

Requested by Representative HOLVEY

**PROPOSED AMENDMENTS TO  
HOUSE BILL 2496**

1 On page 1 of the printed bill, line 3, delete “, 279C.528, 455.466 and  
2 455.467” and insert “and 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  
8 836.005.”.

9 Delete lines 11 through 18 and insert:

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

11 “(i) Costs of advertising, soliciting, evaluating bids or proposals for or  
12 awarding a public contract;

13 “(ii) Costs of moving contracting agency employees, equipment and fur-  
14 nishings from and to a public building;

15 “(iii) Costs of locating, renting or leasing and preparing to occupy alter-  
16 native facilities;

17 “(iv) Ordinary operating costs for a public building during periods of re-  
18 construction or renovation;

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

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

1       “(vii) Direct costs that are solely for the purpose of retrofitting or im-  
2       proving a public building’s ability to withstand a seismic event; and

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

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

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

8       “(4)(a) Of the amount that a contracting agency provides in a public im-  
9       provement contract under subsection (2) of this section for the purpose of  
10      including green energy technology as part of the construction, reconstruction  
11      or major renovation of a public building, the contracting agency may expend  
12      as much as half or, if green energy technology is not appropriate for the  
13      public building, the entirety, as follows:

14      “(A) If an analysis under subsection (5)(a)(B) of this section shows that  
15      the available total solar resource fraction at the site of the public building  
16      is 75 percent or less, the contracting agency may improve energy use effi-  
17      ciency in the public building by:

18      “(i) Designing, engineering and constructing, reconstructing or renovating  
19      the public building to reduce or offset energy use in accordance with guide-  
20      lines the State Department of Energy adopts by rule; or

21      “(ii) Installing or preparing the public building for an installation of de-  
22      vices, technologies and other measures that reduce or offset energy use in  
23      accordance with guidelines the department adopts by rule.

24      “(B) The contracting agency may include woody biomass energy technol-  
25      ogy as part of constructing, reconstructing or performing a major renovation  
26      on the public building if the woody biomass energy technology creates new  
27      energy generation capacity that did not exist on the date on which the ori-  
28      ginal building permit for the public building was issued, the contracting  
29      agency has considered the potential costs of the woody biomass energy  
30      technology and:”.

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

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

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

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

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

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

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

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

12 “(7) A contracting agency may choose to consolidate in one public build-  
13 ing, or in one location away from the site of the public building, all or a  
14 substantial portion of the green energy technology that the contracting  
15 agency would otherwise include as part of the construction, reconstruction  
16 or major renovation of one or more other public buildings if:

17 “(a) The total amount the contracting agency expends on green energy  
18 technology is an aggregate of all of the amounts that, under this section and  
19 ORS 279C.528, the contracting agency must expend on each of the public  
20 buildings that are part of the same project; and

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

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

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

30 **“SECTION 4. (1) The amendments to ORS 279C.527 and 279C.528 by**

1 sections 1 and 2 of this 2019 Act become operative on January 1, 2020.

2 “(2) The Director of the State Department of Energy and the Di-  
3 rector of the Department of Environmental Quality may adopt rules  
4 and take any other action before the operative date specified in sub-  
5 section (1) of this section that is necessary to enable the directors, on  
6 and after the operative date specified in subsection (1) of this section,  
7 to exercise or undertake all of the duties, functions and powers con-  
8 ferred on the directors by the amendments to ORS 279C.527 and  
9 279C.528 by sections 1 and 2 of this 2019 Act.

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

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