

MASON SUBSTITUTE FLOOR AMENDMENT

HOUSE OF REPRESENTATIVES AMENDMENTS TO H.B. 2766

I move the following SUBSTITUTE Floor amendment to the WATER AND AGRICULTURE
Committee amendment to
HOUSE BILL 2766 (Reference to printed bill)

- 1 Page 1, line 3, strike "sections" insert "section"; strike "and 9-469"
- 2 Strike lines 4 through 43
- 3 Page 2, strike lines 1 and 2
- 4 Line 3, strike "9-469" insert "9-468"; strike "goals"
- 5 Strike lines 4 through 20
- 6 Line 21, strike "STATE IN ANY YEAR, SHALL REPORT TO THE MUNICIPALITY" insert:
7 "A. A CITY OR TOWN SHALL REPORT TO THE DEPARTMENT OF COMMERCE ENERGY
8 OFFICE INFORMATION COLLECTED"
- 9 Line 26, strike "2." insert "B."; strike "OF" insert ", 2009 AND"
- 10 Line 28, strike "(a)" insert "1."
- 11 Line 31, strike "(b)" insert "2."
- 12 Strike line 35
- 13 Reletter to conform
- 14 Line 36, after "SECTION" insert "AND FOR PURPOSES OF REPORTING ENERGY EFFICIENT
15 BUILDINGS PURSUANT TO SECTION 41-1511"
- 16 Page 3, line 2, strike "sections" insert "section"; strike "and 11-324"
- 17 Strike lines 3 through 44
- 18 Page 4, line 1, strike "11-324" insert "11-323"; strike "goals"
- 19 Strike lines 3 through 19
- 20 Line 20, strike "STATE IN ANY YEAR, SHALL REPORT TO THE COUNTY" insert:
21 "A. A COUNTY SHALL REPORT TO THE DEPARTMENT OF COMMERCE ENERGY OFFICE
22 INFORMATION COLLECTED"
- 23 Line 25, strike "2." insert "B."; strike "OF" insert ", 2009 AND"
- 24 Line 27, strike "(a)" insert "1."
- 25 Line 30, strike "(b)" insert "2."
- 26 Page 4, strike line 34
- 27 Reletter to conform

1 Line 35, strike the period insert "AND FOR PURPOSES OF REPORTING ENERGY
2 EFFICIENT BUILDINGS PURSUANT TO SECTION 41-1511,"

3 Page 5, line 3, strike "definition" insert "definitions"

4 Strike lines 4 though 15

5 Reletter to conform

6 Strike lines 20, 21 and 22, insert:

7 "A. BEGINNING JANUARY 1, 2009,"

8 Line 23, after "TIME" insert "IN THIS STATE"; after "VEHICLES" insert "THAT ARE
9 REQUIRED TO BE REGISTERED"

10 Line 24, strike "FOURTEEN" insert "TEN"; strike the period

11 Strike line 25, insert "SHALL BE LIMITED TO FIVE MINUTES IN ANY SIXTY-MINUTE
12 PERIOD EXCEPT FOR THE FOLLOWING:"

13 Line 30, after "CONDITIONERS" insert ", WHILE PROVIDING A POWER SOURCE NECESSARY
14 FOR MECHANICAL OPERATIONS OTHER THAN PROPULSION"

15 Line 31, strike "AND NOT AS A PART OF A REST PERIOD"

16 Line 39, strike "POSING" insert "POWERING"

17 Line 41, after "INCLUDING" insert "OPERATING A POWER TAKE OFF MECHANISM OR OTHER
18 MECHANICAL DEVICE THAT PERFORMS THE SAME FUNCTION AS A POWER TAKE OFF
19 MECHANISM,"

20 Page 6, strike lines 7 and 8, insert:

21 "8. VEHICLES THAT IDLE BECAUSE OF ADVERSE WEATHER CONDITIONS AFFECTING
22 THE SAFE OPERATION OF THE VEHICLE OR THE HEALTH AND SAFETY OF THE DRIVER.

23 9. IDLING OF THE PRIMARY PROPULSION ENGINE IS NECESSARY TO SUPPLY HEAT
24 OR AIR CONDITIONING NECESSARY FOR PASSENGER COMFORT OR SAFETY IN THOSE
25 VEHICLES OPERATING FOR COMMERCIAL PASSENGER TRANSPORTATION OR SCHOOL PURPOSES
26 FOR UP TO A MAXIMUM OF THIRTY MINUTES PER HOUR. IF AMBIENT TEMPERATURES
27 EXCEED SEVENTY-FIVE DEGREES FAHRENHEIT, VEHICLES OPERATING FOR COMMERCIAL
28 PASSENGER TRANSPORTATION OR SCHOOL PURPOSES PURSUANT TO THIS PARAGRAPH MAY
29 IDLE FOR UP TO A MAXIMUM OF SIXTY MINUTES IN ANY NINETY MINUTE TIME PERIOD.

30 10. IDLING OF THE PRIMARY PROPULSION ENGINE IS NECESSARY TO COMPLY WITH
31 THE 40 CODE OF FEDERAL REGULATIONS PART 395 AND RULES ADOPTED BY THE ARIZONA
32 DEPARTMENT OF TRANSPORTATION REGARDING HOURS OF SERVICE RESTRICTIONS."

1 Page 6, line 9, strike "ORDINANCES THAT REQUIRE" insert:

2 "B. BEGINNING JANUARY 1, 2009,"; strike "TRUCKING"

3 Line 10, strike "TO" insert "SHALL"

4 Line 12, strike ", AN INFORMATION HOTLINE"

5 Strike lines 14 through 19, insert:

6 "C. THE DEPARTMENT OF TRANSPORTATION SHALL POST AND MAINTAIN PERMANENT
7 SIGNS OF SUFFICIENT SIZE AT ALL POINTS OF ENTRY INTO THIS STATE THAT ARE
8 MAINTAINED BY THE DEPARTMENT OF TRANSPORTATION AND THAT SPECIFY THE MAXIMUM
9 IDLE TIME AND THE RELEVANT STATUTORY REFERENCE FOR ENGINE IDLING
10 RESTRICTIONS."

11 Reletter to conform

12 Line 20, strike "an ordinance adopted pursuant to"

13 Line 26, strike "Ordinances adopted pursuant to"

14 Line 28, strike "ordinances adopted pursuant to"

15 Lines 32 and 33, strike "an ordinance adopted pursuant to"

16 Line 34, strike "ordinances adopted pursuant to"

17 Between lines 37 and 38, insert:

18 "G. THIS SECTION APPLIES THROUGHOUT THIS STATE AND COUNTIES, CITIES
19 AND TOWNS MAY NOT ENACT OR ENFORCE AN ORDINANCE, RULE OR REGULATION THAT
20 CONFLICTS WITH THIS SECTION."

21 Reletter to conform

22 Line 38, strike the comma insert ":

23 1. "DISTRIBUTION CENTER" MEANS A PLACE WITH THREE OR MORE BAYS WHERE
24 VEHICLES LOAD OR UNLOAD MATERIALS.

25 2."

26 After line 42, insert:

27 "3. "POWER TAKE OFF MECHANISM" MEANS A UNIT THAT PROVIDES POWER FROM
28 THE ENGINE TO A TRAILER OR OTHER EQUIPMENT.

29 4. "PRIMARY PROPULSION ENGINE" MEANS ANY ENGINE FOR WHICH THE PRIMARY
30 FUNCTION IS TO PROVIDE MECHANICAL POWER TO PROPEL OR DIRECT A VEHICLE,
31 REGARDLESS OF WHETHER THAT POWER IS APPLIED DIRECTLY TO THE PROPELLER SHAFT

OR INDIRECTLY BY WAY OF AN ELECTRICAL SYSTEM, AND THAT MEETS ALL OF THE FOLLOWING CRITERIA:

(a) THE ENGINE PROVIDES A POWER SOURCE NECESSARY FOR MECHANICAL OPERATIONS OTHER THAN PROPULSION.

(b) THE VEHICLE INCLUDES A POWER TAKE OFF MECHANISM OR OTHER MECHANICAL DEVICE PERFORMING THE SAME FUNCTION AS A POWER TAKE OFF MECHANISM THAT IS POWERED BY THE ENGINE FOR ANY OF THE FOLLOWING REASONS:

(i) LOADING AND UNLOADING CARGO.

(ii) MIXING OR PROCESSING CARGO.

(iii) CONTROLLING CARGO TEMPERATURE.

(iv) PROVIDING A MECHANICAL EXTENSION TO PERFORM WORK FUNCTIONS.

5. "TRUCK STOP" MEANS A FACILITY THAT IS LOCATED ON OR NEAR AN INTERSTATE HIGHWAY OR OTHER HIGHWAY AND THAT PROVIDES FUEL, PARKING, FOOD OR OTHER SERVICES FOR MORE THAN ONE VEHICLE WITH A GROSS VEHICLE WEIGHT OF MORE THAN TEN THOUSAND POUNDS."

Page 8, line 13, strike "SIMPLIFIED"

Line 14, after "CONTRACTS" strike remainder of line

Line 15, strike "HUNDRED THOUSAND DOLLARS" insert "AND RENEWABLE ENERGY POWER PURCHASE CONTRACTS"

Page 11, line 31, after the period insert "THE SCHOOL DISTRICT SHALL RETAIN THE SAVINGS ACHIEVED BY A GUARANTEED ENERGY COST SAVING CONTRACT AND THESE SAVINGS MAY BE USED TO PAY FOR THE PROJECT IMPLEMENTATION."

Line 33, after the first "the" strike remainder of line

Strike lines 34 and 35

Page 12, line 3, strike "An in-depth feasibility" insert "A"

Page 13, line 14, after "process" insert "FROM THE QUALIFIED PROVIDER OR A THIRD-PARTY FINANCING INSTITUTION"

Page 14, line 25, after "PROJECTS" insert "AND RENEWABLE ENERGY POWER PURCHASE CONTRACTS"

Page 16, line 2, after "OR" strike remainder of line

1 Strike line 3, insert "THE PROPERTY IS PROCURED THROUGH AN ENERGY PERFORMANCE
2 CONTRACT OR RENEWABLE ENERGY POWER PURCHASE CONTRACT PURSUANT TO SECTION
3 15-213 OR 15-213.01."
4 Page 24, line 3, strike "funds" insert "accounts"
5 Lines 5 and 7, strike "FUND" insert "ACCOUNT"
6 Line 13, strike "FUNDS" insert "ACCOUNTS"
7 Line 17, strike "FUND" insert "ACCOUNT"
8 Line 21, after "THE" insert "QUALIFIED PROVIDER OR"
9 Line 29, strike "FUND" insert "ACCOUNT"
10 Line 35, after "SCHOOLS" insert "BY A QUALIFIED PROVIDER OR A UTILITY, ENERGY OR
11 WATER SERVICES COMPANY"
12 Line 36, after the second "THE" insert "QUALIFIED PROVIDER OR"
13 Line 37, strike "FUND" insert "ACCOUNT"
14 Line 41, strike "FUNDS" insert "ACCOUNTS"
15 Line 43, after "THE" insert "QUALIFIED PROVIDER OR"
16 Page 25, line 3, after the second "THE" insert "QUALIFIED PROVIDER OR"
17 Line 8, after the first "THE" insert "QUALIFIED PROVIDER OR"
18 Line 18, strike "FUND" insert "ACCOUNT"
19 Line 21, strike "FUND" insert "ACCOUNT"; after the second "THE" insert
20 "QUALIFIED PROVIDER OR"
21 Line 24, after "THE" insert "QUALIFIED PROVIDER OR"
22 Line 28, strike "FUND" insert "ACCOUNT"
23 Line 29, after the second "THE" insert "QUALIFIED PROVIDER OR"
24 Lines 31, 33 and 36, strike "FUND" insert "ACCOUNT"
25 Line 37, after "THE" insert "QUALIFIED PROVIDER OR"
26 Strike lines 41 through 45
27 Page 26, strike lines 1 through 7
28 Reletter to conform
29 Line 9, strike "FUND" insert "ACCOUNT"
30 Line 19, strike the first "FUND" insert "ACCOUNT"
31 Line 33, strike "definitions" insert "definition"
32 Page 26, strike lines 34 through 37, insert:

"A. IT IS THE POLICY OF THIS STATE TO REDUCE GREENHOUSE GAS EMISSIONS BY THE CONSERVATION OF ENERGY AND THE DEVELOPMENT OF SUSTAINABLE AND NONGREENHOUSE GAS EMITTING ENERGY RESOURCES IN CONJUNCTION WITH MAINTAINING RELIABLE AND LOW-COST ELECTRIC SERVICE TO ARIZONA UTILITY CUSTOMERS. THE POLICY"

Line 38, after "THAT" insert "BY 2025,"

Strike lines 40 through 43, insert:

"B. FOR PUBLIC POWER ENTITIES SERVING AN ANNUAL RETAIL LOAD OF AT LEAST SEVEN HUNDRED FIFTY THOUSAND MEGAWATT HOURS THE FOLLOWING RENEWABLE ENERGY MINIMUM SUSTAINABLE PORTFOLIO STANDARDS APPLY:"

Page 27, line 1, after the period strike remainder of line

Line 2, strike "HUNDRED THOUSAND MEGAWATT HOURS OR GREATER,"

Strike lines 6 through 11

Renumber to conform

Line 19, after "TO" insert "PUBLIC POWER ENTITY"

Between lines 21 and 22, insert:

"4. FOR A PUBLIC POWER ENTITY THAT FIRST SERVES AN ANNUAL RETAIL LOAD OF AT LEAST SEVEN HUNDRED FIFTY THOUSAND MEGAWATT HOURS IN 2009 OR LATER, THAT PUBLIC POWER ENTITY SHALL COMPLY WITH THIS SECTION NO LATER THAN FIFTEEN YEARS AFTER THE YEAR IN WHICH THE ENTITY FIRST SERVES THE SEVEN HUNDRED FIFTY THOUSAND MEGAWATT HOUR ANNUAL RETAIL LOAD."

Line 22, strike "APPROPRIATE REGULATORY AUTHORITY" insert "GOVERNING BODY"

Line 23, after "ENTITY" insert "PRESCRIBED BY SUBSECTION B"

Strike line 24, insert "GOVERNOR, THE PRESIDENT OF THE SENATE AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES ON:"

Line 26, strike "AND" insert a comma; after "RESOURCES" insert "AND THE UTILITY'S SYSTEM RELIABILITY AS A RESULT OF THE SUSTAINABLE ENERGY RESOURCES"

Between lines 29 and 30, insert:

"D. A COPY OF THE REPORT REQUIRED PURSUANT TO SUBSECTION C SHALL BE PROVIDED TO THE SECRETARY OF STATE AND THE DIRECTOR OF THE ARIZONA STATE LIBRARY, ARCHIVES AND PUBLIC RECORDS."

Reletter to conform

1 Page 27, line 31, strike "APPROPRIATE REGULATORY AUTHORITY" insert "GOVERNING BODY"
2 Lines 34 and 35, strike ":",
3 1." Insert a comma
4 Strike lines 39 through 43
5 Page 31, line 11, strike the colon
6 Line 12, strike "1."
7 Line 13, strike ", as those terms are defined in section 15-213.01,"
8 Line 16, strike ", article 3"
9 Line 17, after "agent" insert a period strike remainder of line
10 Strike lines 18 through 22
11 Line 26, after "commerce" insert "ENERGY OFFICE"
12 Line 36, after "agencies" insert "THROUGH THE USE OF ENERGY PERFORMANCE
13 CONTRACTING OR OTHER MECHANISMS"
14 Page 32, line 1, after "DISTRICTS" insert "THROUGH THE USE OF ENERGY PERFORMANCE
15 CONTRACTING OR OTHER MECHANISMS"; after "REDUCE" insert "SCHOOL DISTRICT-WIDE
16 AVERAGE"; strike "PUBLIC"
17 Line 5, after "USING" insert "THE SCHOOL DISTRICT-WIDE AVERAGE FOR"
18 Line 18, after "DISTRICTS" insert ", COMMUNITY COLLEGES"
19 Line 24, strike "2013" insert "2015, THROUGH THE USE OF RENEWABLE ENERGY POWER
20 PURCHASE CONTRACTS OR OTHER MECHANISMS"
21 Line 25, after "SHALL" insert "USE OR"
22 Line 27, after "BIOMASS," insert "GEOTHERMAL, AGRICULTURAL WASTE,"
23 Strike line 29, insert ". THE DEPARTMENT OF COMMERCE ENERGY OFFICE SHALL
24 INCLUDE IN ITS REPORT PRESCRIBED BY SUBSECTION E OF THIS SECTION AN
25 EXPLANATION OF THE REASONS FOR ANY FAILURE TO ACHIEVE THE ENERGY REQUIREMENTS
26 IN SPECIFIC BUILDING SYSTEMS AS PRESCRIBED IN THIS SUBSECTION."
27 Line 30, strike "NEW OR LEASED STATE BUILDINGS" insert "STATE AGENCY BUILDINGS
28 CONSTRUCTED ON OR AFTER JULY 1, 2009"
29 Line 31, strike "STANDARD" insert "STANDARDS"
30 Line 32, after "COUNCIL" insert "OR AN EQUIVALENT GREEN BUILDING RATING
31 STANDARD"

- 1 Page 32, line 33, after "OFFICE" insert ", UNLESS THE STANDARD CAN BE SHOWN NOT TO
2 BE COST-EFFECTIVE ON A LIFE CYCLE COST BASIS"
- 3 Line 34, after "COUNCIL" insert "AND DEVELOPERS OF EQUIVALENT GREEN BUILDING
4 RATING STANDARDS"
- 5 Line 35, strike "SYSTEM" insert "STANDARDS"
- 6 Line 42, after "commerce" insert "ENERGY OFFICE"
- 7 Page 33, line 24, after "into" insert "ENERGY"
- 8 Line 25, after "energy" insert "OR COST"; after "purpose" insert "AND FOR THE
9 PURPOSE OF IMPLEMENTING RENEWABLE ENERGY PROJECTS OR CONTRACTS"
- 10 Line 31, after the period insert "IN ACCORDANCE WITH TITLE 41, CHAPTER 23,"
- 11 Line 39, after the period strike remainder of line
- 12 Strike lines 40 through 45
- 13 Page 34, strike lines 1 through 4
- 14 Line 9, strike "dollar" insert "OR COST"
- 15 Line 12, strike "either" insert "ANY OF THE FOLLOWING"
- 16 Between lines 17 and 18, insert:
17 "(c) RENEWABLE ENERGY CONTRACTS."
- 18 Line 24, after the period strike remainder of line
- 19 Line 25, strike "RECOGNIZED AS THE VOLUNTARY STATE ENERGY CODE."
- 20 Line 27, after "FOLLOWING" insert "VOLUNTARY"
- 21 Line 29, strike "MUST"
- 22 Line 30, strike "BE" insert "ARE"
- 23 Page 35, line 1, after "NEW" insert "RESIDENTIAL"; after "BUILDINGS" insert "IN THE
24 AGGREGATE"
- 25 Line 2, after "EFFICIENT" insert "AND AN ESTIMATE OF THE PERCENTAGE THAT ALL NEW
26 COMMERCIAL BUILDINGS IN THE AGGREGATE ON AVERAGE WERE MORE ENERGY EFFICIENT"
- 27 Line 34, after "DURING" strike remainder of line
- 28 Strike line 35, insert "CALENDAR YEAR 2005."
- 29 Page 36, strike lines 8 through 11
- 30 Renumber to conform
- 31 Page 37, line 6, strike "sections", insert "section"; strike "and 41-2122.03"
- 32 Line 8, after "report" insert "; definition"

1 Page 37, between lines 8 and 9, insert:

2 "A. IT IS THE GOAL OF THIS STATE TO IMPROVE ECONOMIC COMPETITIVENESS,
3 ENHANCE ENERGY SECURITY AND REDUCE GREENHOUSE GAS EMISSIONS THROUGH VEHICLE
4 FUEL CONSERVATION AND DIVERSIFICATION. THE GOAL IS TO REDUCE, TO THE MAXIMUM
5 EXTENT TECHNOLOGICALLY FEASIBLE AND COST-EFFECTIVE, THE GREENHOUSE GAS
6 INTENSITY OF FUEL USED IN ARIZONA. THE REDUCTION WILL BE MEASURED AS A
7 DECLINING STANDARD WITH RESPECT TO GREENHOUSE GASES EMITTED PER UNIT OF
8 USEABLE ENERGY OVER A VEHICLE FUEL'S LIFE CYCLE GREENHOUSE GAS EMISSIONS."

9 Reletter to conform

10 Line 13, strike "THE STUDY SHALL TAKE INTO ACCOUNT" insert "THERE SHALL BE AN
11 OPPORTUNITY FOR PUBLIC COMMENT IN DETERMINING THE SCOPE OF WORK FOR THE
12 STUDY. THE STUDY SHALL TAKE INTO ACCOUNT INTERNATIONAL EXPERIENCE AND"

13 Line 14, after "UNDER" insert "THE FEDERAL ENERGY INDEPENDENCE AND SECURITY ACT
14 OF 2007, CALIFORNIA ASSEMBLY BILL 32 OF 2006 AND"

15 Line 28, strike "METHODS FOR ENSURING THAT REDUCTIONS IN LIFECYCLE" insert
16 "WHETHER REDUCTIONS IN LIFE CYCLE"

17 Line 29, strike "DO NOT"

18 Line 31, strike "METHODS FOR ENSURING THAT" insert "WHETHER"

19 Line 32, strike "AND DO NOT" insert "OR"

20 Line 35, strike "OVERALL SOCIETAL BENEFITS FROM" insert "WHETHER"

21 Line 36, after "POLLUTANTS," insert "RESULTS IN"

22 Line 37, strike "BENEFITS" insert "IMPACTS"

23 Line 41, strike "METHODS FOR ENSURING THAT" insert "WHETHER"

24 Line 42, strike "NOT"

25 Page 38, between lines 3 and 4, insert:

26 "10. THE COST-EFFECTIVENESS OF GREENHOUSE GAS EMISSIONS REDUCTIONS
27 MEASURED IN DOLLARS PER METRIC TON OF REDUCED GREENHOUSE GASES, AS EXPRESSED
28 IN CARBON DIOXIDE EQUIVALENCE."

29 Line 11, strike "ONE PUBLIC MEETING" insert "THREE PUBLIC MEETINGS IN DISTINCT
30 AREAS OF THIS STATE"

31 Line 12, after the first "THE" insert "DRAFT"

1 Page 38, line 13, strike "MEETING." insert "MEETINGS. THE DEPARTMENT SHALL PREPARE
2 A RESPONSE TO PUBLIC COMMENTS TO BE DELIVERED WITH THE FINAL REPORT."

3 Strike lines 14 through 43

4 Page 39, strike lines 1, 2 and 3, insert:

5 "D. FOR THE PURPOSES OF THIS SECTION, "LIFE CYCLE GREENHOUSE GAS
6 EMISSIONS" MEANS THE AGGREGATE QUANTITY OF GREENHOUSE GAS EMISSION, INCLUDING
7 DIRECT EMISSIONS AND SIGNIFICANT INDIRECT EMISSIONS SUCH AS SIGNIFICANT
8 EMISSIONS FROM LAND USE CHANGES, RELATED TO THE FULL FUEL LIFE CYCLE,
9 INCLUDING ALL STAGES OF FUEL AND FEEDSTOCK PRODUCTION AND DISTRIBUTION, FROM
10 FEEDSTOCK GENERATION OR EXTRACTION THROUGH THE DISTRIBUTION AND DELIVERY AND
11 USE OF THE FINISHED FUEL TO THE ULTIMATE CONSUMER, WHERE THE MASS VALUES FOR
12 ALL GREENHOUSE GASES ARE ADJUSTED TO ACCOUNT FOR THEIR RELATIVE GLOBAL
13 WARMING POTENTIAL."

14 "Sec. 19. Title 41, chapter 23, article 3, Arizona Revised Statutes,
15 is amended by adding section 41-2560, to read:

16 41-2560. Energy performance contracts; joint legislative budget
17 committee consultation

18 A. THE DIRECTOR SHALL ENTER INTO ENERGY PERFORMANCE CONTRACTS TO
19 FINANCE ENERGY EFFICIENCY AND RENEWABLE ENERGY PROJECTS OR CONTRACTS FOR THE
20 PURCHASING AGENCY PURSUANT TO SECTION 34-455. ENERGY EFFICIENT AND RENEWABLE
21 ENERGY PROJECTS OR CONTRACTS TO BE FUNDED UNDER THIS SECTION ARE EXPECTED TO
22 EMPLOY GENERALLY AVAILABLE AND MARKET PROVEN COMMERCIAL TECHNOLOGIES AS
23 DEFINED PROGRAMMATICALLY BY THE DEPARTMENT OF COMMERCE ENERGY OFFICE. THE
24 FUNDING FOR SERVICES UNDER AN ENERGY PERFORMANCE CONTRACT ENTERED INTO
25 PURSUANT TO THIS SECTION MAY INCLUDE APPROPRIATE LEASE-PURCHASE OR OTHER
26 THIRD-PARTY AGREEMENTS. FUNDING FOR AN ENERGY PERFORMANCE CONTRACT ENTERED
27 INTO PURSUANT TO THIS SECTION MAY INCLUDE APPROPRIATE LEASE-PURCHASE
28 FINANCING AGREEMENTS OR THIRD-PARTY AGREEMENTS AND SHALL NOT EXCEED TEN
29 MILLION DOLLARS FOR ANY SINGLE PROJECT. THE QUALIFIED PROVIDER OR QUALIFIED
30 ENERGY SERVICE COMPANY SHALL GUARANTEE THAT THE ENERGY OR COST SAVINGS TO BE
31 GENERATED WILL BE AT LEAST SUFFICIENT TO COVER ANY DEBT SERVICE AND FEES
32 ASSOCIATED WITH THE PROJECT FINANCING.

1 B. IF AN ENERGY PERFORMANCE CONTRACT HAS BEEN EXECUTED, OPERATING AND
2 UTILITIES APPROPRIATIONS FOR A STATE AGENCY TO FUND ENERGY PERFORMANCE
3 CONTRACTS SHALL NOT BE DECREASED OVER THE CONTRACT TERM ON THE EXCLUSIVE
4 BASIS THAT THE PROJECT HAS BEEN IMPLEMENTED.

5 C. BEFORE AN ENERGY PERFORMANCE CONTRACT IS AWARDED PURSUANT TO THIS
6 SECTION, THE JOINT LEGISLATIVE BUDGET COMMITTEE STAFF SHALL BE CONSULTED WITH
7 REGARD TO THE POTENTIAL FISCAL IMPACT OF THE CONTRACT TO THE STATE. AT THE
8 BEGINNING OF THIS CONSULTATION AND NO LATER THAN FIFTEEN DAYS AFTER A REQUEST
9 FROM THE JOINT LEGISLATIVE BUDGET COMMITTEE STAFF, THE DEPARTMENT OF COMMERCE
10 ENERGY OFFICE WILL PROVIDE AN OPINION TO THE JOINT LEGISLATIVE BUDGET
11 COMMITTEE AS TO WHETHER THE COST OF THE PROJECT, INCLUDING ALL INTEREST,
12 COSTS AND FEES RELATED TO LEASE-PURCHASE OR THIRD-PARTY AGREEMENTS, CAN BE
13 REPAID ENTIRELY FROM PROJECT SAVINGS. ON REQUEST FROM THE JOINT LEGISLATIVE
14 BUDGET COMMITTEE STAFF AND WITHIN FIFTEEN DAYS AFTER THE DATE OF THE REQUEST,
15 THE STATE AGENCY SHALL PROVIDE ANY ADDITIONAL INFORMATION TO THE JOINT
16 LEGISLATIVE BUDGET COMMITTEE STAFF TO COMPLETE ITS FINDINGS. THE JOINT
17 LEGISLATIVE BUDGET COMMITTEE STAFF SHALL PROVIDE THE STATE AGENCY WITH ITS
18 ASSESSMENT WITHIN FORTY-FIVE DAYS AFTER RECEIPT OF THE REQUESTED INFORMATION.
19 IF THE JOINT LEGISLATIVE BUDGET COMMITTEE STAFF FINDS A SIGNIFICANT NEGATIVE
20 FISCAL IMPACT TO THE STATE, THE STAFF SHALL REPORT ITS FINDINGS TO THE JOINT
21 LEGISLATIVE BUDGET COMMITTEE."

22 Renumber to conform

23 Page 39, line 31, after "LEAST" strike remainder of line

24 Strike lines 32 through 41, insert "THE ENERGY EFFICIENCIES ESTABLISHED BY THE
25 UNITED STATES ENVIRONMENTAL PROTECTION AGENCY ENERGY STAR PROGRAM OR BY THE
26 LEADERSHIP IN ENERGY AND ENVIRONMENTAL DESIGN GREEN BUILDING RATING STANDARD
27 OR AN EQUIVALENT GREEN BUILDING STANDARD OR IS AT LEAST FIFTEEN PER CENT MORE
28 ENERGY EFFICIENT THAN THE 2006 INTERNATIONAL ENERGY CONSERVATION CODE AND
29 HAVE NO ROOM PRESSURES GENERATED BY THE AIR HANDLER GREATER THAN A MAGNITUDE
30 OF PLUS OR MINUS 3.0 PASCALS RELATIVE TO THE OUTSIDE IN ANY ZONE OF THE
31 MULTIFAMILY DWELLING UNIT."

1 Page 43, lines 8 and 18, strike "HIGHLY"

2 Strike lines 26, 27 and 28, insert:

3 "(c) "RENEWABLE ENERGY EQUIPMENT" MEANS EQUIPMENT THAT IS USED TO
4 PRODUCE ENERGY PRIMARILY FOR ON-SITE CONSUMPTION FROM RENEWABLE RESOURCES,
5 INCLUDING SOLAR, WIND, FOREST THINNINGS, AGRICULTURAL WASTE, LANDFILL GAS,
6 BIOGAS, GEOTHERMAL OR LOW-IMPACT HYDROPOWER."

7 Between lines 37 and 38, insert:

8 "Sec. 22. Section 44-1375, Arizona Revised Statutes, is amended to
9 read:

10 44-1375. Definitions

11 In this article, unless the context otherwise requires:

12 1. "Automatic commercial icemaker" means a factory made assembly that
13 is shipped in one or more packages, that consists of a condensing unit and
14 icemaking section operating as an integrated unit, that makes and harvests
15 ice cubes and that may store or dispense ice. Automatic commercial icemaker
16 includes machines with capacities between fifty and two thousand five hundred
17 pounds per twenty-four hours.

18 2. "Ballast" means a device used with an electric discharge lamp to
19 obtain necessary circuit conditions such as voltage, current and waveform for
20 starting and operating the lamp.

21 3. "Commercial clothes washer" means a soft mount horizontal or
22 vertical axis clothes washer that both:

23 (a) Has a clothes container compartment no greater than three and
24 one-half cubic feet in the case of a horizontal axis product or no greater
25 than four cubic feet in the case of a vertical axis product.

26 (b) Is designed for use by more than one household, such as in
27 multifamily housing, apartments or coin laundries.

28 4. "Commercial prerinse spray valve" means a handheld device designed
29 to spray water on dishes, flatware and other food service items for the
30 purpose of removing food residue prior to cleaning.

31 5. "Commercial refrigerator, freezer and refrigerator freezer" means
32 self-contained refrigeration equipment that:

1 (a) Is not a consumer product as regulated pursuant to 42 United
2 States Code chapter 77.

3 (b) Operates at a chilled, frozen, combination chilled-frozen or
4 variable temperature for the purpose of storing or merchandising food,
5 beverages or ice.

6 (c) May have transparent or solid or both transparent and solid hinged
7 doors, sliding doors or a combination of hinged and sliding doors.

8 (d) Incorporates most components involved in the vapor-compression
9 cycle and the refrigerated compartment in a single cabinet.

10 (e) Does not include:

11 (i) Units with eighty-five cubic feet or more of internal volume.

12 (ii) Walk-in refrigerators or freezers.

13 (iii) Units with no doors.

14 (iv) Freezers specifically designed for ice cream.

15 6. "COMPACT AUDIO PRODUCT", ALSO KNOWN AS A MINI, MID, MICRO OR SHELF
16 AUDIO SYSTEM:

17 (a) MEANS AN INTEGRATED AUDIO SYSTEM THAT IS ENCASED IN A SINGLE
18 HOUSING THAT INCLUDES AN AMPLIFIER, RADIO TUNER AND ATTACHED OR SEPARABLE
19 SPEAKERS AND THAT CAN REPRODUCE AUDIO FROM ONE OR MORE OF THE FOLLOWING
20 MEDIA:

21 (i) MAGNETIC TAPE.

22 (ii) COMPACT DISC.

23 (iii) DIGITAL VERSATILE DISC.

24 (iv) FLASH MEMORY.

25 (b) DOES NOT INCLUDE PRODUCTS THAT CAN BE INDEPENDENTLY POWERED BY
26 INTERNAL BATTERIES, THAT HAVE A POWERED EXTERNAL SATELLITE ANTENNA OR THAT
27 CAN PROVIDE A VIDEO OUTPUT SIGNAL.

28 7. "DIGITAL VERSATILE DISC" OR "DVD" MEANS A LASER-ENCODED PLASTIC
29 MEDIUM CAPABLE OF STORING A LARGE AMOUNT OF DIGITAL AUDIO, VIDEO AND COMPUTER
30 DATA.

31 8. "DIGITAL VERSATILE DISC PLAYER" OR "DIGITAL VERSATILE DISC
32 RECORDER":

1 (a) MEANS COMMERCIALY-AVAILABLE ELECTRONIC PRODUCTS THAT ARE ENCASED
2 IN A SINGLE HOUSING THAT INCLUDES AN INTEGRAL POWER SUPPLY AND FOR WHICH THE
3 SOLE PURPOSE IS, RESPECTIVELY, THE DECODING AND PRODUCTION OR RECORDING OF
4 DIGITIZED VIDEO SIGNAL ON A DVD.

5 (b) DOES NOT INCLUDE MODELS THAT HAVE AN ELECTRONIC PROGRAMMING GUIDE
6 FUNCTION THAT PROVIDES AN INTERACTIVE, ONSCREEN MENU OF TELEVISION LISTINGS
7 AND THAT DOWNLOADS PROGRAM INFORMATION FROM THE VERTICAL BLANKING INTERVAL OF
8 A REGULAR TELEVISION SIGNAL.

9 ~~6.~~ 9. "High-intensity discharge lamp" means a lamp in which light is
10 produced by the passage of an electric current through a vapor or gas and in
11 which the light producing arc is stabilized by bulb wall temperature and the
12 arc tube has a bulb wall loading in excess of three watts per square
13 centimeter.

14 ~~7.~~ 10. "Illuminated exit sign" means an internally illuminated sign
15 that is designed to be permanently fixed in place to identify a building exit
16 and that consists of an electrically powered integral light source that both
17 illuminates the legend "exit" and any directional indicators and provides
18 contrast between the legend, any directional indicators and the background.

19 ~~8.~~ 11. "Large packaged air conditioning equipment" means electrically
20 operated, air cooled air conditioning and air conditioning heat pump
21 equipment that has cooling capacity greater than or equal to two hundred
22 forty thousand Btu per hour but less than seven hundred sixty thousand BTU
23 per hour and that is built as a package and shipped as a whole to end user
24 sites.

25 ~~9.~~ 12. "Low voltage dry type distribution transformer" means a
26 transformer to which all of the following apply:

- 27 (a) Has an input voltage of six hundred volts or less.
28 (b) Is air cooled.
29 (c) Does not use oil as a coolant.
30 (d) Is rated for operation at a frequency of sixty hertz.

31 ~~10.~~ 13. "Metal halide lamp" means a high intensity discharge lamp in
32 which the major portion of the light is produced by radiation of metal

1 halides and their products of dissociation, possibly in combination with
2 metallic vapors.

3 ~~11.~~ 14. "Metal halide lamp fixture" means a light fixture designed to
4 be operated with a metal halide lamp and a ballast for a metal halide lamp.

5 15. "PORTABLE ELECTRIC SPA" MEANS A FACTORY-BUILT ELECTRIC SPA OR HOT
6 TUB THAT IS SUPPLIED WITH EQUIPMENT FOR HEATING AND CIRCULATING WATER.

7 ~~12.~~ 16. "Probe start metal halide ballast" means a ballast used to
8 operate metal halide lamps that does not contain an ignitor and which instead
9 starts lamps by using a third starting electrode probe in the arc tube.

10 ~~13.~~ 17. "Pulldown refrigerator" means a commercial refrigerator
11 specifically designed to rapidly reduce all integrated product temperatures
12 from ninety degrees fahrenheit to thirty-eight degrees fahrenheit over a
13 twelve hour period when fully loaded with beverage containers.

14 18. "RESIDENTIAL POOL PUMP" MEANS A PUMP THAT IS USED TO CIRCULATE AND
15 FILTER POOL WATER IN ORDER TO MAINTAIN CLARITY AND SANITATION.

16 ~~14.~~ 19. "Single voltage external AC to DC power supply" means a device
17 that:

18 (a) Is designed to convert line voltage AC input into lower voltage DC
19 output.

20 (b) Is able to convert to only one DC output voltage at a time.

21 (c) Is sold with, or intended to be used with, a separate end use
22 product that constitutes the primary power load.

23 (d) Is contained within a separate physical enclosure from the end use
24 product.

25 (e) Is connected to the end use product via a removable or hard wired
26 male/female electrical connection, cable, cord or other wiring.

27 (f) Does not have batteries or battery packs, including those that are
28 removable and that physically attach directly to the power supply unit.

29 (g) Does not have a battery chemistry or type selector switch and
30 indicator light or does not have a battery chemistry or type selector switch
31 and a state of charge meter.

1 (h) Has a nameplate output power less than or equal to two hundred
2 fifty watts.

3 ~~15-~~ 20. "Torchiere" means a portable electric lighting fixture with a
4 reflective bowl that directs light upward onto a ceiling so as to produce
5 indirect illumination on the surfaces below. A torchiere may include
6 downward directed lamps in addition to the upward, indirect illumination.

7 ~~16-~~ 21. "Traffic signal module" means a standard eight inch or twelve
8 inch traffic signal indication, consisting of a light source, a lens and all
9 other parts necessary for operation.

10 ~~17-~~ 22. "Transformer" means a device that consists of two or more
11 coils of insulated wire and that is designed to transfer alternating current
12 by electromagnetic induction from one coil to another to change the original
13 voltage or current value. Transformer does not include:

14 (a) Transformers with multiple voltage taps, with the highest voltage
15 tap equaling at least twenty per cent more than the lowest voltage tap.

16 (b) Transformers, such as those commonly known as drive transformers,
17 rectifier transformers, auto transformers, uninterruptible power system
18 transformers, impedance transformers, regulating transformers, sealed and
19 nonventilating transformers, machine tool transformers, welding transformers,
20 grounding transformers or testing transformers, that are designed to be used
21 in a special purpose application and that are unlikely to be used in general
22 purpose applications.

23 ~~18-~~ 23. "Unit heater" means a self-contained, vented fan type
24 commercial space heater that uses natural gas or propane and that is designed
25 to be installed without ducts within a heated space, except that unit heater
26 does not include any products covered by federal standards established
27 pursuant to 42 United States Code chapter 77 or any product that is a direct
28 vent, forced flue heater with a sealed combustion burner.

29 24. "VIDEO STANDBY PASSIVE MODE" MEANS THE APPLIANCE IS CONNECTED TO A
30 POWER SOURCE, DOES NOT PERFORM ANY MECHANICAL FUNCTION SUCH AS PLAYING OR
31 RECORDING AND DOES NOT PRODUCE VIDEO OR AUDIO OUTPUT SIGNALS BUT CAN BE

1 SWITCHED INTO ANOTHER MODE WITH THE REMOTE CONTROL UNIT OR AN INTERNAL
2 SIGNAL.

3 Sec. 23. Section 44-1375.01, Arizona Revised Statutes, is amended to
4 read:

5 44-1375.01. Applicability

6 A. This article applies to the following types of new products sold,
7 offered for sale or installed in this state:

- 8 1. Automatic commercial icemakers.
- 9 2. Commercial clothes washers.
- 10 3. Commercial prerinse spray valves.
- 11 4. Commercial refrigerators, freezers and refrigerator freezers.
- 12 5. Illuminated exit signs.
- 13 6. Large packaged air conditioning equipment.
- 14 7. Low voltage dry type distribution transformers.
- 15 8. Metal halide lamp fixtures.
- 16 9. Single voltage external AC to DC power supplies.
- 17 10. Torchieres.
- 18 11. Traffic signal modules.
- 19 12. Unit heaters.
- 20 13. PORTABLE ELECTRIC SPAS.
- 21 14. RESIDENTIAL POOL PUMPS.
- 22 15. CONSUMER AUDIO AND VIDEO EQUIPMENT.

23 B. This article does not apply to:

- 24 1. New products manufactured in this state and sold outside this
25 state.
- 26 2. New products manufactured outside this state and sold at wholesale
27 inside this state for final retail sale and installation outside this state.
- 28 3. Products installed in mobile manufactured homes at the time of
29 construction.
- 30 4. Products designed expressly for installation and use in
31 recreational vehicles.

5. Products installed in a laundry facility located within an apartment complex or mobile home park at the time of construction or replacement. For the purposes of this paragraph, "apartment complex" means any real property that has one or more structures and that contains four or more dwelling units for rent or lease that are subject to the Arizona residential landlord and tenant act prescribed by title 33, chapter 10."

Renumber to conform

Page 44, line 35, after the period strike remainder of line

Strike lines 36, 37 and 38

Page 45, strike lines 18 through 44

Strike page 46

Page 47, strike lines 1 through 6, insert:

"1. PORTABLE ELECTRIC SPAS SHALL NOT HAVE A STANDBY POWER GREATER THAN FIVE TIMES THE SPA'S VOLUME IN GALLONS RAISED TO THE TWO-THIRDS POWER, AS MEASURED IN ACCORDANCE WITH THE TEST METHOD FOR PORTABLE ELECTRIC SPAS CONTAINED IN SECTION 1604 OF THE CALIFORNIA CODE OF REGULATIONS, TITLE 20, IN EFFECT ON THE EFFECTIVE DATE OF THIS AMENDMENT TO THIS SECTION.

2. RESIDENTIAL POOL PUMP MOTORS SHALL NOT BE SPLIT-PHASE OR CAPACITOR START-INDUCTION RUN TYPE. POOL PUMP MOTORS WITH A CAPACITY OF ONE HORSEPOWER OR MORE SHALL HAVE THE CAPABILITY OF OPERATING AT TWO OR MORE SPEEDS WITH A LOW SPEED HAVING A ROTATION RATE THAT IS NO MORE THAN ONE-HALF OF THE MOTOR'S MAXIMUM ROTATION RATE. POOL PUMP MOTOR CONTROLS SHALL HAVE THE CAPABILITY OF OPERATING THE POOL PUMP IN AT LEAST TWO SPEEDS. THE DEFAULT CIRCULATION SPEED SHALL BE THE LOWEST SPEED, WITH A HIGH SPEED OVERRIDE CAPABILITY BEING FOR A TEMPORARY PERIOD NOT TO EXCEED ONE NORMAL CYCLE.

3. CONSUMER AUDIO AND VIDEO EQUIPMENT SHALL MEET THE FOLLOWING REQUIREMENTS:

(a) COMPACT AUDIO PRODUCTS SHALL NOT USE MORE THAN TWO WATTS IN STANDBY PASSIVE MODE FOR THOSE WITHOUT A PERMANENTLY ILLUMINATED CLOCK DISPLAY AND FOUR WATTS IN STANDBY PASSIVE MODE FOR THOSE WITH A PERMANENTLY ILLUMINATED CLOCK DISPLAY, AS MEASURED IN ACCORDANCE WITH INTERNATIONAL ELECTROTECHNICAL COMMISSION TEST METHOD 62087:2002(E), PUBLISHED IN "METHODS

1 OF MEASUREMENT FOR THE POWER CONSUMPTION OF AUDIO, VIDEO, AND RELATED
2 EQUIPMENT".

3 (b) DIGITAL VERSATILE DISC PLAYERS AND DIGITAL VERSATILE DISC
4 RECORDERS SHALL NOT USE MORE THAN THREE WATTS IN STANDBY PASSIVE MODE, AS
5 MEASURED IN ACCORDANCE WITH INTERNATIONAL ELECTROTECHNICAL COMMISSION TEST
6 METHOD 62087:2002(E), PUBLISHED IN "METHODS OF MEASUREMENT FOR THE POWER
7 CONSUMPTION OF AUDIO, VIDEO, AND RELATED EQUIPMENT".

8 Page 47, strike lines 19 through 45

9 Page 48, strike lines 1 through 25

10 Renumber to conform

11 Page 49, strike lines 10 through 30, insert:

12 "10. TO ENGAGE IN ANY CONDUCT THAT VIOLATES SECTION 241 OF THE FEDERAL
13 ENERGY INDEPENDENCE AND SECURITY ACT OF 2007. DEFINITIONS THAT APPLY TO
14 SECTION 241 OF THE FEDERAL ACT SHALL APPLY FOR PURPOSES OF THIS SECTION."

15 Line 34, strike "sections" insert "section"; strike "and 49-447.02"

16 Strike lines 35 through 44

17 Page 50, strike lines 1 through 19

18 Line 20, strike "49-447.02" insert "49-447.01"

19 Amend title to conform

LUCY MASON

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3/21/08
10:25 AM
H:jmb

2766FLRLM *
03/19/2008
3:09 PM
C: myr