

Appendix A  
Oregon Revised Statute  
276.900-915

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Chapter 276 — Public Facilities  
2001 EDITION

STATE AGENCY FACILITY ENERGY DESIGN

**276.900 Policy.** It is the policy of the State of Oregon that facilities to be constructed or purchased by authorized state agencies be designed, constructed, renovated and operated so as to minimize the use of nonrenewable energy resources and to serve as models of energy efficiency. [1979 c.734 §1; 1989 c.556 §1; 2001 c.683 §1]

**Note:** 276.900 to 276.915 were enacted into law by the Legislative Assembly but were not added to or made a part of ORS chapter 276 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

**276.905 Definitions for ORS 276.900 to 276.915.** As used in ORS 276.900 to 276.915, unless the context requires otherwise:

- (1) "Alternative energy system" means solar, wind, geothermal, heat recovery or other systems which use a renewable resource and are environmentally sound.
- (2) "Authorized state agency" means any state agency, board, commission, department or division that is authorized to finance the construction, purchase or renovation of buildings or other structures to be used by the State of Oregon.
- (3) "Cost-effective" means that an energy resource, facility or conservation measure during its life cycle results in delivered power costs to the ultimate consumer no greater than the comparable incremental cost of the least cost alternative new energy resource, facility or conservation measure. Cost comparison shall include, but need not be limited to:
  - (a) Cost escalations and future availability of fuels;
  - (b) Waste disposal and decommissioning costs;
  - (c) Transmission and distribution costs;
  - (d) Geographic, climatic and other differences in the state; and
  - (e) Environmental impact.
- (4) "Energy conservation measure" means a measure primarily designed to reduce the use of nonrenewable energy resources in a state-owned facility.
- (5) "Energy consumption analysis" means the evaluation of all energy systems and components by demand and type of energy including the internal energy load imposed on a major facility by its occupants, equipment and components and the external energy load

imposed on a major facility by the climatic conditions of its location. "Energy consumption analysis" includes, but is not limited to:

- (a) The comparison of a range of alternatives that is likely to include all reasonable, cost-effective energy conservation measures and alternative energy systems;
  - (b) The simulation of each system over the entire range of operation of a major facility for a year's operating period;
  - (c) The evaluation of energy consumption of component equipment in each system considering the operation of such components at other than full or rated outputs; and
  - (d) The consideration of alternative energy systems.
- (6) "Energy systems" means all utilities, including but not limited to heating, air conditioning, ventilating, lighting and the supply of domestic hot water.
- (7) "Major facility" means any state-owned building having 10,000 square feet or more of usable floor space.
- (8) "Renovation" means any addition to, alteration of or repair of a facility which will involve addition to or alteration of the facility's energy systems, provided that the affected energy systems account for 50 percent or more of the facility's total energy use. [1979 c.734 §2; 1987 c.320 §155; 1989 c.556 §2; 2001 c.683 §2]

**Note:** See note under 276.900.

**276.915 Energy design requirements; rules; fees; waiver.** (1) An authorized state agency may construct or renovate a facility only if the authorized state agency determines that the design incorporates all reasonable cost-effective energy conservation measures and alternative energy systems. The determination by the authorized state agency shall include consideration of indoor air quality issues and operation and maintenance costs.

(2) Whenever an authorized state agency determines that any major facility is to be constructed or renovated the agency shall cause to be included in the design phase of the construction or renovation a provision that requires an energy consumption analysis identifying all reasonable cost-effective energy conservation measures and alternative energy systems to be prepared for the facility under the direction of a professional engineer or licensed architect. The authorized agency and the Office of Energy shall agree to the list of energy conservation measures and alternative energy systems to be analyzed. The analysis and facility design shall be delivered to the Office of Energy during the design development phase of the facility design. The Office of Energy shall review the analysis and forward its findings to the authorized state agency within 10 working days after receiving the analysis, if practicable.

(3) The Office of Energy, in consultation with the Oregon Department of Administrative Services and the Oregon University System, shall adopt rules to carry out the provisions of ORS 276.900 to 276.915. These rules shall:

- (a) Include a simplified and usable method for determining which energy conservation measures and alternative energy systems are cost-effective. The method shall reflect the energy costs of the utility serving the facility.
- (b) Prescribe procedures for determining if a facility design incorporates all reasonable cost-effective energy conservation measures and alternative energy systems.
- (c) Establish fees through which an authorized state agency will reimburse the Office of Energy for its review of energy consumption analyses and facility designs and its reporting tasks. Such fees imposed shall not exceed 0.2 percent of the capital construction cost of the facility. The fees shall be included in the energy consumption analysis

required in subsection (2) of this section. The Office of Energy may provide for a waiver of fees and reviews if the authorized state agency demonstrates that the facility will be designed and constructed in a manner that incorporates only cost-effective energy conservation measures or in a manner that exceeds the energy conservation provisions of the state building code by 20 percent or more.

(d) Periodically define highly efficient facilities. A facility constructed or renovated after June 30, 2001, shall exceed the energy conservation provisions of the state building code by 20 percent or more, unless otherwise required by rules adopted under this section.

(e) Require an authorized state agency to reduce the amount of use of nonrenewable energy by at least 10 percent from the amount used by the state agency in the 2000 calendar year. The Office of Energy shall require state agencies that fail to achieve and maintain a 10-percent reduction on and after June 30, 2003, to submit biennial energy conservation plans to the Office of Energy. The Office of Energy shall specify the form and content of the energy conservation plans.

(4) The Office of Energy, the Oregon Department of Administrative Services and the Oregon University System shall jointly prepare a biennial report summarizing the progress toward achieving the goals of this section. The biennial report shall be made available to the public. [1979 c.734 §3; 1989 c.556 §3; 1995 c.551 §18; 2001 c.683 §3]

**Note:** See note under 276.900.