

House Bill 2833

Sponsored by Representative WITT, Senator GIROD; Representatives BARKER, BOONE, DOHERTY, ESQUIVEL, EVANS, GILLIAM, GORSEK, HOYLE, JOHNSON, KRIEGER, LIVELY, REARDON, WHISNANT, Senators BAERTSCHIGER JR, DEMBROW, FERRIOLI, HASS, KNOPP, ROBLAN

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**.

Adds woody biomass to types of green energy technology for which contracting agency must set aside 1.5 percent of contract price to include in public building.

Takes effect on 91st day following adjournment sine die.

A BILL FOR AN ACT

1
2 Relating to green energy technology for public buildings; creating new provisions; amending ORS
3 279C.527; and prescribing an effective date.

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:

7 (a)(A) "Green energy technology" means a system that employs:

8 (i) Solar or geothermal energy directly for space or water heating or to generate electricity;

9 [or]

10 (ii) Building design that uses solar energy passively to reduce energy use from other sources
11 by at least 20 percent from a level required under ORS 276.900 to 276.915 or achieved in buildings
12 constructed according to state building code standards that the Department of Consumer and Busi-
13 ness Services approves under ORS 455.496[.]; **or**

14 **(iii) Woody biomass as a fuel for space heating or water heating or as a fuel for a com-
15 bined heat and power system.**

16 (B) "Green energy technology" does not include a system that:

17 (i) Uses water, groundwater or the ground as a heat source at temperatures less than 140 de-
18 grees Fahrenheit; or

19 (ii) Incorporates solar energy indirectly into other methods for generating energy, such as from
20 the action of waves on water, from hydroelectric facilities or from wind-powered turbines.

21 (b) "Public building" means a building that a public body, as defined in ORS 174.109, owns or
22 controls, and that is:

23 (A) Used or occupied by employees of the public body; or

24 (B) Used for conducting public business.

25 (2)(a) Except as otherwise provided in this section, a public improvement contract for the con-
26 struction of a public building or for the reconstruction or major renovation of a public building, if
27 the cost of the reconstruction or major renovation exceeds 50 percent of the value of the public
28 building, [shall] **must** contain and reserve an amount equal to at least 1.5 percent of the total con-
29 tract price for the purpose of including appropriate green energy technology as part of the con-
30 struction, reconstruction or major renovation of the public building.

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 (b) A public improvement contract to construct, reconstruct or renovate a public building may
2 provide for constructing green energy technology at a site that is located away from the site of the
3 public building if:

4 (A) Constructing green energy technology away from the site of the public building and using
5 the energy from the green energy technology at the site of the public building is more cost-effective,
6 taking into account additional costs associated with transmitting generated energy to the site of the
7 public building, than is constructing and using green energy technology at the site of the public
8 building;

9 (B) The green energy technology that is located away from the site of the public building is lo-
10 cated within this state and in the same county as, or in a county adjacent to, the site of the public
11 building; and

12 (C) The public improvement contract provides that all of the moneys for constructing green en-
13 ergy technology away from the site of the public building must fund new energy generating capacity
14 that does not replace or constitute a purchase and use of energy generated from green energy
15 technology that:

16 (i) Employs solar energy and that existed on the date that the original building permit for the
17 public building was issued; *[or]*

18 (ii) Employs geothermal energy and for which construction was completed before January 1,
19 2013[.]; **or**

20 **(iii) Employs woody biomass as a fuel for space heating or water heating or as fuel for**
21 **a combined heat and power system, and that existed on the date on which the original**
22 **building permit for the public building was issued.**

23 (c) In making the determination required under paragraph (b)(A) of this subsection, a contract-
24 ing agency shall[:]

25 *[(A)]* compare the costs of constructing green energy technology that employs *[solar energy]* **a**
26 **particular fuel source or method of energy generation** at the site of the public building only
27 with the corresponding costs of green energy technology that employs *[solar energy]* **the same fuel**
28 **source or method of energy generation** at a location away from the site of the public building.
29 *[: and]*

30 *[(B) Compare the costs of green energy technology that employs geothermal energy at the site of the*
31 *public building only with the corresponding costs of green energy technology that employs geothermal*
32 *energy at a location away from the site of the public building.]*

33 (3) Before entering into a public improvement contract described in subsection (2) of this sec-
34 tion, a contracting agency shall prepare a written determination of whether including green energy
35 technology as part of the construction, reconstruction or major renovation of the public building is
36 appropriate. The contracting agency shall list in the determination the total contract price and
37 specify the amount the agency intends to expend on including green energy technology as part of
38 the construction, reconstruction or major renovation. The State Department of Energy shall develop
39 a form that a contracting agency may use to prepare the written determination described in this
40 subsection.

41 (4)(a) If the contracting agency determines that green energy technology is not appropriate for
42 the public building, subsection (2) of this section does not apply to the public improvement contract.
43 A contracting agency's determination under this paragraph must consider whether constructing
44 green energy technology at the site of the public building is appropriate and whether constructing
45 green energy technology away from the site of the public building and in accordance with subsection

1 (2)(b) and (c) of this section is appropriate.

2 (b) If subsection (2) of this section does not apply to the public improvement contract:

3 (A) The contracting agency shall spend an amount equal to at least 1.5 percent of the total
4 contract price to include appropriate green energy technology as part of a future public building
5 project; and

6 (B) The amount the contracting agency spends on the future public building project in accord-
7 ance with subparagraph (A) of this paragraph is in addition to any amount required under sub-
8 section (2) of this section for including appropriate green energy technology as part of the future
9 public building project.

10 (5) Subsection (4)(b) of this section does not apply to a public improvement contract for which
11 state funds are not directly or indirectly used.

12 (6)(a) This section does not exempt an authorized state agency, as defined in ORS 276.905, from
13 complying with ORS 276.900 to 276.915, except that an authorized state agency, without complying
14 with ORS 276.900 to 276.915, may determine that green energy technology is appropriate to include
15 as part of the construction, reconstruction or major renovation of a public building.

16 (b) A contracting agency may not use an amount described in subsection (4)(b) of this section
17 to comply with requirements set forth in ORS 276.900 to 276.915 or with a state building code
18 standard that the Department of Consumer and Business Services approves under ORS 455.496.

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

21 **SECTION 2. The amendments to ORS 279C.527 by section 1 of this 2015 Act apply to**
22 **public improvement contracts that a contracting agency first advertises or otherwise solicits**
23 **or, if the contracting agency does not advertise or solicit the public improvement contract,**
24 **to public improvement contracts into which the contracting agency first enters on or after**
25 **the effective date of this 2015 Act.**

26 **SECTION 3. This 2015 Act takes effect on the 91st day after the date on which the 2015**
27 **regular session of the Seventy-eighth Legislative Assembly adjourns sine die.**

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