

State of Arizona  
House of Representatives  
Fifty-second Legislature  
Second Regular Session  
2016

**CHAPTER 27**

**HOUSE BILL 2130**

AN ACT

REPEALING SECTION 9-500.36, ARIZONA REVISED STATUTES; AMENDING TITLE 9, CHAPTER 4, ARTICLE 8, ARIZONA REVISED STATUTES, BY ADDING A NEW SECTION 9-500.36; REPEALING SECTION 11-269.14, ARIZONA REVISED STATUTES; AMENDING TITLE 11, CHAPTER 2, ARTICLE 4, ARIZONA REVISED STATUTES, BY ADDING A NEW SECTION 11-269.14; RELATING TO ENERGY USAGE REPORTING.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Repeal

3 Section 9-500.36, Arizona Revised Statutes, is repealed.

4 Sec. 2. Title 9, chapter 4, article 8, Arizona Revised Statutes, is  
5 amended by adding a new section 9-500.36, to read:

6 9-500.36. Prohibition on requirement of energy measuring and  
7 reporting; state preemption

8 A. A CITY OR TOWN MAY NOT REQUIRE AN OWNER, OPERATOR OR TENANT OF A  
9 BUSINESS, COMMERCIAL BUILDING OR MULTIFAMILY HOUSING PROPERTY TO MEASURE AND  
10 REPORT ENERGY USAGE AND CONSUMPTION, INCLUDING ENERGY CONSUMPTION  
11 BENCHMARKING AND BUILDING FACILITY ENERGY EFFICIENCY AUDITS.

12 B. THE REGULATION OF AN OWNER, OPERATOR OR TENANT OF A BUSINESS,  
13 COMMERCIAL BUILDING OR MULTIFAMILY HOUSING PROPERTY RELATING TO MEASURING AND  
14 REPORTING ENERGY USAGE AND CONSUMPTION IS A MATTER OF STATEWIDE CONCERN. THE  
15 REGULATION OF MEASURING AND REPORTING ENERGY USAGE AND CONSUMPTION BY AN  
16 OWNER, OPERATOR OR TENANT OF A BUSINESS, COMMERCIAL BUILDING OR MULTIFAMILY  
17 HOUSING PROPERTY PURSUANT TO THIS SECTION ARE NOT SUBJECT TO FURTHER  
18 REGULATION BY A CITY OR TOWN.

19 C. THIS SECTION DOES NOT PROHIBIT A CITY OR TOWN THAT OPERATES AN  
20 ELECTRIC OR GAS UTILITY FROM METERING OR OTHERWISE MEASURING AND READING  
21 ENERGY DELIVERIES, USAGE AND CONSUMPTION IN THE COURSE OF PROVIDING PUBLIC  
22 UTILITY SERVICE TO BUSINESSES, COMMERCIAL BUILDINGS AND MULTIFAMILY HOUSING  
23 PROPERTIES.

24 Sec. 3. Repeal

25 Section 11-269.14, Arizona Revised Statutes, is repealed.

26 Sec. 4. Title 11, chapter 2, article 4, Arizona Revised Statutes, is  
27 amended by adding a new section 11-269.14, to read:

28 11-269.14. Prohibition on requirement of energy measuring and  
29 reporting; state preemption

30 A. A COUNTY MAY NOT REQUIRE AN OWNER, OPERATOR OR TENANT OF A  
31 BUSINESS, COMMERCIAL BUILDING OR MULTIFAMILY HOUSING PROPERTY TO MEASURE AND  
32 REPORT ENERGY USAGE AND CONSUMPTION, INCLUDING ENERGY CONSUMPTION  
33 BENCHMARKING AND BUILDING FACILITY ENERGY EFFICIENCY AUDITS.

34 B. THE REGULATION OF AN OWNER, OPERATOR OR TENANT OF A BUSINESS,  
35 COMMERCIAL BUILDING OR MULTIFAMILY HOUSING PROPERTY RELATING TO MEASURING AND  
36 REPORTING ENERGY USAGE AND CONSUMPTION IS A MATTER OF STATEWIDE CONCERN. THE  
37 REGULATION OF MEASURING AND REPORTING ENERGY USAGE AND CONSUMPTION BY AN  
38 OWNER, OPERATOR OR TENANT OF A BUSINESS, COMMERCIAL BUILDING OR MULTIFAMILY  
39 HOUSING PROPERTY PURSUANT TO THIS SECTION ARE NOT SUBJECT TO FURTHER  
40 REGULATION BY A COUNTY.

41 C. THIS SECTION DOES NOT PROHIBIT A COUNTY THAT OPERATES AN ELECTRIC  
42 OR GAS UTILITY FROM METERING OR OTHERWISE MEASURING AND READING ENERGY  
43 DELIVERIES, USAGE AND CONSUMPTION IN THE COURSE OF PROVIDING PUBLIC UTILITY  
44 SERVICE TO BUSINESSES, COMMERCIAL BUILDINGS AND MULTIFAMILY HOUSING  
45 PROPERTIES.

46 Sec. 5. Legislative findings

1           The legislature finds that small businesses are particularly sensitive  
2 to costs and expenses incurred in complying with regulatory actions of a  
3 city, town or county. The legislature further finds that inconsistent  
4 regulation by cities, towns and counties hinders a small business from  
5 benefiting from free and open competition.

APPROVED BY THE GOVERNOR MARCH 14, 2016.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MARCH 15, 2016.