House Engrossed Senate Bill

State of Arizona
Senate
Forty-seventh Legislature
First Regular Session
2005

CHAPTER 182

SENATE BILL 1009

AN ACT

AMENDING SECTION 15-2002, ARIZONA REVISED STATUTES; AMENDING TITLE 15, CHAPTER 16, ARIZONA REVISED STATUTES, BY ADDING ARTICLE 9; RELATING TO INDOOR AIR QUALITY IN SCHOOLS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

Be it enacted by the Legislature of the State of Arizona:

Section 1. Section 15-2002, Arizona Revised Statutes, is amended to read:

15-2002. Powers and duties; executive director; staffing; report

A. The school facilities board shall:

1. Make assessments of school facilities and equipment deficiencies pursuant to section 15-2021 and approve the distribution of grants as appropriate.

2. Develop a database for administering the building renewal formula prescribed in section 15-2031 and administer the distribution of monies to school districts for building renewal.

3. Inspect school buildings at least once every five years to ensure compliance with the building adequacy standards prescribed in section 15-2011 and routine preventative maintenance guidelines as prescribed in this section with respect to construction of new buildings and maintenance of existing buildings. The school facilities board shall randomly select twenty school districts every thirty months and inspect them pursuant to this paragraph.

4. Review and approve student population projections submitted by school districts to determine to what extent school districts are entitled to monies to construct new facilities pursuant to section 15-2041. The board shall make a final determination within six months of the receipt of an application by a school district for monies from the new school facilities fund.

5. Certify that plans for new school facilities meet the building adequacy standards prescribed in section 15-2011.

6. Develop prototypical elementary and high school designs. The board shall review the design differences between the schools with the highest academic productivity scores and the schools with the lowest academic productivity scores. The board shall also review the results of a valid and reliable survey of parent quality rating in the highest performing schools and the lowest performing schools in this state. The survey of parent quality rating shall be administered by the department of education. The board shall consider the design elements of the schools with the highest academic productivity scores and parent quality ratings in the development of elementary and high school designs. The board shall develop separate school designs for elementary, middle and high schools with varying pupil capacities.

7. Develop application forms, reporting forms and procedures to carry out the requirements of this article.

8. Review and approve or reject requests submitted by school districts to take actions pursuant to section 15-341, subsection F.

9. Submit an annual report by December 15 to the speaker of the house of representatives, the president of the senate, the superintendent of public

instruction, the director of the Arizona state library, archives and public records and the governor that includes the following information:

(a) A detailed description of the amount of monies distributed by the school facilities board in the previous fiscal year.

(b) A list of each capital project that received monies from the school facilities board during the previous fiscal year, a brief description of each project that was funded and a summary of the board's reasons for the distribution of monies for the project.

(c) A summary of the findings and conclusions of the building maintenance inspections conducted pursuant to this article during the previous fiscal year.

(d) A summary of the findings of common design elements and characteristics of the highest performing schools and the lowest performing schools based on academic productivity including the results of the parent quality rating survey.

For the purposes of this paragraph, "academic productivity" means academic year advancement per calendar year as measured with student-level data using the statewide nationally standardized norm-referenced achievement test.

10. By December 1 of each year, report to the joint committee on capital review the amounts necessary to fulfill the requirements of sections 15-2021, 15-2022, 15-2031 and 15-2041 for the following fiscal year and the estimated amounts necessary to fulfill the requirements of sections 15-2021, 15-2022, 15-2031 and 15-2041 for the fiscal year following the next fiscal year. No later than January 1 of each year, the board shall instruct the state treasurer as to the amounts under the transaction privilege tax to be credited in equal quarterly installments for the following state fiscal year. The board shall provide copies of both reports to the president of the senate, the speaker of the house of representatives and the governor.

11. Adopt minimum school facility adequacy guidelines to provide the minimum quality and quantity of school buildings and the facilities and equipment necessary and appropriate to enable pupils to achieve the educational goals of the Arizona state schools for the deaf and the blind. The school facilities board shall establish minimum school facility adequacy guidelines applicable to the Arizona state schools for the deaf and the blind by December 31, 2000.

12. Beginning August 15, 2004, and each even-numbered year thereafter, report to the joint committee on capital review the amounts necessary to fulfill the requirements of sections 15-2031 and 15-2041 for the Arizona state schools for the deaf and the blind for the following two fiscal years. Notwithstanding paragraph 10 of this subsection or any other law, the school facilities board shall not include these amounts in the building renewal or new school facilities transfer instructions to the state treasurer. The Arizona state schools for the deaf and the blind shall incorporate the findings of the report in any request for building renewal monies and new school facilities monies. Any monies provided to the Arizona

state schools for the deaf and the blind for building renewal and for new school facilities are subject to legislative appropriation.

13. By October 15 of each year, ~~the school facilities board shall~~ submit information regarding demographic assumptions, a proposed construction schedule and new school construction cost estimates for the following fiscal year to the joint committee on capital review for its review.

14. EVERY TWO YEARS, PROVIDE SCHOOL DISTRICTS WITH INFORMATION ON IMPROVING AND MAINTAINING THE INDOOR ENVIRONMENTAL QUALITY IN SCHOOL BUILDINGS.

B. The school facilities board may contract for private services in compliance with the procurement practices prescribed in title 41, chapter 23.

C. The governor shall appoint an executive director of the school facilities board pursuant to section 38-211. The executive director is eligible to receive compensation as determined pursuant to section 38-611 and may hire and fire necessary staff as approved by the legislature in the budget. The executive director shall have demonstrated competency in school finance, facilities design or facilities management, either in private business or government service. The executive director serves at the pleasure of the governor. The staff of the school facilities board is exempt from title 41, chapter 4, articles 5 and 6. The executive director:

1. Shall analyze applications for monies submitted to the board by school districts.

2. Shall assist the board in developing forms and procedures for the distribution and review of applications and the distribution of monies to school districts.

3. May review or audit, or both, the expenditure of monies by a school district for deficiencies corrections, building renewal and new school facilities.

4. Shall assist the board in the preparation of the board's annual report.

5. Shall research and provide reports on issues of general interest to the board.

6. May aid school districts in the development of reasonable and cost-effective school designs in order to avoid statewide duplicated efforts and unwarranted expenditures in the area of school design.

7. May assist school districts in facilitating the development of multijurisdictional facilities.

8. Shall assist the board in any other appropriate matter or method as directed by the members of the board.

9. Shall establish procedures to ensure compliance with the notice and hearing requirements prescribed in section 15-905. The notice and hearing procedures adopted by the board shall include the requirement, with respect to the board's consideration of any application filed after July 1, 2001 or after December 31 of the year in which the property becomes territory in the vicinity of a military airport or ancillary military facility as defined in

1 section 28-8461 for monies to fund the construction of new school facilities
2 proposed to be located in territory in the vicinity of a military airport or
3 ancillary military facility, that the military airport receive notification
4 of the application by first class mail at least thirty days before any
5 hearing concerning the application.
6 10. May expedite any request for funds in which the local match was not
7 obtained for a project that received preliminary approval by the state board
8 for school capital facilities.
9 11. Shall expedite any request for funds in which the school district
10 governing board submits an application that shows an immediate need for a new
11 school facility.
12 12. Shall make a determination as to administrative completion within
13 one month after the receipt of an application by a school district for monies
14 from the new school facilities fund.
15 13. Shall provide technical support to school districts as requested by
16 school districts in connection with the construction of new school facilities
17 and the maintenance of existing school facilities.
18 D. When appropriate, the school facilities board shall review and use
19 the statewide school facilities inventory and needs assessment conducted by
20 the joint committee on capital review and issued in July, 1995.
21 E. The school facilities board shall contract with one or more private
22 building inspectors to complete an initial assessment of school facilities
23 and equipment provided in section 15-2021 and shall inspect each school
24 building in this state at least once every five years to ensure compliance
25 with section 15-2011. A copy of the inspection report, together with any
26 recommendations for building maintenance, shall be provided to the school
27 facilities board and the governing board of the school district.
28 F. The school facilities board may consider appropriate combinations
29 of facilities or uses in making assessments of and curing deficiencies
30 pursuant to subsection A, paragraph 1 of this section and in certifying plans
31 for new school facilities pursuant to subsection A, paragraph 5 of this
32 section.
33 G. The board shall not award any monies to fund new facilities that
34 are financed by class A bonds that are issued by the school district.
35 H. The board shall not distribute monies to a school district for
36 replacement or repair of facilities if the costs associated with the
37 replacement or repair are covered by insurance or a performance or payment
38 bond.
39 I. The board may contract for construction services and materials that
40 are necessary to correct existing deficiencies in school district facilities
41 as determined pursuant to section 15-2021. The board may procure the
42 construction services necessary pursuant to this subsection by any method
43 including construction-manager-at-risk, design-build, design-bid-build or
44 job-order-contracting as provided by title 41, chapter 23. The construction

planning and services performed pursuant to this subsection are exempt from section 41-791.01.

J. The school facilities board may enter into agreements with school districts to allow school facilities board staff and contractors access to school property for the purposes of performing the construction services necessary pursuant to subsection I of this section.

K. By October 1, 2002, each school district shall develop routine preventative maintenance guidelines for its facilities. The guidelines shall be submitted to the school facilities board for review and approval by February 1, 2003. If upon inspection by the school facilities board it is determined that a school district facility was inadequately maintained pursuant to the school district's routine preventative maintenance guidelines, the school district shall use building renewal monies pursuant to section 15-2031, subsection J to return the building to compliance with the school district's routine preventative maintenance guidelines. Once the district is in compliance, it no longer is required to use building renewal monies for preventative maintenance.

L. The school facilities board may temporarily transfer monies between the capital reserve fund established by section 15-2003, the deficiencies correction fund established by section 15-2021, the emergency deficiencies correction fund established by section 15-2022, the building renewal fund established by section 15-2031 and the new school facilities fund established by section 15-2041 if all of the following conditions are met:

1. The transfer is necessary to avoid a temporary shortfall in the fund into which the monies are transferred.

2. The transferred monies are restored to the fund where the monies originated as soon as practicable after the temporary shortfall in the other fund has been addressed.

3. The school facilities board reports to the joint committee on capital review the amount of and the reason for any monies transferred.

Sec. 2. Title 15, chapter 16, Arizona Revised Statutes, is amended by adding article 9, to read:

ARTICLE 9. INDOOR AIR QUALITY IN SCHOOLS

15-2131. Definitions

IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:

1. "HVAC SYSTEM" MEANS THE EQUIPMENT, DISTRIBUTION NETWORK AND TERMINALS THAT PROVIDE, EITHER COLLECTIVELY OR INDIVIDUALLY, THE PROCESS OF HEATING, VENTILATION OR AIR CONDITIONING TO A BUILDING.

2. "SCHOOL ACTIVITY HOURS" MEANS THE TIME OF DAY IN WHICH STUDENTS OR SCHOOL PERSONNEL OCCUPY SCHOOL FACILITIES.

3. "STANDARD 62" MEANS THE AMERICAN SOCIETY OF HEATING, VENTILATING, REFRIGERATION AND AIR CONDITIONING ENGINEERS STANDARD 62 ENTITLED "VENTILATION FOR ACCEPTABLE INDOOR AIR QUALITY".

15-2132. Indoor air quality requirements

A. WHEN THE SCHOOL FACILITIES BOARD APPROVES THE CONSTRUCTION OF A SCHOOL BUILDING, THE SCHOOL FACILITIES BOARD SHALL CONDUCT AN ENVIRONMENTAL SITE ASSESSMENT. THE BOARD SHALL CONSIDER SITE ASSESSMENT STANDARDS IN ACCORDANCE WITH THE AMERICAN SOCIETY FOR TESTING AND MATERIALS STANDARD E1527, STANDARD PRACTICE FOR ENVIRONMENTAL SITE ASSESSMENTS: PHASE I ENVIRONMENTAL SITE ASSESSMENT PROCESS.

B. THE SCHOOL FACILITIES BOARD SHALL NOT APPROVE A SCHOOL BUILDING PROJECT IF ANY OF THE FOLLOWING CONDITIONS EXIST:

1. THE ENVIRONMENTAL SITE ASSESSMENT INDICATES THAT THE SITE CANNOT MEET, WITHIN REASONABLE EXPENDITURES, THE SAME CRITERIA ESTABLISHED FOR RESIDENTIAL PROPERTIES.

2. THE PLANS INCORPORATE FLAT ROOF CONSTRUCTION THAT DOES NOT HAVE ADEQUATE PITCH TOWARDS DRAINS IN ORDER TO PREVENT POOLING OF WATER.

3. THE PLANS DO NOT INCORPORATE INDOOR AIR QUALITY GUIDELINES THAT ARE ACCEPTABLE TO THE BOARD. THE BOARD SHALL CONSIDER INDOOR AIR QUALITY GUIDELINES IN ACCORDANCE WITH THE SHEET METAL AND AIR CONDITIONING CONTRACTORS NATIONAL ASSOCIATION'S PUBLICATION ENTITLED "INDOOR AIR QUALITY GUIDELINES FOR OCCUPIED BUILDINGS UNDER CONSTRUCTION".

C. EACH SCHOOL DISTRICT GOVERNING BOARD THAT INSTALLED OR RENOVATED ITS HVAC SYSTEM ON OR AFTER THE EFFECTIVE DATE OF THIS ACT SHALL ENSURE THAT ITS HVAC SYSTEM MEETS BOTH OF THE FOLLOWING REQUIREMENTS:

1. IS MAINTAINED AND OPERATED IN A MANNER CONSISTENT WITH VENTILATION STANDARDS ACCEPTABLE TO THE BOARD. THE BOARD SHALL CONSIDER VENTILATION STANDARDS IN ACCORDANCE WITH STANDARD 62.

2. IS OPERATED CONTINUOUSLY DURING SCHOOL ACTIVITY HOURS EXCEPT DURING SCHEDULED MAINTENANCE AND EMERGENCY REPAIRS AND EXCEPT DURING PERIODS FOR WHICH SCHOOL OFFICIALS CAN DEMONSTRATE TO THE GOVERNING BOARD'S SATISFACTION THAT THE QUANTITY OF OUTDOOR AIR SUPPLIED BY AN AIR SUPPLY SYSTEM THAT IS NOT MECHANICALLY DRIVEN MEETS THE REQUIREMENTS FOR AIR CHANGES PER HOUR ACCEPTABLE TO THE BOARD.

D. EACH SCHOOL DISTRICT GOVERNING BOARD THAT INSTALLED OR RENOVATED ITS HVAC SYSTEM BEFORE THE EFFECTIVE DATE OF THIS ACT SHALL ENSURE THAT ITS HVAC SYSTEM IS MAINTAINED AND OPERATED IN ACCORDANCE WITH THE PREVAILING MAINTENANCE AND STANDARDS AT THE TIME OF THE INSTALLATION OR RENOVATION OF THE HVAC SYSTEM.

APPROVED BY THE GOVERNOR APRIL 25, 2005.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 25, 2005.

Passed the House April 11, 2005,

by the following vote: 32 Ayes,

24 Nays, 4 Not Voting

Speaker of the House

Norman L. Moore

Chief Clerk of the House

Passed the Senate March 23, 2005,

by the following vote: 20 Ayes,

6 Nays, 4 Not Voting

President of the Senate

Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

_____ day of _____, 20____,

at _____ o'clock _____ M.

Secretary to the Governor

Approved this _____ day of

_____, 20_____,

at _____ o'clock _____ M.

Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this _____ day of _____, 20____,

at _____ o'clock _____ M.

Secretary of State

S.B. 1009

SENATE CONCURS IN HOUSE AMENDMENTS AND FINAL PASSAGE

Passed the Senate April 19, 2005,

by the following vote: 23 Ayes,

4 Nays, 3 Not Voting

President of the Senate

Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

19th day of April, 2005

at 3:41 o'clock P. M.

Secretary to the Governor

Approved this 25 day of

April, 2005,

at 9:25 o'clock A M.

Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 25 day of April, 2005,

at 4:33 o'clock P. M.

Janice K. Brewer

Secretary of State

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