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REFERENCE TITLE: **schools; solar equipment.**

State of Arizona
House of Representatives
Forty-seventh Legislature
First Regular Session
2005

HB 2268

Introduced by
Representative Mason

AN ACT

AMENDING SECTIONS 15-2011 AND 15-2031, ARIZONA REVISED STATUTES; RELATING TO THE SCHOOL FACILITIES BOARD.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 15-2011, Arizona Revised Statutes, is amended to
3 read:

4 15-2011. Minimum school facility adequacy requirements:
5 definition

6 A. The school facilities board ~~shall~~, as determined and prescribed in
7 this chapter, **SHALL** provide funding to school districts for new construction
8 as the projected number of pupils in the district will fill the existing
9 school facilities and require more pupil space.

10 B. School buildings in a school district are adequate if all of the
11 following requirements are met:

12 1. The buildings contain sufficient and appropriate space and
13 equipment that comply with the minimum school facility adequacy guidelines
14 established pursuant to subsection F of this section. The state shall not
15 fund facilities for elective courses that require the school district
16 facilities to exceed minimum school facility adequacy requirements. The
17 school facilities board shall determine whether a school building meets the
18 requirements of this paragraph by analyzing the total square footage that is
19 available for each pupil in conjunction with the need for specialized spaces
20 and equipment.

21 2. The buildings are in compliance with federal, state and local
22 building and fire codes and laws that are applicable to the particular
23 building. An existing school building is not required to comply with current
24 requirements for new buildings unless this compliance is specifically
25 mandated by law or by the building or fire code of the jurisdiction where the
26 building is located.

27 3. The building systems, including roofs, plumbing, telephone systems,
28 electrical systems, heating systems and cooling systems, are in working order
29 and are capable of being properly maintained.

30 4. The buildings are structurally sound.

31 C. The standards that shall be used by the school facilities board to
32 determine whether a school building meets the minimum adequate gross square
33 footage requirements are as follows:

34 1. For a school district that provides instruction to pupils in
35 programs for preschool children with disabilities, kindergarten programs and
36 grades one through six, eighty square feet per pupil in programs for
37 preschool children with disabilities, kindergarten programs and grades one
38 through six.

39 2. For a school district that provides instruction to up to eight
40 hundred pupils in grades seven and eight, eighty-four square feet per pupil
41 in grades seven and eight.

42 3. For a school district that provides instruction to more than eight
43 hundred pupils in grades seven and eight, eighty square feet per pupil in
44 grades seven and eight or sixty-seven thousand two hundred square feet,
45 whichever is more.

1 4. For a school district that provides instruction to up to four
2 hundred pupils in grades nine through twelve, one hundred twenty-five square
3 feet per pupil in grades nine through twelve.

4 5. For a school district that provides instruction to more than four
5 hundred and up to one thousand pupils in grades nine through twelve, one
6 hundred twenty square feet per pupil in grades nine through twelve or fifty
7 thousand square feet, whichever is more.

8 6. For a school district that provides instruction to more than one
9 thousand and up to one thousand eight hundred pupils in grades nine through
10 twelve, one hundred twelve square feet per pupil in grades nine through
11 twelve or one hundred twenty thousand square feet, whichever is more.

12 7. For a school district that provides instruction to more than one
13 thousand eight hundred pupils in grades nine through twelve, ninety-four
14 square feet per pupil in grades nine through twelve or two hundred one
15 thousand six hundred square feet, whichever is more.

16 D. The school facilities board may modify the square footage
17 requirements prescribed in subsection C of this section or modify the amount
18 of monies awarded to cure the square footage deficiency pursuant to this
19 section for particular school districts based on extraordinary circumstances
20 for any of the following considerations:

- 21 1. The number of pupils served by the school district.
22 2. Geographic factors.
23 3. Grade configurations other than those prescribed in subsection C of
24 this section.

25 E. In measuring the square footage per pupil requirements of
26 subsection C of this section, the school facilities board shall:

- 27 1. Use the most recent one hundredth day average daily membership.
28 2. For each school, use the lesser of either:
29 (a) Total gross square footage.
30 (b) Student capacity multiplied by the appropriate square footage per
31 pupil prescribed by subsection C of this section.
32 3. Consider the total space available in all schools in use in the
33 school district, except that the school facilities board shall allow an
34 exclusion of the square footage for certain schools and the pupils within the
35 schools' boundaries if the school district demonstrates to the board's
36 satisfaction unusual or excessive busing of pupils or unusual attendance
37 boundary changes between schools.
38 4. Compute the gross square footage of all buildings by measuring from
39 exterior wall to exterior wall. Square footage used solely for district
40 administration, storage of vehicles and other nonacademic purposes shall be
41 excluded from the gross square footage.

42 5. Include all portable and modular buildings.

43 6. Include in the gross square footage new construction funded wholly
44 or partially by the school facilities board based on the square footage
45 funded by the school facilities board. If the new construction is to exceed
46 the square footage funded by the school facilities board, ~~then~~ the excess

1 square footage shall not be included in the gross square footage if any of
2 the following ~~apply~~ APPLIES:

3 (a) The excess square footage was constructed before July 1, 2002 or
4 funded by a class B bond, impact aid revenue bond or capital outlay override
5 approved by the voters after August 1, 1998 and before June 30, 2002 or
6 funded from unrestricted capital outlay expended before June 30, 2002.

7 (b) The excess square footage of new school facilities does not exceed
8 twenty-five per cent of the minimum square footage requirements pursuant to
9 subsection C of this section.

10 (c) The excess square footage of expansions to school facilities does
11 not exceed twenty-five per cent of the minimum square footage requirements
12 pursuant to subsection C of this section.

13 7. Require that excess square footage that is constructed after July
14 1, 2002 and that is not excluded pursuant to paragraph 6 of this subsection
15 meets the minimum school facility adequacy guidelines in order to be eligible
16 for building renewal monies as computed in section 15-2031.

17 F. The school facilities board shall adopt rules establishing minimum
18 school facility adequacy guidelines. The executive director of the school
19 facilities board shall report monthly to the joint committee on capital
20 review on the progress of the development of the proposed rules establishing
21 the guidelines. The joint committee on capital review shall review the
22 proposed guidelines before the school facilities board adopts the rules to
23 establish the minimum school facility adequacy guidelines. The guidelines
24 shall provide the minimum quality and quantity of school buildings and
25 facilities and equipment necessary and appropriate to enable pupils to
26 achieve the academic standards pursuant to section 15-203, subsection A,
27 paragraphs 12 and 13 and sections 15-701 and 15-701.01. At a minimum, the
28 school facilities board shall address all of the following in developing
29 these guidelines:

- 30 1. School sites.
- 31 2. Classrooms.
- 32 3. Libraries and media centers, or both.
- 33 4. Cafeterias.
- 34 5. Auditoriums, multipurpose rooms or other multiuse space.
- 35 6. Technology.
- 36 7. Transportation.
- 37 8. Facilities for science, arts and physical education.
- 38 9. Other facilities and equipment that are necessary and appropriate
39 to achieve the academic standards prescribed pursuant to section 15-203,
40 subsection A, paragraphs 12 and 13 and sections 15-701 and 15-701.01.
- 41 10. Appropriate combinations of facilities or uses listed in this
42 section.

1 11. RENEWABLE ENERGY. THE GUIDELINES DEVELOPED PURSUANT TO THIS
2 PARAGRAPH SHALL BE DEVELOPED NO LATER THAN JUNE 30, 2006 IN CONJUNCTION WITH
3 THE ENERGY OFFICE OF THE DEPARTMENT OF COMMERCE. AT A MINIMUM, THE
4 GUIDELINES SHALL REQUIRE THE USE OF SOLAR COOLING AND SOLAR HOT WATER HEATING
5 METHODS INSTEAD OF CONVENTIONAL HEATING AND COOLING METHODS FOR ALL
6 REPLACEMENTS AND UPGRADES OF HEATING AND COOLING EQUIPMENT IF THE SCHOOL
7 FACILITIES BOARD DETERMINES THAT SOLAR REPLACEMENTS AND UPGRADES ARE
8 APPROPRIATE FOR THAT PARTICULAR PROJECT. THE GUIDELINES SHALL REQUIRE THE
9 SUPPLEMENTATION OF CONVENTIONAL ELECTRICAL SUPPLIES WITH SOLAR POWER IF THE
10 SCHOOL FACILITIES BOARD DETERMINES THAT THIS TYPE OF SUPPLEMENTATION IS
11 APPROPRIATE FOR THAT PARTICULAR PROJECT. THE SCHOOL FACILITIES BOARD MAY
12 INCLUDE ADDITIONAL FORMS OF RENEWABLE ENERGY IN THE GUIDELINES. NOTHING IN
13 THIS PARAGRAPH SHALL BE CONSTRUED TO DEEM A SCHOOL BUILDING IN A SCHOOL
14 DISTRICT OUT OF COMPLIANCE OR DEFICIENT IN MEETING THE MINIMUM ADEQUACY
15 GUIDELINES IF THE SCHOOL DISTRICT HAS NOT MET THE MINIMUM ADEQUACY GUIDELINES
16 FOR THIS PARAGRAPH FOR A SCHOOL BUILDING COMPLETED BEFORE JUNE 30, 2006.
17 BEGINNING JULY 1, 2006, SCHOOL DISTRICTS APPROVED FOR A NEW SCHOOL FACILITY
18 PURSUANT TO SECTION 15-2041 SHALL COMPLY WITH THIS PARAGRAPH.

19 G. The board shall consider the facilities and equipment of the
20 schools with the highest academic productivity scores, as prescribed in
21 section 15-2002, subsection A, paragraph 9, subdivision (d), and the highest
22 parent quality ratings in the establishment of the guidelines.

23 H. The school facilities board may consider appropriate combinations
24 of facilities or uses in making assessments of and curing existing
25 deficiencies pursuant to section 15-2002, subsection A, paragraph 1 and in
26 certifying plans for new school facilities pursuant to section 15-2002,
27 subsection A, paragraph 5.

28 I. For the purposes of this section, "student capacity" means the
29 capacity adjusted to include any additions to or deletions of space,
30 including modular or portable buildings at the school. The school facilities
31 board shall determine the student capacity for each school in conjunction
32 with each school district, recognizing each school's allocation of space as
33 of July 1, 1998, to achieve the academic standards prescribed pursuant to
34 section 15-203, subsection A, paragraphs 12 and 13 and sections 15-701 and
35 15-701.01.

36 Sec. 2. Section 15-2031, Arizona Revised Statutes, is amended to read:
37 15-2031. Building renewal fund; definitions

38 A. A building renewal fund is established consisting of monies
39 appropriated by the legislature and monies credited to the fund pursuant to
40 section 42-5030.01. The school facilities board shall administer the fund
41 and distribute monies to school districts for the purpose of maintaining the
42 adequacy of existing school facilities. Monies in the fund are continuously
43 appropriated and are exempt from the provisions of section 35-190 relating to
44 lapsing of appropriations.

45 B. The school facilities board shall inventory and inspect all school
46 buildings in this state in order to develop a database to administer the

1 building renewal formula. The database shall include the student capacity of
2 the building as determined by the school facilities board. The board shall
3 distribute monies from the building renewal fund to school districts in an
4 amount computed pursuant to subsection G of this section. A school district
5 that receives monies from the building renewal fund shall use the monies
6 primarily for any buildings in the database developed or created under
7 subsection D of this section and secondly for any other buildings owned by
8 the school district for any of the following:

9 1. Major renovations and repairs of a building. **ALL RENOVATIONS AND**
10 **REPAIRS PERFORMED PURSUANT TO THIS PARAGRAPH SHALL BE IN ACCORDANCE WITH THE**
11 **GUIDELINES DEVELOPED PURSUANT TO SECTION 15-2011, SUBSECTION F, PARAGRAPH 11.**

12 2. Upgrading systems and areas that will maintain or extend the useful
13 life of the building. **ALL UPGRADES PERFORMED PURSUANT TO THIS PARAGRAPH**
14 **SHALL BE IN ACCORDANCE WITH THE GUIDELINES DEVELOPED PURSUANT TO SECTION**
15 **15-2011, SUBSECTION F, PARAGRAPH 11.**

16 3. Infrastructure costs, **INCLUDING THE COST OF INSTALLING SOLAR**
17 **EQUIPMENT PURSUANT TO SECTION 15-2011, SUBSECTION F, PARAGRAPH 11.**

18 4. Relocation and placement of portable and modular buildings.

19 C. Monies received from the building renewal fund shall not be used
20 for any of the following purposes:

21 1. New construction.

22 2. Remodeling interior space for aesthetic or preferential reasons.

23 3. Exterior beautification.

24 4. Demolition.

25 5. The purchase of soft capital items pursuant to section 15-962,
26 subsection D.

27 6. Routine maintenance except as provided in section 15-2002,
28 subsection K and subsection J of this section.

29 D. The school facilities board shall maintain the building renewal
30 database and use the database for the computation of the building renewal
31 formula distributions. The board shall ensure that the database is updated
32 on at least an annual basis to reflect changes in the ages and value of
33 school buildings. The facilities listed in the database shall include only
34 those buildings that are owned by school districts that are required to meet
35 academic standards. Each school district shall report to the school
36 facilities board no later than September 1 of each year the number and type
37 of school buildings owned by the district, the square footage of each
38 building, the age of each building, the nature of any renovations completed
39 and the cost of any renovations completed. The school facilities board may
40 review or audit, or both, to confirm the information submitted by a school
41 district. The board shall adjust the age of each school facility in the
42 database whenever a building is significantly upgraded or remodeled. The age
43 of a building that has been significantly upgraded or remodeled shall be
44 recomputed as follows:

45 1. Divide the cost of the renovation by the building capacity value of
46 the building determined in subsection G, paragraph 3 of this section.

1 2. Multiply the quotient determined in paragraph 1 of this subsection
2 by the currently listed age of the building in the database.

3 3. Subtract the product determined in paragraph 2 of this subsection
4 from the currently listed age of the building in the database, rounded to the
5 nearest whole number. If the result is negative, use zero.

6 E. The school facilities board shall submit an annual report to the
7 president of the senate, the speaker of the house of representatives, the
8 Arizona state library, archives and public records and the governor by
9 October 1 that includes the computation of the amount of monies to be
10 distributed from the building renewal fund for the current fiscal year. The
11 joint committee on capital review shall review the school facilities board's
12 calculation of the building renewal fund distributions. After the joint
13 committee on capital review reviews the distributions computed by the school
14 facilities board, the school facilities board shall distribute the monies
15 from the building renewal fund to school districts in two equal installments
16 in November and May of each year.

17 F. School districts that receive monies from the building renewal fund
18 shall establish a district building renewal fund and shall use the monies in
19 the district building renewal fund only for the purposes prescribed in
20 subsection B of this section. Ending cash balances in a school district's
21 building renewal fund may be used in following fiscal years for building
22 renewal pursuant to subsection B of this section. By October 15 of each
23 year, each school district shall report to the school facilities board the
24 projects funded at each school in the previous fiscal year with monies from
25 the district building renewal fund, an accounting of the monies remaining in
26 the district building renewal fund at the end of the previous fiscal year and
27 a comprehensive five-year plan that details the proposed use of building
28 renewal monies. If a school district fails to submit the report by October
29 15, the school facilities board shall withhold building renewal monies from
30 the school district until the school facilities board determines that the
31 school district has complied with the reporting requirement. When the school
32 facilities board determines that the school district has complied with the
33 reporting requirement, the school facilities board shall restore the full
34 amount of withheld building renewal monies to the school district.

35 G. Notwithstanding any other provision of this chapter, if a school
36 district converts space that is listed in the database maintained pursuant to
37 this section to space that will be used for administrative purposes, the
38 school district is responsible for any costs associated with the conversion,
39 maintenance and replacement of that space. The building renewal amount for
40 each school building shall be computed as follows:

41 1. Divide the age of the building as computed pursuant to subsection D
42 of this section by one thousand two hundred seventy-five or, in the case of
43 modular or portable buildings, by two hundred ten.

44 2. Multiply the quotient determined in paragraph 1 of this subsection
45 by 0.67.

46 3. Determine the building capacity value as follows:

1 (a) Multiply the student capacity of the building by the per student
2 square foot capacity established by section 15-2041.

3 (b) Multiply the product determined in subdivision (a) ~~of this~~
4 ~~paragraph~~ by the cost per square foot established by section 15-2041.

5 4. Multiply the product determined in paragraph 2 of this subsection
6 by the product determined in paragraph 3, subdivision (b) of this subsection.

7 H. If the school facilities board determines that a school district
8 has spent monies from the building renewal fund for purposes other than those
9 prescribed in subsection B of this section, the school facilities board shall
10 notify the superintendent of public instruction. Notwithstanding any other
11 law, the superintendent of public instruction shall withhold a corresponding
12 amount from the monies that would otherwise be due the school district under
13 the capital outlay revenue limit until these monies are repaid.

14 I. Beginning on July 1, 2002, a school district is not entitled to
15 receive monies from the building renewal fund for any buildings that are to
16 be replaced with new buildings that are funded with deficiencies corrections
17 monies pursuant to section 15-2021. The replacement buildings are not
18 eligible to receive building renewal funding until the fiscal year following
19 the completion of the building.

20 J. Notwithstanding subsections B and C of this section, a school
21 district may use eight per cent of the building renewal amount computed
22 pursuant to subsection G of this section for routine preventative
23 maintenance. The board, after consultation with maintenance specialists in
24 school districts, shall provide examples of recommended services that are
25 routine preventative maintenance.

26 K. A school district that uses building renewal monies for routine
27 preventative maintenance shall use the building renewal monies to supplement
28 and not supplant expenditures from other funds for the maintenance of school
29 buildings. The auditor general shall prescribe a method for determining
30 compliance with the requirements of this subsection. A school district, in
31 connection with any audit conducted by a certified public accountant, shall
32 also contract for an independent audit to determine whether the school
33 district used building renewal monies to reduce the school district's
34 existing level of routine preventative maintenance funding. The auditor
35 general may conduct discretionary reviews of a school district that is not
36 required to contract for an independent audit.

37 L. For the purposes of this section:

38 1. "Routine preventative maintenance" means services that are
39 performed on a regular schedule at intervals ranging from four times a year
40 to once every three years and that are intended to extend the useful life of
41 a building system and reduce the need for major repairs.

42 2. "Student capacity" has the same meaning prescribed in section
43 15-2011.

44 Sec. 3. Effective date

45 Section 15-2031, Arizona Revised Statutes, as amended by this act, is
46 effective from and after June 30, 2006.