

REFERENCE TITLE: public buildings; energy conservation

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)

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; exception; guidelines

6 A. ON OR BEFORE DECEMBER 31, 2017, ALL SCHOOL DISTRICTS AND CHARTER
7 SCHOOLS SHALL ADOPT A GREEN CLEANING POLICY AND SHALL 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 IT BECOMES ECONOMICALLY FEASIBLE, THE SCHOOL DISTRICT OR CHARTER SCHOOL
13 SHALL PROVIDE ANNUAL WRITTEN NOTIFICATION TO THE DEPARTMENT OF EDUCATION, ON
14 A FORM PROVIDED BY THE DEPARTMENT, THAT THE DEVELOPMENT AND IMPLEMENTATION OF
15 A GREEN CLEANING POLICY IS NOT ECONOMICALLY FEASIBLE. ADOPTING A GREEN
16 CLEANING POLICY IS NOT ECONOMICALLY FEASIBLE IF DOING SO WOULD RESULT IN ANY
17 INCREASE IN THE CLEANING COSTS OF THE SCHOOL DISTRICT OR CHARTER SCHOOL.

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

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

24 34-451. Energy conservation standards for public buildings

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

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

35 C. The following state agencies shall reduce energy use in public
36 buildings that they administer by ten ~~per-cent~~ PERCENT per square foot of
37 floor area on or before July 1, 2008, and by fifteen ~~per-cent~~ PERCENT per
38 square foot of floor area on or before July 1, 2011 AND BY TWENTY PERCENT PER
39 SQUARE FOOT OF FLOOR AREA ON OR BEFORE JULY 1, 2024, using July 1, 2001
40 through June 30, 2002 as the baseline year:

41 1. The department of administration for its building systems.

42 2. The Arizona board of regents for its building systems.

43 3. The department of transportation for its building systems.

44 D. The governor's energy office shall provide technical assistance to
45 the state agencies prescribed in subsection C of this section. On or before

1 July 1 of each year, the energy office shall measure compliance with
2 subsection C of this section, compile the results of that monitoring and
3 report to the speaker of the house of representatives and the president of
4 the senate as to the progress of attaining the goals prescribed in subsection
5 C of this section. The energy office shall include in its report an
6 explanation of the reasons for any failure to achieve energy reductions in
7 specific building systems as prescribed in subsection C of this section.

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

14 F. ON OR BEFORE JULY 1, 2021, ALL STATE AGENCIES, UNIVERSITIES, SCHOOL
15 DISTRICTS AND COMMUNITY COLLEGE DISTRICTS SHALL PURCHASE AT LEAST TEN PERCENT
16 OF THEIR ENERGY REQUIREMENTS IN PUBLIC BUILDINGS THAT THEY ADMINISTER FROM
17 GREEN SOURCES. FOR THE PURPOSES OF THIS SUBSECTION, "GREEN SOURCES" MEANS
18 RENEWABLE AND NONPOLLUTING ENERGY SOURCES AND INCLUDES SOLAR, WIND, LANDFILL
19 GAS AND LOW-IMPACT HYDROELECTRIC GENERATION.

20 G. ON OR BEFORE JULY 1, 2021, ALL EXISTING STATE BUILDINGS THAT ARE
21 MORE THAN FIFTY THOUSAND SQUARE FEET SHALL CONFORM TO THE LEADERSHIP IN
22 ENERGY AND ENVIRONMENTAL DESIGN EXISTING BUILDINGS STANDARDS, INCLUDING THE
23 GREEN BUILDING RATING SYSTEM DEVELOPED BY THE UNITED STATES GREEN BUILDING
24 COUNCIL, IN A MANNER PRESCRIBED BY THE GOVERNOR'S ENERGY OFFICE. THE
25 GOVERNOR'S ENERGY OFFICE SHALL MONITOR THE UNITED STATES GREEN BUILDING
26 COUNCIL FOR CHANGES TO THE RATING SYSTEM THAT IMPACT EXISTING STATE
27 BUILDINGS.

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

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

36 41-1509. Energy and water efficiency fund for public
37 facilities; loans; repayment; program termination

38 A. THE ENERGY AND WATER EFFICIENCY FUND FOR PUBLIC FACILITIES IS
39 ESTABLISHED TO BE ADMINISTERED BY THE AUTHORITY. THE FUND CONSISTS OF MONIES
40 APPROPRIATED BY THE LEGISLATURE, EARNINGS FROM THE FUND, GIFTS OR GRANTS
41 DONATED OR GIVEN TO THE FUND AND MONIES AUTHORIZED PURSUANT TO THIS SECTION.
42 MONIES IN THE FUND ARE SUBJECT TO LEGISLATIVE APPROPRIATION AND SHALL BE USED
43 AS PRESCRIBED BY THIS SECTION.

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

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

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

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

29 F. THE PROGRAM ESTABLISHED PURSUANT TO THIS SECTION ENDS ON JULY 1,
30 2026 PURSUANT TO SECTION 41-3102.

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

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

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

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

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

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

44 5. The superintendent of public instruction or the superintendent's
45 designee.

- 1 6. A member of a nonprofit organization that is dedicated to
2 sustainable building design and construction. The governor shall appoint
3 this member.
- 4 7. One representative of a statewide organization of school district
5 governing board members. The president of the senate shall appoint this
6 member.
- 7 8. One representative of a statewide organization of school district
8 administrators. The speaker of the house of representatives shall appoint
9 this member.
- 10 9. A member of the public. The governor shall appoint this member.
- 11 B. The task force shall:
- 12 1. Identify the procedures and methods to retrofit public schools in
13 this state to conform to the leadership in energy and environmental design
14 building standards.
- 15 2. Recommend a model green cleaning policy for public schools in this
16 state.
- 17 3. Make recommendations relating to the establishment and financing of
18 a system to ensure that existing public schools are retrofitted and new
19 public schools are constructed in a manner that promotes energy efficiency
20 and sustainability.
- 21 4. Submit to the governor, the president of the senate and the speaker
22 of the house of representatives a report of its findings and recommendations
23 on or before November 1, 2017. The task force shall provide a copy of its
24 report to the secretary of state.
- 25 C. Task force members are not eligible to receive compensation, but
26 members appointed pursuant to subsection A, paragraphs 6, 7, 8 and 9 of this
27 section are eligible for reimbursement of expenses under title 38, chapter 4,
28 article 2, Arizona Revised Statutes.
- 29 D. This section is repealed from and after December 31, 2017.