Department**
36 **of Environmental Quality may adopt rules and take any other action before the operative**
37 **date specified in subsection (1) of this section that is necessary to enable the directors, on**
38 **and after the operative date specified in subsection (1) of this section, to exercise or under-**
39 **take all of the duties, functions and powers conferred on the directors by the amendments**
40 **to ORS 279C.527 and 279C.528 by sections 1 and 2 of this 2019 Act.**

41 “**SECTION 5. This 2019 Act takes effect on the 91st day after the date on which the 2019**
42 **regular session of the Eightieth Legislative Assembly adjourns sine die.”.**