

Requested by Representative HELM

**PROPOSED AMENDMENTS TO  
A-ENGROSSED HOUSE BILL 2618**

1 On page 1 of the printed A-engrossed bill, delete lines 4 through 21 and  
2 delete pages 2 through 5 and insert:

3 **“SECTION 1. As used in sections 1 to 4 of this 2019 Act:**

4 **“(1) ‘Contractor’ means a person whose trade or business consists**  
5 **of offering for sale solar electric systems or paired solar and storage**  
6 **systems or of providing construction, installation or design services**  
7 **for solar electric systems or paired solar and storage systems.**

8 **“(2) ‘Electric utility’ has the meaning given that term in ORS**  
9 **757.600.**

10 **“(3) ‘Energy storage system’ means commercially available tech-**  
11 **nology that is capable of retaining energy, storing the energy for a**  
12 **period of time and transmitting the energy after storage.**

13 **“(4) ‘Low-income service provider’ means a nonresidential customer**  
14 **that provides health, dental, social, financial, energy conservation or**  
15 **other assistive services to low or moderate income persons or low or**  
16 **moderate income households, as further defined by the State Depart-**  
17 **ment of Energy by rule.**

18 **“(5) ‘Net cost’ means the actual cost of the purchase, construction**  
19 **and installation of a solar electric system or a paired solar and storage**  
20 **system, minus any incentive received for the system from the electric**  
21 **utility serving the customer for which the system is installed.**

1       “(6) ‘Paired solar and storage system’ means a solar electric system  
2 and an energy storage system purchased, constructed and installed  
3 together by the same contractor and paired such that the energy  
4 storage system provides storage capacity for electrical energy  
5 produced by the solar electric system.

6       “(7) ‘Solar electric system’ means any system, mechanism or series  
7 of mechanisms, including photovoltaic systems, that uses solar radi-  
8 ation to generate electrical energy.

9       “SECTION 2. (1)(a) The State Department of Energy shall adopt by  
10 rule a program for providing rebates for the purchase, construction  
11 or installation of solar electric systems and paired solar and storage  
12 systems. In adopting rules for and administering the program, the  
13 State Department of Energy may coordinate or consult with:

14       “(A) The Housing and Community Services Department and any  
15 other relevant state agencies; and

16       “(B) Entities including, but not limited to, nonprofit organizations  
17 and utilities.

18       “(b) The State Department of Energy shall make rebates available  
19 under the program to be claimed by a contractor that constructs or  
20 installs a solar electric system or a paired solar and storage system,  
21 for a residential customer or a low-income service provider, on real  
22 property in Oregon. A contractor that claims a rebate under this sec-  
23 tion must use the full amount of the rebate to reduce the net cost to  
24 the residential customer or low-income service provider of the pur-  
25 chase, construction or installation of the solar electric system or  
26 paired solar and storage system for which the rebate is issued.

27       “(2) Rebates under the program shall be made from moneys credited  
28 to the Rooftop Solar Incentive Fund established under section 3 of this  
29 2019 Act. A rebate may not be made unless there are sufficient moneys  
30 available in the fund to make the rebate.

1       **“(3) Rules adopted by the department under this section shall in-**  
2 **clude but need not be limited to:**

3       **“(a) Preferences for providing rebates that benefit low and moder-**  
4 **ate income residential customers and nonresidential customers that**  
5 **are low-income service providers;**

6       **“(b) Provisions for determining eligibility and verification of solar**  
7 **electric systems and paired solar and storage systems for purposes of**  
8 **the rebate program;**

9       **“(c) Policies and procedures for the administration and enforcement**  
10 **of sections 1 to 4 of this 2019 Act, which may include policies and**  
11 **procedures for audits and inspections; and**

12       **“(d) Policies and procedures for determining the rebate amounts**  
13 **available for solar electric systems and paired solar and storage sys-**  
14 **tems. In determining rebates amounts, the department:**

15       **“(A) Shall calculate the rebate amount per watt of installed capac-**  
16 **ity based on the projected energy production of the constructed and**  
17 **installed solar electric system or paired solar and storage system over**  
18 **a 20-year period; and**

19       **“(B) Shall take into consideration evolving market conditions.**

20       **“(4) The amount that may be claimed as a rebate under this section**  
21 **may not exceed the following limits:**

22       **“(a) For a system installed for a low or moderate income residential**  
23 **customer:**

24       **“(A) 60 percent of the net cost of the solar electric system or \$5,000,**  
25 **whichever is less; and**

26       **“(B) If the solar electric system is part of a paired solar and storage**  
27 **system, an additional amount that is equal to 60 percent of the net**  
28 **cost of the energy storage system or \$2,500, whichever is less.**

29       **“(b) For a system installed for a residential customer that is not**  
30 **low or moderate income:**

1       **“(A) 40 percent of the net cost of the solar electric system or \$5,000,**  
2 **whichever is less; and**

3       **“(B) If the solar electric system is part of a paired solar and storage**  
4 **system, an additional amount that is equal to 40 percent of the net**  
5 **cost of the energy storage system or \$2,500, whichever is less.**

6       **“(c) For a system installed for a low-income service provider:**

7       **“(A) 50 percent of the net cost of the solar electric system or**  
8 **\$30,000, whichever is less; and**

9       **“(B) If the solar electric system is part of a paired solar and storage**  
10 **system, an additional amount that is equal to 60 percent of the net**  
11 **cost of the energy storage system or \$15,000, whichever is less.**

12       **“(5)(a) To be eligible to claim a rebate on behalf of a customer un-**  
13 **der this section, a contractor that constructs or installs a solar elec-**  
14 **tric system or a paired solar and storage system must, at the time of**  
15 **the construction or installation:**

16       **“(A) Hold any license, bond, insurance or permit required to sell**  
17 **and construct or install the solar electric system or paired solar and**  
18 **storage system; and**

19       **“(B) Meet any other certification requirements set forth in rules**  
20 **adopted by the department.**

21       **“(b) Pursuant to the procedures for a contested case under ORS**  
22 **chapter 183, the Director of the State Department of Energy may deny**  
23 **or revoke a contractor’s eligibility to claim a rebate on behalf of a**  
24 **customer under this section if the director finds that:**

25       **“(A) The contractor’s eligibility was obtained by fraud or misrep-**  
26 **resentation by the contractor;**

27       **“(B) The contractor’s performance for installation of solar electric**  
28 **systems or paired solar and storage systems does not meet industry**  
29 **standards; or**

30       **“(C) The contractor has misrepresented to customers either the**

1 program established under this section or the nature or quality of the  
2 solar electric systems or paired solar electric systems for which re-  
3 bates are available.

4 “(6) Prior to commencing installation of a solar electric system or  
5 paired solar and storage system, a contractor must apply to the de-  
6 partment to reserve a rebate on behalf of the customer for whom the  
7 solar electric system or paired solar and storage system will be in-  
8 stalled.

9 “(7) To claim a rebate reserved under subsection (6) of this section,  
10 the contractor that reserved the rebate must submit to the department  
11 verification of the purchase, construction or installation of the solar  
12 electric system or paired solar and storage system. The verification  
13 required by this section shall be made on a form provided by the de-  
14 partment and shall contain:

15 “(a) The location of the solar electric system or paired solar and  
16 storage system;

17 “(b) A description of the solar electric system or paired solar and  
18 storage system;

19 “(c) Evidence that the contractor that constructed or installed the  
20 solar electric system or paired solar and storage system has any li-  
21 cense, bond, insurance or permit and meets any other certification  
22 requirements required for the sale and construction or installation of  
23 the solar electric system or paired solar and storage system;

24 “(d) A statement signed by both the contractor and the customer  
25 for whom the solar electric system or paired solar and storage system  
26 is installed that the customer has received the full value of the rebate  
27 as a reduction in the net cost of the purchase, construction or instal-  
28 lation of the system and that the rebate was clearly reflected on an  
29 invoice provided to the customer; and

30 “(e) Any other information that the department determines is nec-

1 **essary.**

2 **“(8)(a) Pursuant to the procedures for a contested case under ORS**  
3 **chapter 183, the director may order the revocation of a rebate or por-**  
4 **tion of a rebate made under this section if the director finds that:**

5 **“(A) The rebate was obtained by fraud or misrepresentation; or**

6 **“(B) The rebate was obtained by mistake or miscalculation.**

7 **“(b) As soon as the order of revocation under this subsection be-**  
8 **comes final, the department immediately shall proceed to recover the**  
9 **rebate or portion of the rebate that is the subject of the order of re-**  
10 **vocation. All moneys provided to a contractor attributable to the**  
11 **fraudulently or mistakenly obtained rebate or portion of the rebate**  
12 **shall be forfeited.**

13 **“SECTION 3. (1) The Rooftop Solar Incentive Fund is established in**  
14 **the State Treasury, separate and distinct from the General Fund.**  
15 **Moneys in the Rooftop Solar Incentive Fund shall consist of:**

16 **“(a) Amounts donated to the fund;**

17 **“(b) Amounts appropriated or otherwise transferred to the fund by**  
18 **the Legislative Assembly; and**

19 **“(c) Other amounts deposited into the fund from any public or pri-**  
20 **vate source.**

21 **“(2) Moneys in the fund are continuously appropriated to the State**  
22 **Department of Energy to be used to issue rebates pursuant to section**  
23 **2 of this 2019 Act and to pay the costs and expenses of the department**  
24 **related to the administration and implementation of sections 1 to 4 of**  
25 **this 2019 Act.**

26 **“(3) Over the course of a calendar year, no more than 50 percent**  
27 **of moneys available for issuing rebates from the fund may be used to**  
28 **issue rebates for solar electric systems or paired solar and storage**  
29 **systems constructed or installed for nonresidential customers.**

30 **“(4) In each calendar year, 25 percent of all moneys available for**

1 **issuing rebates from the fund must be reserved for rebates for solar**  
2 **electric systems or paired solar and storage systems constructed or**  
3 **installed for low or moderate income residential customers and low-**  
4 **income service providers. If the department was unable to obtain a**  
5 **sufficient number of approvable applications to meet the requirements**  
6 **of this subsection in the previous calendar year, the department may,**  
7 **in the current calendar year, issue rebates, in an amount that does**  
8 **not exceed the 25 percent reserved for the prior calendar year less the**  
9 **amount of rebates made to low or moderate income residential cus-**  
10 **tomers and low-income service providers, to residential customers that**  
11 **are not low or moderate income residential customers or low-income**  
12 **service providers.**

13 **“SECTION 4. (1) No later than September 15 of each year, the State**  
14 **Department of Energy shall provide a report to the Legislative As-**  
15 **sembly, in the manner provided in ORS 192.245, on the rebates claimed**  
16 **under section 2 of this 2019 Act for solar electric systems and paired**  
17 **solar and storage systems during the previous calendar year.**

18 **“(2) The report shall detail:**

19 **“(a) The number, size and location of solar electric systems in-**  
20 **stalled for residential customers for which a rebate was claimed;**

21 **“(b) The number, size and location of solar electric systems in-**  
22 **stalled for low-income service providers for which a rebate was**  
23 **claimed;**

24 **“(c) The number and storage capacity of paired solar and storage**  
25 **systems installed for which a rebate was claimed; and**

26 **“(d) The estimated amount of greenhouse gas emissions reduced or**  
27 **avoided due to the installation of systems for which rebates were**  
28 **claimed.**

29 **“(3) The report shall include a review by the department addressing**  
30 **whether the goals of the rebate program are being met and recom-**

1 **mendations on whether the rebate amount limits set forth in section**  
2 **2 of this 2019 Act or the percentages set forth in section 3 of this 2019**  
3 **Act should be modified.**

4 **“(4) The report may include recommendations for legislation.**

5 **“SECTION 5. (1) Sections 1 to 4 of this 2019 Act are repealed on**  
6 **January 2, 2024.**

7 **“(2) Any moneys remaining in the Rooftop Solar Incentive Fund on**  
8 **the date of the repeal specified in subsection (1) of this section that**  
9 **are unexpended, unobligated and not subject to any conditions shall**  
10 **be transferred to the General Fund.**

11 **“SECTION 6. (1) Sections 1 to 4 of this 2019 Act become operative**  
12 **on January 1, 2020.**

13 **“(2) The State Department of Energy may adopt rules or take any**  
14 **actions before the operative date specified in subsection (1) of this**  
15 **section that are necessary to enable the department, on and after the**  
16 **operative date specified in subsection (1) of this section, to carry out**  
17 **the provisions of sections 1 to 4 of this 2019 Act.**

18 **“SECTION 7. This 2019 Act takes effect on the 91st day after the**  
19 **date on which the 2019 regular session of the Eightieth Legislative**  
20 **Assembly adjourns sine die.”.**

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