COMMITTEE ON COMMERCE

HOUSE OF REPRESENTATIVES AMENDMENTS TO S.B. 1241

(Reference to Senate engrossed bill)

1 Strike everything after the enacting clause and insert:
2 "Section 1. Title 9, chapter 4, article 8, Arizona Revised Statutes,
3 is amended by adding section 9-500.34, to read:
4 9-500.34. Prohibition on requirement of energy measuring and
5 reporting; prohibition on regulation of auxiliary
6 containers; state preemption; legislative
7 findings; definition
8
9 A. A CITY OR TOWN MAY NOT:
10 1. REQUIRE AN OWNER, OPERATOR OR TENANT OF A BUSINESS, COMMERCIAL
11 BUILDING OR MULTIFAMILY HOUSING PROPERTY TO MEASURE AND REPORT ENERGY USAGE
12 AND CONSUMPTION, INCLUDING ENERGY CONSUMPTION BENCHMARKING AND BUILDING
13 FACILITY ENERGY EFFICIENCY AUDITS.
14 2. IMPOSE A TAX, FEE, ASSESSMENT, CHARGE OR RETURN DEPOSIT ON AN
15 OWNER, OPERATOR OR TENANT OF A BUSINESS, COMMERCIAL BUILDING OR MULTIFAMILY
16 HOUSING PROPERTY FOR AUXILIARY CONTAINERS.
17 3. REGULATE THE SALE, USE OR DISPOSITION OF AUXILIARY CONTAINERS BY AN
18 OWNER, OPERATOR OR TENANT OF A BUSINESS, COMMERCIAL BUILDING OR MULTIFAMILY
19 HOUSING PROPERTY.
20
21 B. THE REGULATION OF AN OWNER, OPERATOR OR TENANT OF A BUSINESS,
22 COMMERCIAL BUILDING OR MULTIFAMILY HOUSING PROPERTY RELATING TO MEASURING AND
23 REPORTING ENERGY USE AND CONSUMPTION AND THE SALE, USE AND DISPOSITION OF
24 AUXILIARY CONTAINERS IS A MATTER OF STATEWIDE CONCERN. THE REGULATION OF
25 MEASURING AND REPORTING ENERGY USE AND CONSUMPTION BY AN OWNER, OPERATOR OR
26 TENANT OF A BUSINESS, COMMERCIAL BUILDING OR MULTIFAMILY HOUSING PROPERTY AND
27 THE SALE, USE OR DISPOSITION OF AUXILIARY CONTAINERS BY AN OWNER, OPERATOR OR
28 TENANT OF A BUSINESS, COMMERCIAL BUILDING OR MULTIFAMILY HOUSING PROPERTY
29 PURSUANT TO THIS SECTION ARE NOT SUBJECT TO FURTHER REGULATION BY A CITY OR
30 TOWN.
31
32 C. THE LEGISLATURE FINDS THAT SMALL BUSINESSES ARE PARTICULARLY
33 SENSITIVE TO COSTS AND EXPENSES INCURRED IN COMPLYING WITH REGULATORY ACTIONS
34 OF A CITY OR TOWN. THE LEGISLATURE FURTHER FINDS THAT INCONSISTENT REGULATION
BY CITIES AND TOWNS HINDERS A SMALL BUSINESS FROM BENEFITING FROM FREE AND OPEN COMPETITION.

D. THIS SECTION DOES NOT PREVENT A CITY OR TOWN FROM CONTINUING A RESIDENTIAL RECYCLING AND WASTE REDUCTION PROGRAM AS AUTHORIZED BY SECTION 9-500.07 OR ENSURING THAT DISCARDED AUXILIARY CONTAINERS DEFINED AS SOLID WASTE PURSUANT TO SECTION 49-701.01 ARE DISPOSED OF PROPERLY.

E. FOR THE PURPOSES OF THIS SECTION, "AUXILIARY CONTAINER" INCLUDES REUSABLE BAGS, DISPOSABLE BAGS, BOXES, BEVERAGE CANS, BOTTLES, CUPS AND CONTAINERS THAT ARE MADE OUT OF CLOTH, PLASTIC, EXTRUDED POLYSTYRENE, GLASS, ALUMINUM, CARDBOARD OR OTHER SIMILAR MATERIALS AND THAT ARE USED FOR TRANSPORTING MERCHANDISE OR FOOD TO OR FROM A BUSINESS OR MULTIFAMILY HOUSING PROPERTY.

Sec. 2. Title 11, chapter 2, article 4, Arizona Revised Statutes, is amended by adding section 11-269.13, to read:

11-269.13. Prohibition on requirement of energy measuring and reporting; prohibition on regulation of auxiliary containers; state preemption; legislative findings; definition

A. A COUNTY MAY NOT:

1. REQUIRE AN OWNER, OPERATOR OR TENANT OF A BUSINESS, COMMERCIAL BUILDING OR MULTIFAMILY HOUSING PROPERTY TO MEASURE AND REPORT ENERGY USAGE AND CONSUMPTION, INCLUDING ENERGY CONSUMPTION BENCHMARKING AND BUILDING FACILITY ENERGY EFFICIENCY AUDITS.

2. IMPOSE A TAX, FEE, ASSESSMENT, CHARGE OR RETURN DEPOSIT ON AN OWNER, OPERATOR OR TENANT OF A BUSINESS, COMMERCIAL BUILDING OR MULTIFAMILY HOUSING PROPERTY FOR AUXILIARY CONTAINERS.

3. REGULATE THE SALE, USE OR DISPOSITION OF AUXILIARY CONTAINERS BY AN OWNER, OPERATOR OR TENANT OF A BUSINESS, COMMERCIAL BUILDING OR MULTIFAMILY HOUSING PROPERTY.

B. THE REGULATION OF AN OWNER, OPERATOR OR TENANT OF A BUSINESS, COMMERCIAL BUILDING OR MULTIFAMILY HOUSING PROPERTY RELATING TO MEASURING AND REPORTING ENERGY USE AND CONSUMPTION AND THE SALE, USE AND DISPOSITION OF AUXILIARY CONTAINERS IS A MATTER OF STATEWIDE CONCERN. THE REGULATION OF MEASURING AND REPORTING ENERGY USE AND CONSUMPTION BY AN OWNER, OPERATOR OR TENANT OF A BUSINESS, COMMERCIAL BUILDING OR MULTIFAMILY HOUSING PROPERTY AND THE SALE, USE OR DISPOSITION OF AUXILIARY CONTAINERS BY AN OWNER, OPERATOR OR
TENANT OF A BUSINESS, COMMERCIAL BUILDING OR MULTIFAMILY HOUSING PROPERTY PURSUANT TO THIS SECTION ARE NOT SUBJECT TO FURTHER REGULATION BY A COUNTY.

C. THE LEGISLATURE FINDS THAT SMALL BUSINESSES ARE PARTICULARLY SENSITIVE TO COSTS AND EXPENSES INCURRED IN COMPLYING WITH REGULATORY ACTIONS OF A COUNTY. THE LEGISLATURE FURTHER FINDS THAT INCONSISTENT REGULATION BY COUNTIES HINDERS A SMALL BUSINESS FROM BENEFITING FROM FREE AND OPEN COMPETITION.

D. THIS SECTION DOES NOT PREVENT A COUNTY FROM CONTINUING A RESIDENTIAL RECYCLING AND WASTE REDUCTION PROGRAM AS AUTHORIZED BY SECTION 11-269 OR ENSURING THAT DISCARDED AUXILIARY CONTAINERS DEFINED AS SOLID WASTE PURSUANT TO SECTION 49-701.01 ARE DISPOSED OF PROPERLY.

E. FOR THE PURPOSES OF THIS SECTION, “AUXILIARY CONTAINER” INCLUDES REUSABLE BAGS, DISPOSABLE BAGS, BOXES, BEVERAGE CANS, BOTTLES, CUPS AND CONTAINERS THAT ARE MADE OUT OF CLOTH, PLASTIC, EXTRUDED POLYSTYRENE, GLASS, ALUMINUM, CARDBOARD OR OTHER SIMILAR MATERIALS AND THAT ARE USED FOR TRANSPORTING MERCHANDISE OR FOOD TO OR FROM A BUSINESS OR MULTIFAMILY HOUSING PROPERTY.”

Amend title to conform

and, as so amended, it do pass

WARREN H. PETERSEN
Chairman

1241-se-com
3/18/15
H:1aa

1241wp.doc
03/13/2015
02:43 PM
C: 1d