

House Bill 2758

Sponsored by Representative ESQUIVEL; Representatives GARRARD, G SMITH

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 public agency to include amount in contract for construction, reconstruction or major renovation of public building equivalent to 1.5 percent of total contract price for inclusion of appropriate green energy technology.

A BILL FOR AN ACT

1
2 Relating to green energy technology in public buildings; creating new provisions; and amending ORS
3 279C.527 and 279C.528.

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) **As used in this section and in ORS 279C.528, "green energy technology"**
7 **means technology or a system that employs:**

8 (a) **On-site wind energy generation;**

9 (b) **On-site geothermal energy generation;**

10 (c) **Hydroelectric energy generated by a facility of not more than 10 megawatts of ca-**
11 **capacity;**

12 (d) **Biomass as an energy source;**

13 (e) **Solar electric or solar thermal systems and passive solar energy systems that achieve**
14 **a reduction in energy usage of at least 20 percent; or**

15 (f) **Conservation techniques that achieve a reduction in energy usage of at least 20 per-**
16 **cent.**

17 [(1)] (2) Except as otherwise provided in this section, a public improvement contract for the
18 construction of a public building or for the reconstruction or major renovation of a public building,
19 if the cost of the reconstruction or major renovation exceeds 50 percent of the value of the public
20 building, is considered to contain an amount equal to at least 1.5 percent of the total contract price
21 for the inclusion of appropriate [solar] **green** energy technology in the public building. [*Solar energy*
22 *technology shall include solar electric or solar thermal systems and may include passive solar energy*
23 *systems when a proposed passive solar energy system will achieve a reduction in energy usage of at*
24 *least 20 percent.*]

25 [(2)] (3) Before entering into a public improvement contract described in subsection [(1)] (2) of
26 this section, a contracting agency shall prepare a written determination of whether the inclusion
27 of [solar] **green** energy technology in the construction, reconstruction or major renovation of the
28 public building is appropriate. The contracting agency shall include in the determination the total
29 contract price and the amount the agency intends to expend on the inclusion of [solar] **green** energy
30 technology in the public building. The State Department of Energy shall develop a form [*usable by*
31 *contracting agencies for preparing*] **that a contracting agency may use to prepare** the written

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.

determination described in this subsection.

[(3)] (4) If the contracting agency determines that *[it would be inappropriate to include solar]* **including green** energy technology in the construction, reconstruction or major renovation of the public building **is not appropriate**, subsection [(1)] (2) of this section does not apply to the public improvement contract. However:

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

(b) The amount spent by the contracting agency on the future public building project pursuant to paragraph (a) of this subsection is in addition to any amount required under subsection [(1)] (2) of this section for the inclusion of appropriate *[solar]* **green** energy technology in the future public building project.

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

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

[(6)(a)] (7)(a) As used in this section, “public building” means a building owned or controlled by a public body, as defined in ORS 174.109, and:

- (A) Used or occupied by employees of the public body; or
- (B) Used for conducting public business.

(b) Notwithstanding the provisions of ORS 174.108 (3), this section applies to intergovernmental entities described in ORS 174.108 (3).

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

279C.528. Public improvement contracts subject to ORS 279C.527 are also subject to rules adopted by the State Department of Energy that include, but are not limited to, requirements and specifications for:

- (1) Using particular *[solar]* **green** energy *[systems or]* technologies in public improvements;
- (2) Determining the cost-effectiveness of *[solar]* **green** energy *[systems or]* technologies;
- (3) Reporting the use of *[solar]* **green** energy *[systems or]* technologies in public improvements or submitting documents to the department for review, as appropriate; and
- (4) Determining whether a structure is a public building subject to the requirements of ORS 279C.527.

SECTION 3. The amendments to ORS 279C.527 and 279C.528 by sections 1 and 2 of this 2009 Act apply to contracts for the construction, reconstruction or major renovation of public buildings that are first advertised or, if not advertised, first entered into on or after the effective date of this 2009 Act.