

REFERENCE TITLE: energy conservation; school buildings.

State of Arizona
House of Representatives
Fifty-first Legislature
First Regular Session
2013

HB 2606

Introduced by
Representatives Mendez, Miranda: Gonzales, Sherwood

AN ACT

AMENDING TITLE 15, CHAPTER 2, ARTICLE 2, ARIZONA REVISED STATUTES, BY ADDING SECTION 15-250; AMENDING SECTION 34-451, ARIZONA REVISED STATUTES; AMENDING TITLE 41, CHAPTER 10, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 41-1506.02; RELATING TO ENERGY CONSERVATION.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Title 15, chapter 2, article 2, Arizona Revised Statutes,
3 is amended by adding section 15-250, to read:

4 15-250. Green cleaning policy; purchases of environmentally
5 sensitive cleaning products; exceptions

6 A. ON OR BEFORE DECEMBER 31, 2014, ALL SCHOOL DISTRICTS AND CHARTER
7 SCHOOLS SHALL ADOPT A GREEN CLEANING POLICY AND PURCHASE AND USE
8 ENVIRONMENTALLY SENSITIVE CLEANING PRODUCTS. A SCHOOL DISTRICT OR CHARTER
9 SCHOOL MAY DEplete ITS EXISTING CLEANING PRODUCTS BEFORE PURCHASING AND USING
10 ENVIRONMENTALLY SENSITIVE CLEANING PRODUCTS.

11 B. IF ADOPTING A GREEN CLEANING POLICY IS NOT ECONOMICALLY FEASIBLE,
12 UNTIL SUCH TIME THAT IT IS ECONOMICALLY FEASIBLE, THE SCHOOL DISTRICT OR
13 CHARTER SCHOOL SHALL PROVIDE ANNUAL WRITTEN NOTIFICATION TO THE DEPARTMENT OF
14 EDUCATION, ON A FORM PROVIDED BY THE DEPARTMENT, THAT THE DEVELOPMENT AND
15 IMPLEMENTATION OF A GREEN CLEANING POLICY IS NOT ECONOMICALLY FEASIBLE.
16 ADOPTING A GREEN CLEANING POLICY IS NOT ECONOMICALLY FEASIBLE IF THE ADOPTION
17 OF A GREEN CLEANING POLICY WOULD RESULT IN ANY INCREASE IN THE CLEANING COSTS
18 OF THE SCHOOL DISTRICT OR CHARTER SCHOOL.

19 C. THE DEPARTMENT OF EDUCATION SHALL DETERMINE GREEN CLEANING SUPPLY
20 GUIDELINES AND SPECIFICATIONS AFTER CONSULTING WITH THE DEPARTMENT OF
21 ENVIRONMENTAL QUALITY. AFTER DETERMINING THE GUIDELINES AND SPECIFICATIONS,
22 THE DEPARTMENT OF EDUCATION SHALL PROVIDE EACH SCHOOL DISTRICT AND EACH
23 CHARTER SCHOOL WITH A WRITTEN COPY OF THE GUIDELINES AND SPECIFICATIONS.

24 Sec. 2. Section 34-451, Arizona Revised Statutes, is amended to read:

25 34-451. Energy conservation standards for public buildings

26 A. The governor's ~~energy~~ office OF ENERGY POLICY in consultation with
27 persons responsible for building systems shall adopt and publish energy
28 conservation standards for construction of all new capital projects as
29 defined in section 41-790, including buildings designed and constructed by
30 school districts, community college districts and universities. These
31 standards shall be consistent with the recommended energy conservation
32 standards of the American society of heating, refrigerating and air
33 conditioning engineers and the international energy conservation code.

34 B. The standards shall be adopted to achieve energy conservation and
35 shall allow for design flexibility.

36 C. The following state agencies shall reduce energy use in public
37 buildings that they administer by ten per cent per square foot of floor area
38 on or before July 1, 2008, ~~and~~ by fifteen per cent per square foot of floor
39 area on or before July 1, 2011 AND BY TWENTY PER CENT PER SQUARE FOOT OF
40 FLOOR AREA ON OR BEFORE JULY 1, 2021, using July 1, 2001 through June 30,
41 2002 as the baseline year:

- 42 1. The department of administration for its building systems.
- 43 2. The Arizona board of regents for its building systems.
- 44 3. The department of transportation for its building systems.

1 D. The governor's ~~energy~~ office OF ENERGY POLICY shall provide
2 technical assistance to the state agencies prescribed in subsection C of this
3 section. On or before July 1 of each year, the ~~energy~~ office OF ENERGY
4 POLICY shall measure compliance with subsection C of this section, compile
5 the results of that monitoring and report to the speaker of the house of
6 representatives and the president of the senate as to the progress of
7 attaining the goals prescribed in subsection C of this section. The ~~energy~~
8 office OF ENERGY POLICY shall include in its report an explanation of the
9 reasons for any failure to achieve energy reductions in specific building
10 systems as prescribed in subsection C of this section.

11 E. All state agencies shall procure energy efficient products that are
12 certified by the United States department of energy or the United States
13 environmental protection agency as energy star or that are certified under
14 the federal energy management program in all categories that are available
15 unless the products are shown not to be cost-effective on a life cycle cost
16 basis.

17 F. ON OR BEFORE JULY 1, 2018, ALL STATE AGENCIES, UNIVERSITIES, SCHOOL
18 DISTRICTS AND COMMUNITY COLLEGE DISTRICTS SHALL PURCHASE AT LEAST TEN PER
19 CENT OF THEIR ENERGY REQUIREMENTS IN PUBLIC BUILDINGS THAT THEY ADMINISTER
20 FROM GREEN SOURCES. FOR THE PURPOSES OF THIS SUBSECTION, "GREEN SOURCES"
21 MEANS RENEWABLE AND NONPOLLUTING ENERGY SOURCES AND INCLUDES SOLAR, WIND,
22 LANDFILL GAS AND LOW IMPACT HYDROELECTRIC GENERATION.

23 G. ON OR BEFORE JULY 1, 2018, ALL EXISTING STATE BUILDINGS THAT ARE
24 MORE THAN FIFTY THOUSAND SQUARE FEET SHALL CONFORM TO THE LEADERSHIP IN
25 ENERGY AND ENVIRONMENTAL DESIGN EXISTING BUILDINGS STANDARDS, INCLUDING THE
26 GREEN BUILDING RATING SYSTEM DEVELOPED BY THE UNITED STATES GREEN BUILDING
27 COUNCIL, IN A MANNER PRESCRIBED BY THE GOVERNOR'S OFFICE OF ENERGY POLICY.
28 THE GOVERNOR'S OFFICE OF ENERGY POLICY SHALL MONITOR THE UNITED STATES GREEN
29 BUILDING COUNCIL FOR CHANGES TO THE RATING SYSTEM THAT IMPACT EXISTING STATE
30 BUILDINGS.

31 H. ALL NEW OR LEASED STATE BUILDINGS SHALL CONFORM TO THE LEADERSHIP
32 IN ENERGY AND ENVIRONMENTAL DESIGN GREEN BUILDING RATING SYSTEM DEVELOPED BY
33 THE UNITED STATES GREEN BUILDING COUNCIL IN A MANNER PRESCRIBED BY THE
34 GOVERNOR'S OFFICE OF ENERGY POLICY. THE GOVERNOR'S OFFICE OF ENERGY POLICY
35 SHALL MONITOR THE UNITED STATES GREEN BUILDING COUNCIL FOR CHANGES TO THE
36 RATING SYSTEM THAT IMPACT STATE BUILDINGS.

37 Sec. 3. Title 41, chapter 10, article 1, Arizona Revised Statutes, is
38 amended by adding section 41-1506.02, to read:

39 41-1506.02. Energy and water efficiency fund for public
40 facilities; loans; repayment; program termination

41 A. THE ENERGY AND WATER EFFICIENCY FUND FOR PUBLIC FACILITIES IS
42 ESTABLISHED TO BE ADMINISTERED BY THE AUTHORITY. THE FUND CONSISTS OF MONIES
43 APPROPRIATED BY THE LEGISLATURE, EARNINGS FROM THE FUND, GIFTS OR GRANTS
44 DONATED OR GIVEN TO THE FUND AND MONIES AUTHORIZED PURSUANT TO THIS SECTION.

1 MONIES IN THE FUND ARE SUBJECT TO LEGISLATIVE APPROPRIATION AND SHALL BE USED
2 AS PRESCRIBED BY THIS SECTION.

3 B. ON NOTICE FROM THE CHIEF EXECUTIVE OFFICER, THE STATE TREASURER MAY
4 INVEST AND DIVEST MONIES IN THE FUND AS PROVIDED BY SECTION 35-313. THE
5 STATE TREASURER SHALL CREDIT MONIES EARNED FROM INVESTMENTS TO THE FUND.

6 C. THE AUTHORITY SHALL ESTABLISH A PROGRAM FOR THE BENEFIT OF STATE
7 AGENCIES, UNIVERSITIES, CITIES AND TOWNS, COUNTIES AND POLITICAL
8 SUBDIVISIONS, BUT NOT INCLUDING SPECIAL DISTRICTS, TO PROVIDE LOANS TO
9 FINANCE ENERGY AND WATER EFFICIENCY MEASURES FOR PUBLIC FACILITIES. THE
10 AUTHORITY SHALL MAKE AVAILABLE THE SUM OF TEN MILLION DOLLARS FROM THE
11 ARIZONA COMMERCE AUTHORITY FUND ESTABLISHED BY SECTION 41-1506 FOR THE
12 PURPOSE OF FUNDING APPROVED LOANS PURSUANT TO THIS SECTION. THE AUTHORITY
13 SHALL ALLOCATE AT LEAST TEN MILLION DOLLARS, INCLUDING LOAN COMMITMENTS AND
14 CASH ON HAND, TO THE PROGRAM AND SHALL ADMINISTER THE MONIES UNDER ITS
15 CONTROL IN A MANNER THAT ENSURES THAT MONIES AVAILABLE TO THE PROGRAM EQUAL
16 OR EXCEED FIVE MILLION DOLLARS AT ALL TIMES.

17 D. THE AUTHORITY SHALL DETERMINE THE TERMS UNDER WHICH THE AUTHORITY
18 MAY MAKE A LOAN PURSUANT TO THIS SECTION AND SHALL PRESCRIBE THE INTEREST
19 RATE FOR A LOAN AT THE LOWEST RATE THAT THE AUTHORITY DETERMINES IS
20 SUFFICIENT TO RECOVER THE COST OF ADMINISTERING THE LOAN PROGRAM.

21 E. AN ENTITY THAT RECEIVES A LOAN UNDER THIS SECTION SHALL REPAY THE
22 PRINCIPAL OF AND INTEREST ON THE LOAN FROM THE VALUE OF ENERGY OR WATER
23 SAVINGS THAT ACCRUES AS THE RESULT OF THE ENERGY OR WATER CONSERVATION
24 MEASURE IMPLEMENTED WITH THE BORROWED MONIES. AN ENTITY THAT RECEIVES A LOAN
25 UNDER THIS SECTION SHALL REPAY THE LOAN FROM THE AMOUNT BUDGETED FOR THE
26 AGENCY'S OR ENTITY'S ENERGY AND WATER COSTS. UNTIL THE LOAN IS REPAYED, THE
27 LEGISLATURE MAY NOT REDUCE THE AMOUNT BUDGETED FOR THOSE ENERGY OR WATER
28 COSTS TO REFLECT THE VALUE OF ENERGY OR WATER SAVINGS THAT ACCRUES AS A
29 RESULT OF THE ENERGY OR WATER CONSERVATION MEASURE IMPLEMENTED WITH THE
30 BORROWED MONIES.

31 F. THE PROGRAM ESTABLISHED PURSUANT TO THIS SECTION ENDS ON JULY 1,
32 2023 PURSUANT TO SECTION 41-3102.

33 Sec. 4. Green public schools task force; membership; duties;
34 report; delayed repeal

35 A. The green public schools task force is established consisting of
36 the following members:

37 1. Two members of the senate who are appointed by the president of the
38 senate and who represent different political parties.

39 2. Two members of the house of representatives who are appointed by
40 the speaker of the house of representatives and who represent different
41 political parties.

42 3. The chief executive officer of the Arizona commerce authority or
43 the chief executive officer's designee.

44 4. The executive director of the school facilities board or the
45 executive director's designee.

- 1 5. The superintendant of public instruction or the superintendant's
2 designee.
- 3 6. A member of a nonprofit organization that is dedicated to
4 sustainable building design and construction. The governor shall appoint
5 this member.
- 6 7. One representative of a statewide organization of school district
7 governing board members. The president of the senate shall appoint this
8 member.
- 9 8. One representative of a statewide organization of school district
10 administrators. The speaker of the house of representatives shall appoint
11 this member.
- 12 9. A member of the public. The governor shall appoint this member.
- 13 B. The task force shall:
- 14 1. Identify the procedures and methods to retrofit public schools in
15 this state to conform to the leadership in energy and environmental design
16 building standards.
- 17 2. Recommend a model green cleaning policy for public schools in this
18 state.
- 19 3. Make recommendations relating to the establishment and financing of
20 a system to ensure that existing public schools are retrofitted and new
21 public schools are constructed in a manner that promotes energy efficiency
22 and sustainability.
- 23 4. Submit to the governor, the president of the senate and the speaker
24 of the house of representatives a report of its findings and recommendations
25 on or before November 1, 2014. The task force shall provide a copy of its
26 report to the secretary of state.
- 27 C. Task force members are not eligible to receive compensation, but
28 members appointed pursuant to subsection A, paragraphs 6, 7, 8 and 9 of this
29 section are eligible for reimbursement of expenses under title 38, chapter 4,
30 article 2, Arizona Revised Statutes.
- 31 D. This section is repealed from and after December 31, 2014.