State of Arizona
Senate
Fifty-second Legislature
Second Regular Session
2016

SB 1046

Introduced by
Senators Sherwood: Quezada; Representative Andrade

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 41-1509; RELATING TO ENERGY CONSERVATION.

(TEXT OF BILL BEGINS ON NEXT PAGE)
Be it enacted by the Legislature of the State of Arizona:

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

15-250. Green cleaning policy; purchases of environmentally sensitive cleaning products; exception; guidelines

A. On or before December 31, 2017, all school districts and charter schools shall adopt a green cleaning policy and shall purchase and use environmentally sensitive cleaning products. A school district or charter school may deplete its existing cleaning products before purchasing and using environmentally sensitive cleaning products.

B. If adopting a green cleaning policy is not economically feasible, until it becomes economically feasible, the school district or charter school shall provide annual written notification to the Department of Education, on a form provided by the Department, that the development and implementation of a green cleaning policy is not economically feasible. Adopting a green cleaning policy is not economically feasible if doing so would result in any increase in the cleaning costs of the school district or charter school.

C. The Department of Education shall determine green cleaning supply guidelines and specifications after consulting with the Department of Environmental Quality. After determining the guidelines and specifications, the Department of Education shall provide each school district and charter school with a written copy of the guidelines and specifications.

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


A. The governor's energy office, in consultation with persons responsible for building systems, shall adopt and publish energy conservation standards for construction of all new capital projects as defined in section 41-790, including buildings designed and constructed by school districts, community college districts and universities. These standards shall be consistent with the recommended energy conservation standards of the American Society of Heating, Refrigerating and Air Conditioning Engineers and the international energy conservation code.

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

C. The following state agencies shall reduce energy use in public buildings that they administer by ten percent per square foot of floor area on or before July 1, 2008, and by fifteen percent per square foot of floor area on or before July 1, 2011 and by twenty percent per square foot of floor area on or before July 1, 2024, using July 1, 2001 through June 30, 2002 as the baseline year:

1. The department of administration for its building systems.
2. The Arizona board of regents for its building systems.
3. The department of transportation for its building systems.
4. The governor's energy office shall provide technical assistance to the state agencies prescribed in subsection C of this section. On or before
July 1 of each year, the energy office shall measure compliance with subsection C of this section, compile the results of that monitoring and report to the speaker of the house of representatives and the president of the senate as to the progress of attaining the goals prescribed in subsection C of this section. The energy office shall include in its report an explanation of the reasons for any failure to achieve energy reductions in specific building systems as prescribed in subsection C of this section.

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

F. On or before July 1, 2021, all state agencies, universities, school districts and community college districts shall purchase at least ten percent of their energy requirements in public buildings that they administer from green sources. For the purposes of this subsection, "green sources" means renewable and nonpolluting energy sources and includes solar, wind, landfill gas and low-impact hydroelectric generation.

G. On or before July 1, 2021, all existing state buildings that are more than fifty thousand square feet shall conform to the leadership in energy and environmental design existing buildings standards, including the green building rating system developed by the United States green building council, in a manner prescribed by the governor's energy office. The governor's energy office shall monitor the United States green building council for changes to the rating system that impact existing state buildings.

H. All new or leased state buildings shall conform to the leadership in energy and environmental design green building rating system developed by the United States green building council in a manner prescribed by the governor's office of energy policy. The governor's energy office shall monitor the United States green building council for changes to the rating system that impact state buildings.

Sec. 3. Title 41, chapter 10, article 1, Arizona Revised Statutes, is amended by adding section 41-1509, to read:

A. The energy and water efficiency fund for public facilities; loans; repayment; program termination is established to be administered by the authority. The fund consists of monies appropriated by the legislature, earnings from the fund, gifts or grants donated or given to the fund and monies authorized pursuant to this section. Monies in the fund are subject to legislative appropriation and shall be used as prescribed by this section.
B. ON NOTICE FROM THE CHIEF EXECUTIVE OFFICER, THE STATE TREASURER MAY INVEST AND DIVEST MONIES IN THE FUND AS PROVIDED BY SECTION 35-313. THE STATE TREASURER SHALL CREDIT MONIES EARNED FROM INVESTMENTS TO THE FUND.

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

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

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

F. THE PROGRAM ESTABLISHED PURSUANT TO THIS SECTION ENDS ON JULY 1, 2026 PURSUANT TO SECTION 41-3102.

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

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

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

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

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

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

5. The superintendent of public instruction or the superintendent's designee.
6. A member of a nonprofit organization that is dedicated to sustainable building design and construction. The governor shall appoint this member.

7. One representative of a statewide organization of school district governing board members. The president of the senate shall appoint this member.

8. One representative of a statewide organization of school district administrators. The speaker of the house of representatives shall appoint this member.

9. A member of the public. The governor shall appoint this member.

B. The task force shall:

1. Identify the procedures and methods to retrofit public schools in this state to conform to the leadership in energy and environmental design building standards.

2. Recommend a model green cleaning policy for public schools in this state.

3. Make recommendations relating to the establishment and financing of a system to ensure that existing public schools are retrofitted and new public schools are constructed in a manner that promotes energy efficiency and sustainability.

4. Submit to the governor, the president of the senate and the speaker of the house of representatives a report of its findings and recommendations on or before November 1, 2017. The task force shall provide a copy of its report to the secretary of state.

C. Task force members are not eligible to receive compensation, but members appointed pursuant to subsection A, paragraphs 6, 7, 8 and 9 of this section are eligible for reimbursement of expenses under title 38, chapter 4, article 2, Arizona Revised Statutes.

D. This section is repealed from and after December 31, 2017.