

REFERENCE TITLE: publicly financed buildings; energy standards

State of Arizona
Senate
Forty-eighth Legislature
First Regular Session
2007

SB 1454

Introduced by
Senators Aboud, Burton Cahill; Representatives Ableser, Prezelski;
Senators Chevront, Landrum Taylor, Rios; Representatives Kirkpatrick,
Schapira

AN ACT

AMENDING TITLE 34, CHAPTER 4, ARTICLE 3, ARIZONA REVISED STATUTES, BY ADDING SECTION 34-457; RELATING TO PUBLIC BUILDINGS AND 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 34, chapter 4, article 3, Arizona Revised Statutes,
3 is amended by adding section 34-457, to read:

4 34-457. Leadership in energy and environmental design standards
5 for publicly financed buildings: report: green
6 buildings advisory committee: definitions

7 A. ALL MAJOR FACILITY PROJECTS OF A PUBLIC AGENCY SHALL BE DESIGNED,
8 CONSTRUCTED AND CERTIFIED TO AT LEAST THE LEADERSHIP IN ENERGY AND
9 ENVIRONMENTAL DESIGN SILVER STANDARD. THIS SUBSECTION APPLIES TO MAJOR
10 FACILITY PROJECTS THAT HAVE NOT ENTERED THE DESIGN PHASE ON OR BEFORE OCTOBER
11 1, 2007.

12 B. ALL MAJOR FACILITY PROJECTS BY ANY PERSON, CORPORATION OR ENTITY
13 OTHER THAN A PUBLIC AGENCY, IF THE PROJECT RECEIVES ANY FUNDING FROM THE
14 STATE CAPITAL OR OPERATING BUDGET OR TAXES PAID BY THE PUBLIC, SHALL BE
15 DESIGNED, CONSTRUCTED AND CERTIFIED TO AT LEAST THE LEADERSHIP IN ENERGY AND
16 ENVIRONMENTAL DESIGN SILVER STANDARD. THIS SUBSECTION APPLIES TO MAJOR
17 FACILITY PROJECTS THAT HAVE NOT ENTERED THE GRANT APPLICATION PROCESS ON OR
18 BEFORE JANUARY 1, 2008.

19 C. A MAJOR FACILITY PROJECT IS NOT REQUIRED TO MEET THE LEADERSHIP IN
20 ENERGY AND ENVIRONMENTAL DESIGN SILVER STANDARD IF:

21 1. THERE IS NO APPROPRIATE LEADERSHIP IN ENERGY AND ENVIRONMENTAL
22 DESIGN SILVER STANDARD FOR THAT TYPE OF BUILDING OR RENOVATION PROJECT. THE
23 DEPARTMENT SHALL PRESCRIBE LESSER GREEN BUILDING STANDARDS THAT ARE
24 APPROPRIATE TO THE PROJECT.

25 2. THERE IS NO PRACTICAL WAY TO APPLY THE LEADERSHIP IN ENERGY AND
26 ENVIRONMENTAL DESIGN SILVER STANDARD TO A PARTICULAR BUILDING OR RENOVATION
27 PROJECT. THE DEPARTMENT SHALL PRESCRIBE LESSER GREEN BUILDING STANDARDS THAT
28 ARE APPROPRIATE TO THE PROJECT.

29 3. THE BUILDING OR RENOVATION PROJECT IS AN ELECTRICITY TRANSMITTER
30 BUILDING, A WATER PUMPING STATION OR A HOSPITAL.

31 D. THE DEPARTMENT SHALL ADOPT RULES TO ENFORCE THIS SECTION. THE RULES
32 SHALL PRESCRIBE HOW THE DEPARTMENT DETERMINES WHETHER A PROJECT QUALIFIES FOR
33 AN EXCEPTION FROM THE LEADERSHIP IN ENERGY AND ENVIRONMENTAL DESIGN SILVER
34 STANDARD AND SHALL PRESCRIBE THE LESSER GREEN BUILDING STANDARDS THAT MAY BE
35 IMPOSED ON PROJECTS THAT ARE GRANTED EXCEPTIONS.

36 E. THE DEPARTMENT SHALL MONITOR AND DOCUMENT ONGOING OPERATING SAVINGS
37 THAT RESULT FROM MAJOR FACILITY PROJECTS THAT ARE DESIGNED, CONSTRUCTED AND
38 CERTIFIED AS MEETING THE LEADERSHIP IN ENERGY AND ENVIRONMENTAL DESIGN SILVER
39 STANDARD. THE DEPARTMENT SHALL ANNUALLY PUBLISH A REPORT OF ITS FINDINGS AND
40 RECOMMENDED CHANGES IN POLICY. THE REPORT SHALL INCLUDE A DESCRIPTION OF
41 PROJECTS THAT WERE GRANTED EXCEPTIONS FROM THE LEADERSHIP IN ENERGY AND
42 ENVIRONMENTAL DESIGN SILVER STANDARD, THE REASONS FOR THE EXCEPTIONS AND THE
43 LESSER GREEN BUILDING STANDARDS THAT WERE IMPOSED.

44 F. THE DEPARTMENT SHALL ESTABLISH A GREEN BUILDINGS ADVISORY COMMITTEE
45 COMPOSED OF REPRESENTATIVES FROM THE DESIGN AND CONSTRUCTION INDUSTRY

1 INVOLVED IN PUBLIC WORKS CONTRACTING, PERSONNEL FROM AFFECTED PUBLIC AGENCIES
2 AND SCHOOL BOARDS THAT OVERSEE PUBLIC WORKS PROJECTS AND OTHERS AT THE
3 DEPARTMENT'S DISCRETION TO PROVIDE ADVICE ON IMPLEMENTING THIS SECTION. THE
4 ADVISORY COMMITTEE SHALL MAKE RECOMMENDATIONS REGARDING AN EDUCATION AND
5 TRAINING PROCESS AND AN ONGOING EVALUATION OR FEEDBACK PROCESS TO HELP THE
6 DEPARTMENT IMPLEMENT THIS SECTION.

7 G. A PERSON, CORPORATION OR ENTITY SHALL NOT BE HELD LIABLE FOR THE
8 FAILURE OF A MAJOR FACILITY PROJECT TO MEET THE LEADERSHIP IN ENERGY AND
9 ENVIRONMENTAL DESIGN SILVER STANDARD OR OTHER STANDARD ESTABLISHED FOR THE
10 PROJECT IF A GOOD FAITH ATTEMPT WAS MADE TO ACHIEVE THE STANDARD PRESCRIBED
11 FOR THE PROJECT.

12 H. FOR THE PURPOSES OF THIS SECTION:

13 1. "DEPARTMENT" MEANS THE DEPARTMENT OF COMMERCE ENERGY OFFICE.

14 2. "LEADERSHIP IN ENERGY AND ENVIRONMENTAL DESIGN SILVER STANDARD"
15 MEANS THE UNITED STATES GREEN BUILDING COUNCIL LEADERSHIP IN ENERGY AND
16 ENVIRONMENTAL DESIGN GREEN BUILDING RATING STANDARD THAT IS REFERRED TO AS
17 THE SILVER STANDARD.

18 3. "MAJOR FACILITY PROJECT" MEANS EITHER:

19 (a) A BUILDING CONSTRUCTION PROJECT THAT IS MORE THAN FIVE THOUSAND
20 GROSS SQUARE FEET OF OCCUPIED OR CONDITIONED SPACE.

21 (b) A BUILDING RENOVATION PROJECT IF THE COST TO RENOVATE THE BUILDING
22 IS MORE THAN FIFTY PER CENT OF THE ASSESSED VALUE AND THE PROJECT IS MORE
23 THAN FIVE THOUSAND GROSS SQUARE FEET OF OCCUPIED OR CONDITIONED SPACE.

24 4. "PUBLIC AGENCY" MEANS THIS STATE OR A POLITICAL SUBDIVISION OF THIS
25 STATE OR ANY AGENCY OF THIS STATE OR A POLITICAL SUBDIVISION OF THIS STATE,
26 INCLUDING THE ARIZONA BOARD OF REGENTS, A COMMUNITY COLLEGE DISTRICT OR A
27 SCHOOL DISTRICT.