

Enrolled House Bill 2618

Sponsored by Representatives HELM, SMITH DB, Senators ROBLAN, PROZANSKI; Representatives FAHEY, KENY-GUYER, LEIF, LIVELY, MARSH, MCKEOWN, NOSSE, POWER, REARDON, SALINAS, SCHOUTEN, SOLLMAN, WILDE, Senators BOQUIST, DEMBROW, FREDERICK, GOLDEN, MANNING JR (Presession filed.)

CHAPTER

AN ACT

Relating to solar incentives; and prescribing an effective date.

Be It Enacted by the People of the State of Oregon:

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

(1) “Contractor” means a person whose trade or business consists of offering for sale solar electric systems or paired solar and storage systems or of providing construction, installation or design services for solar electric systems or paired solar and storage systems.

(2) “Electric utility” has the meaning given that term in ORS 757.600.

(3) “Energy storage system” means commercially available technology that is capable of retaining energy, storing the energy for a period of time and transmitting the energy after storage.

(4) “Low-income service provider” means a nonresidential customer that provides health, dental, social, financial, energy conservation or other assistive services to low or moderate income persons or low or moderate income households, as further defined by the State Department of Energy by rule.

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

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

(7) “Solar electric system” means any system, mechanism or series of mechanisms, including photovoltaic systems, that uses solar radiation to generate electrical energy.

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

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

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

(b) The State Department of Energy shall make rebates available under the program to be claimed by a contractor that constructs or installs a solar electric system or a paired solar and storage system, for a residential customer or a low-income service provider, on real property in Oregon. A contractor that claims a rebate under this section must use the full amount of the rebate to reduce the net cost to the residential customer or low-income service provider of the purchase, construction or installation of the solar electric system or paired solar and storage system for which the rebate is issued.

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

(3) Rules adopted by the department under this section shall include but need not be limited to:

(a) Preferences for providing rebates that benefit low and moderate income residential customers and nonresidential customers that are low-income service providers;

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

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

(d) Policies and procedures for determining the rebate amounts available for solar electric systems and paired solar and storage systems. In determining rebates amounts, the department:

(A) Shall calculate the rebate amount per watt of installed capacity based on the projected energy production of the constructed and installed solar electric system or paired solar and storage system over a 20-year period; and

(B) Shall take into consideration evolving market conditions.

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

(a) For a system installed for a low or moderate income residential customer:

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

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

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

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

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

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

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

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

(5)(a) To be eligible to claim a rebate on behalf of a customer under this section, a contractor that constructs or installs a solar electric system or a paired solar and storage system must, at the time of the construction or installation:

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

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

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

(A) The contractor's eligibility was obtained by fraud or misrepresentation by the contractor;

(B) The contractor's performance for installation of solar electric systems or paired solar and storage systems does not meet industry standards; or

(C) The contractor has misrepresented to customers either the program established under this section or the nature or quality of the solar electric systems or paired solar electric systems for which rebates are available.

(6) Prior to commencing installation of a solar electric system or paired solar and storage system, a contractor must apply to the department to reserve a rebate on behalf of the customer for whom the solar electric system or paired solar and storage system will be installed.

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

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

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

(c) Evidence that the contractor that constructed or installed the solar electric system or paired solar and storage system has any license, bond, insurance or permit and meets any other certification requirements required for the sale and construction or installation of the solar electric system or paired solar and storage system;

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

(e) Any other information that the department determines is necessary.

(8)(a) Pursuant to the procedures for a contested case under ORS chapter 183, the director may order the revocation of a rebate or portion of a rebate made under this section if the director finds that:

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

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

(b) As soon as the order of revocation under this subsection becomes final, the department immediately shall proceed to recover the rebate or portion of the rebate that is the subject of the order of revocation. All moneys provided to a contractor attributable to the fraudulently or mistakenly obtained rebate or portion of the rebate shall be forfeited.

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

(a) Amounts donated to the fund;

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

(c) Other amounts deposited into the fund from any public or private source.

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

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

(4) In each calendar year, 25 percent of all moneys available for issuing rebates from the fund must be reserved for rebates for solar electric systems or paired solar and storage systems constructed or installed for low or moderate income residential customers and low-income service providers. If the department was unable to obtain a sufficient number of approvable applications to meet the requirements of this subsection in the previous calendar year, the department may, in the current calendar year, issue rebates, in an amount that does not exceed the 25 percent reserved for the prior calendar year less the amount of rebates made to low or moderate income residential customers and low-income service providers, to residential customers that are not low or moderate income residential customers or low-income service providers.

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

(2) The report shall detail:

(a) The number, size and location of solar electric systems installed for residential customers for which a rebate was claimed;

(b) The number, size and location of solar electric systems installed for low-income service providers for which a rebate was claimed;

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

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

(3) The report shall include a review by the department addressing whether the goals of the rebate program are being met and recommendations on whether the rebate amount limits set forth in section 2 of this 2019 Act or the percentages set forth in section 3 of this 2019 Act should be modified.

(4) The report may include recommendations for legislation.

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

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

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

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

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

Passed by House June 25, 2019

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Timothy G. Sekerak, Chief Clerk of House

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Tina Kotek, Speaker of House

Passed by Senate June 29, 2019

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Peter Courtney, President of Senate

Received by Governor:

.....M,....., 2019

Approved:

.....M,....., 2019

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Kate Brown, Governor

Filed in Office of Secretary of State:

.....M,....., 2019

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Bev Clarno, Secretary of State