

REFERENCE TITLE: municipalities; counties; energy use; reporting

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

# HB 2130

Introduced by  
Representative Petersen

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3 Section 9-500.36, Arizona Revised Statutes, is repealed.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

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. THE LEGISLATURE FINDS THAT SMALL BUSINESSES ARE PARTICULARLY  
20 SENSITIVE TO COSTS AND EXPENSES INCURRED IN COMPLYING WITH REGULATORY ACTIONS  
21 OF A CITY OR TOWN. THE LEGISLATURE FURTHER FINDS THAT INCONSISTENT  
22 REGULATION BY CITIES AND TOWNS HINDERS A SMALL BUSINESS FROM BENEFITING FROM  
23 FREE AND OPEN COMPETITION.

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25 Section 11-269.14, Arizona Revised Statutes, is repealed.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

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

1           Sec. 5. Conditional enactment

2           This act does not become effective unless House Bill \_\_\_\_\_, fifty-second  
3 legislature, second regular session, relating to the regulation of auxiliary  
4 containers, becomes law.