

Freeburn, Vicki

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Sent: Monday, November 19, 2012 02:40 PM
To: Freeburn, Vicki
Cc: SHamilton@ArkansasEDC.com
Subject: 2012 Act 1494 Report due Arkansas Legislative Council
Attachments: FY 2012 Act 1494 Compliance Report - Final.pdf

To: Arkansas Legislative Council Chairs,
Senator Mary Anne Salmon
Representative Tommy Baker

Senator Salmon and Representative Baker,

It is my pleasure to submit the annual Act 1494 Compliance Report due to the Arkansas Legislative Council by December 1st.

According to Act 1494 of 2009 (Act), ".... the Arkansas Energy Office (AEO) of the Arkansas Economic Development Commission and each institution of higher education shall report to the co-chairs of the Legislative Council its:

1. Findings under subsection (a) of this section; and
2. Recommended changes, if any."

An annual performance review is required which includes the following:

1. An identification of the costs of implementing energy efficient and water-efficient building standards in the design and construction of a major facility or major renovation;
2. An identification of the operating savings attributable to the implementation of energy-efficient and water-efficient building standards, including without limitation savings in energy, water, utility, and maintenance costs;
3. An identification of any impact on employee productivity from the application of the standards under this subchapter; and
4. An evaluation of the effectiveness of the application of the standards under this subchapter.

The following report is submitted on the activities leading up to fiscal year 2012 for all participating State agencies. This report is due December 1st of each year. It is based on individual State agency reports received by AEO which are due on October 31st of each year.

Sincerely,

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Act 1494 Compliance Report

Prepared by Arkansas Energy Office
Arkansas Economic Development Commission

November 19, 2012

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Introduction

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Important Dates

- April 14, 2009 – Act 1494 signed into law
- December 1, 2010 – First report due to the Legislative Council
- October 31, 2011 – First report due using ENERGY STAR Portfolio Manager
- December 1, 2011-Second report due to the Legislative Council
- December 1, 2012 - Third report due to the Legislative Council
- December 1, 2013 – Fourth report due to the Legislative Council
- June 30, 2014 – 20% reduction target deadline
- December 1, 2014 – Fifth report due to the Legislative Council
- December 1, 2015 – Sixth report due to the Legislative Council
- December 1, 2016 – Seventh report due to the Legislative Council
- June 30, 2017 – 30% reduction target deadline
- December 2017 – Eighth report due to the Legislative Council

Acknowledgments

This report could not have been created without the cooperation of many other State agencies and stakeholders. Energy management and other directives of this Act are not the primary competency for the majority of State agencies. Compliance of this Act requires significant time and resources that must be diverted from their core missions. Without their efforts and eagerness to be in compliance of this Act this program and its success would not exist.

A special thanks is due to the State agencies that provided time and resources through Arkansas' Energy Efficient State Government Working Group. These agencies have been essential in the development and implementation of Act 1494 compliance mechanisms such as the Green.Arkansas.gov website. These agencies are listed below:

1. Arkansas Building Authority
2. Arkansas Department of Environmental Quality
3. Department of Information Systems
4. Department of Finance and Administration
5. Office of Governor Mike Beebe

Additionally, AEO would like to recognize the members of the Act 1494 Advisory Committee:

1. Tom Fennel – Fennel-Purifoy Architects
2. Chris Ladner – Viridian
3. Craig Phillips – TME
4. Rick Sellers – Pettit and Pettit
5. Chris Benson – Arkansas Energy Office
6. Ed Ellis – Arkansas Energy Office (Retired)
7. Floyd Farmer – Arkansas Building Authority
8. Nate McGee – Department of Human Services
9. Jon Brown – Arkansas Parks and Tourism
10. Scott Turley – University of Arkansas – Fayetteville
11. Paul Crosmer – University of Central Arkansas

This committee includes representatives from the design and construction industry who are involved in public works contracting, and persons from public agencies who oversee the development of energy efficiency programs and policies. Their ongoing input has allowed for the development of all aspects of compliance efforts from establishing building standards for the construction or renovation of public buildings to advising on energy management trainings for State agencies. AEO is appreciative of the time and efforts of these individuals and the organizations they represent.

Portions of this report were provided by The Cadmus Group's final report to AEO. Cadmus is a third-party contractor that provided technical and programmatic expertise that help establish mechanisms for Act 1494 compliance. Cadmus is a nationally recognized consulting firm that helps government, non-profit, and corporate clients address critical challenges in the environmental, energy and public health protection sectors. Most notably, Cadmus assists the Environmental Protection Agency on its Energy Star Portfolio Manager (ESPM) program.

Executive Summary

This report to the Arkansas Legislative Council presents findings related to state-wide energy building energy performance activities mandated by Act 1494 for fiscal years (FY) 2008 through 2012.

As of FY 2011, State agencies are required to report energy use information, as benchmarked in EPA's ENERGY STAR® Portfolio Manager (ESPM), to comply with the Rules of Act 1494. Act 1494 requests measurement by energy use per square foot (kBtu/sq.ft.). In ESPM, this metric is referred to as energy use intensity (EUI). Another metric referred to as weather-normalized EUI is also included. This number accounts for the weather differences that may cause abnormally high or low energy consumption. These two metrics are used to illustrate progress toward the energy reduction goals outlines in Act 1494. For the purposes of this report, AEO uses the weather-normalized metric to determine compliance.

There are 138 State agencies, boards, and commissions required to report under the "State Buildings Energy Management Program. A list of these agencies is included in Appendix 1. A list of the agencies paying utility bills is included on Appendix 2. In addition, one Constitutional Office is participating in this work. This report focuses on the findings for the subset of 35 agencies that pay their own utility bills. Of these 35 agencies, 23 agencies submitted data complete and correct data from fiscal year (FY) 2008 through FY 2011 and 23 completed an official report for FY 2012 (Not the same 23).

Table 1: State Agencies, Boards, and Commissions as of FY12

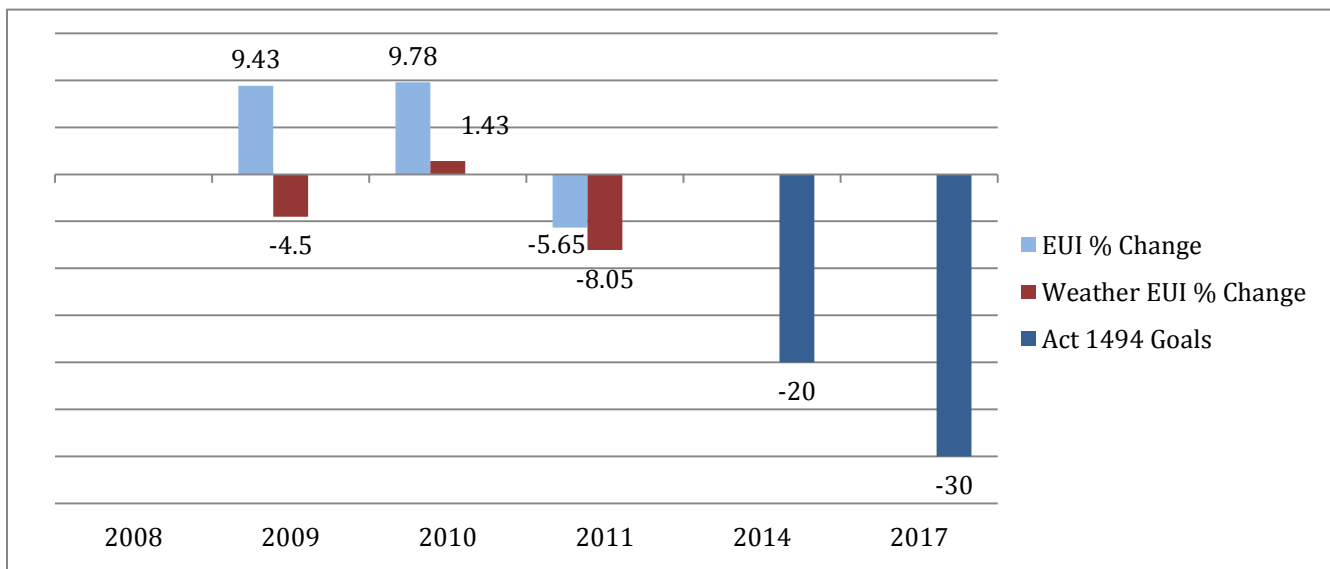
Agencies, boards, and commissions	Total
Agencies Covered by Act 1494	138
Covered by the Act and paying utility bills in FY2008	35
Covered by the Act and paying utility bills with baseline reporting in FY 2008	23
Agencies with ENERGY STAR Portfolio Manager accounts	30
Reporting completed and correct FY 2008 Baseline Data	23
Reporting completed and correct FY 2009 Data	23
Reporting completed FY 2010 Data	23
Reporting completed and correct FY 2011 Data	23
Reporting completed and correct FY 2012 Data	23
Agencies reporting data complete data for all baseline years	23
Agencies Reporting activities in Some Capacity	33

As shown in Table 2, there was a slight increase in energy usage in 2009 and 2010. However, in 2011 reporting indicates a net decrease of -8.05 percent. Findings included in this report are limited to data made available to AEO through annual agency Act 1494 Compliance Reports and the Arkansas ESPM Master account. Note that the table represents the 23 agencies that have reported baseline data since baseline reporting began through FY 2011.

Since last year's report, three additional state agencies that have submitted data for all reporting years, but this information was not included in this report because it was incomplete or errors were found. Additionally, by the date of this report, only 23 state agencies had submitted FY 2012 numbers that were complete. A complete listing of State agency status is included in Appendix 3.

Since FY 2011, three additional state agencies have submitted data for all fiscal years. However, errors have been identified. This why we show 23 agencies reporting in FY 2012, but do not reflect total state agencies participating FY 2008-2012. Not all the original 23 agencies have reported for FY 2012 and therefore there is not a correct comparison. AEO continues to trouble shoot reporting and report complete data from FY 2008-2013 next December.

Table 2: Overall percent change in energy use from the baseline year of FY2008 through FY2011 for reporting agencies

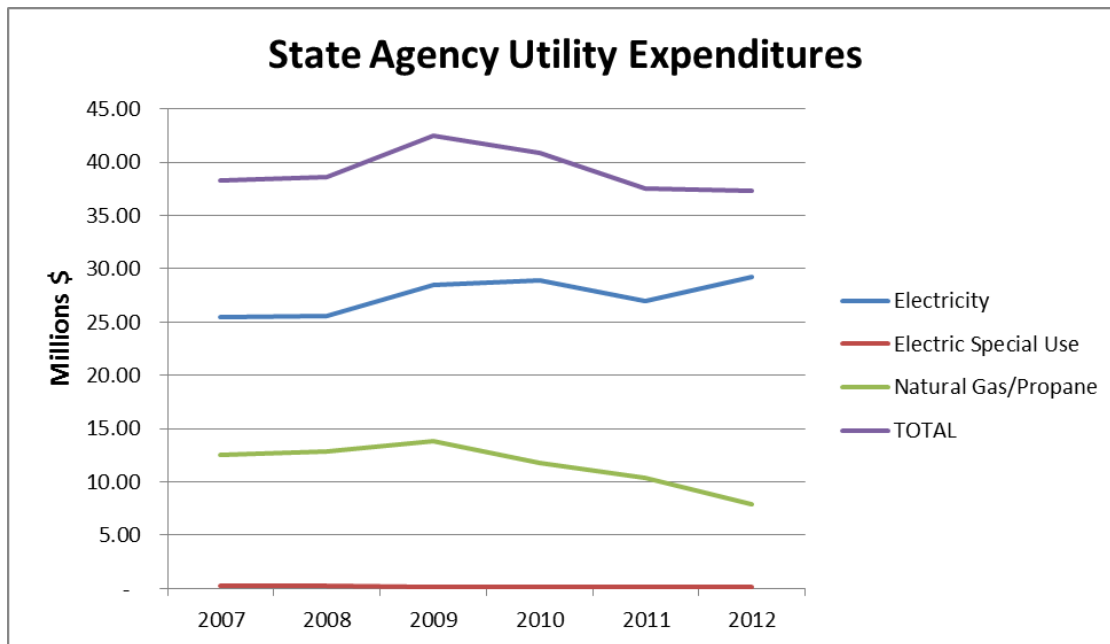


Overall expenditures

Overall state expenditures on energy related utility bills have decreased slightly since FY 2008 after reaching a peak in 2009. The 3.4% decrease, as seen in Table 3.1 and 3.2, represents all State buildings and not just those reported to AEO through compliance activities. It should be emphasized that these are expenditures only and without knowing the cost of energy per unit applicable, it is difficult to determine energy use. Additionally, this decrease is likely aided by milder winters in addition to energy efficiency activities. This information has not been used in any analysis included in this report, but is provided for informational purposes only. However, as reducing energy related expenditures by the State was identified by the Act, this information has been provided in this report as another tool to at least put the State's energy use in perspective.

Table 3.1: Overall energy expenditures from FY 2007-2012*(Provided by the Department of Finance and Administration)*

Fiscal Year	Electricity	Electric Special Use	Natural Gas/Propane	TOTAL
2007	25,507,017.67	196,169.73	12,572,096.44	38,275,283.84
2008	25,540,454.66	237,402.22	12,842,245.37	38,620,102.25
2009	28,526,804.92	182,655.28	13,818,959.50	42,528,419.70
2010	28,957,974.45	148,610.51	11,770,011.57	40,876,596.53
2011	26,942,695.80	159,985.27	10,406,212.82	37,508,893.89
2012	29,190,727.60	192,306.78	7,919,001.15	37,302,035.53
Annual Totals	\$164,665,675.10	\$ 1,117,129.79	\$69,328,526.85	\$235,111,331.74

Table 3.2: Overall energy expenditures from FY 2007-2012

Recommendations

This report consists of four (4) recommendations:

1. As the primary funding source for this work has been supplemented by the American Recovery and Reinvestment Act of 2009 and those funds are no longer available, AEO recommends the identification of other funding sources to continue and expand the work necessary to meet the goals identified in Act 1494.
2. In order to evaluate the employee productiveness resulting from energy efficiency upgrades, AEO must establish guidelines to which comparable metrics can be derived for evaluation. Additionally, it is recommended that the model developed Center for The Built Environment at the University of California-Berkeley be assessed as possible mechanism to conduct such an evaluation.
3. In order to adequately track utility usage for State agencies in leasing arrangements, all future lease agreements should require building owners to establish and maintain ESPM accounts to qualify for state contracts. Additionally, require those building owners to provide utility usage data in ESPM for the previous three years before the State signs a lease agreement with third party owners.
4. In an effort to reduce the burden on State agencies and streamline reporting, AEO should evaluate each agency on a case-by-case basis to determine proper reporting requirements for Act 1494 compliance activities. This could include establishing certain thresholds such as minimum full-time equivalent, minimum floor area, method in which utility bills are levied, etc. These changes will likely need to be amended into the rules promulgated by AEO.

Background

Overview of Act 1494 Goals

Act 1494 created two primary requirements with which AEO was charged to implement:

1. **State building guidelines for construction:** The development and implementation of policies and technical guidelines for the renovation and construction of State owned buildings that meet minimum energy efficiency standards. All new construction or renovation of State owned buildings must be designed, constructed and certified to be at least 10% more efficient than the American Society of Heating, Refrigerating and Air-Conditioning Engineers (ASHRAE 90.1-2007) standard.
2. **Ongoing energy management:** The development and implementation of an energy management program designed to achieve and measure state agencies' compliance with the energy efficiency targets of 20% in 2014 and 30% in 2017.

On January 1, 2011, the Sustainable Energy-Efficient Public Buildings rules, or "Lead by Example" became effective as promulgated by AEO and approved by the Arkansas Legislature. This established the "Sustainable Public Buildings Program" and the "State Buildings Energy Management Program" to fulfill the above mentioned requirements. For the implementation of ongoing energy management, AEO utilized The Cadmus Group to assist with the development and implementation of the program highlighted below in addition to providing training opportunities.

State Buildings Energy Management Program

Act 1494 states that the AEO shall “Develop an energy program to manage energy, water, and other utility uses for public agencies that will reduce total energy consumption per gross square foot for all existing state buildings by twenty percent (20%) by 2014 and thirty percent (30%) by 2017 based on energy consumption for the 2007 - 2008 fiscal year if the savings can be justified by a life cycle cost analysis.”

Agency Reporting Requirements

Act 1494 requires that every public agency shall:

1. Develop and implement, to the extent funds are available, an energy management plan to manage its energy, water, and other utility uses that is consistent with the Arkansas Energy Office's energy management program developed under this section;
2. Update its management plan annually, including strategies for supporting the energy consumption reduction requirements [...]
3. Submit annually by October 31 to the AEO a written report of the public agency's utility consumption and costs by fuel. In order to properly compare current energy usage to the baseline period, agencies should have usage and cost data from the start of the baseline year (July 2007) to the end of FY17 (June 2011). This data must be collected for all electricity, natural gas and water meters. The Rules for the Act require that data will be stored in EPA's ENERGY STAR measurement and tracking tool, Energy Star Portfolio Manager so that the agency can easily manage and update information. Also, AEO can easily check each agency's data using ESPM. Finally, each agency is required to submit a Strategic Energy Plan (StEP), which details what steps the agency has taken to reach the usage reduction targets.

Reporting Metrics

Act 1494 requires that agencies track and measure energy use and report progress. ESPM was selected as the desired tool to achieve this goal. Complying with these requirements involves a four-step process:

1. Benchmarking in Portfolio Manager
2. Preparing Results Using Portfolio Manager Reports
3. Quality Assurance and Quality Control of Data
4. Aggregating and Submitting Results to AEO

There are two metrics that can be used to measure progress towards meeting reduction goals. Total energy consumption per gross square foot and weather-normalized total energy per gross square foot.

Energy Consumption per Gross Square Foot

Total energy consumption per gross square foot, or energy use intensity (EUI), is a unit of measurement that describes a building's energy use normalized by total floor area, typically represented as kBtu/sq. ft. EUI represents the energy consumed by a building relative to its size, or by an agency relative to its total building footprint. Using EUI as a metric for comparison ensures that agencies increasing in size and acquiring more facilities are not at a disadvantage in meeting compliance for energy use reductions. This metric represented purely based on energy use.

Weather-Normalized Total Energy Consumption per Gross Square Foot

AEO recommends the use of weather-normalized site energy use intensity (kBtu/sq. ft.) as a metric to demonstrate compliance in meeting energy reduction goals in addition to site energy use intensity (kBtu/sq. ft.). This metric also normalizes total floor area, but also accounts for weather differences that may cause abnormally high or low energy consumption. For more information on weather-normalization of energy use data, please see the Technical Description: EPA's National Energy Performance Ratings.

Energy Star Portfolio Manager

ESPM is a no-cost online tool available for measuring and tracking the energy performance of facilities. This tool allows users to benchmark the energy and water use and costs of their buildings. Utility data is entered into ESPM on a monthly basis and metrics such as site and source energy use and energy use intensity (EUI) are calculated to help users understand the performance of each of their buildings. In addition, ESPM helps track changes in energy and water use over time for individual buildings, groups of buildings, or entire portfolios.

To facilitate compliance efforts, technical support was provided to agencies through benchmarking training, data gathering, ESPM data entry, and quality assurance. The data entered in ESPM was provided by individual agencies from hard-copy bills, utility tracking software or, in some cases, provided directly by utility companies with the agency's permission.

Aggregating and Submitting Results to AEO

The ESPM custom reports feature allows users to choose from 60 different calculated metrics to create their own customized reports. The reporting functions of ESPM allow agencies to view, analyze and interpret results, with metrics including total energy consumption, energy use intensity, percent reduction from a baseline, and total greenhouse gas emissions.

In order to facilitate agency reporting, a standardized Act 1494 Compliance Report template in Microsoft Excel was developed. Using a custom report generated in ESPM, agencies entered required data into the Act 1494 Compliance Report template. The Report template was constructed with tabs for each required year of annual data. The Template was constructed to be functional through Fiscal Year 2017.

Agency Reporting

Of the subset of 35 agencies highlighted in this report, 26 submitted some form of reporting data. Of those 26, there were 23 official reports with data complete enough to be included in this report through FY2011. Based on these 23 reports in 2011, the 496 buildings and campuses owned or leased by the State encompassed 14.53 million square feet. Table 3 provides the aggregate square footage and number of buildings and campuses for agencies for all reported years.

Table 3: Square Footage and Building Statistics of Reporting Agencies

	2008	2009	2010	2011
Number of Buildings and Campuses Reported	487	484	496	496
Total Floor Area Reported (sq. ft.)	14,390,723	12,674,552*	14,534,351	14,829,736

Not all 35 agencies submitted an official report. At least 30 have submitted some data to ESPM. Additionally, there are 19 additional agencies that do not own buildings or pay utilities bills that have provided some reporting to be in compliance with Act 1494. In order to be in compliance, these agencies submit a letter from the Director and a StEP annually. For a full snapshot of overall agency reporting for Act 1494 compliance see Appendix 4.

Legislative Reporting Requirements

Costs

1. An identification of the costs of implementing energy efficient and water-efficient building standards in the design and construction of a major facility or major renovation.

Finding 1: The costs incurred to implement the standards required by the Act included:

- Administrative costs for AEO, Agencies, and Higher Education to implement the Act.
- Training costs for design engineers and architects on the new design requirements of the Act.
- Training of Higher Education and State agencies in the use of ESPM software to track energy usage and costs.
- Costs to implement the new design requirements for major facilities and major renovations.
- Costs to track energy usage and costs by State agencies and Higher Education
- The cost of training of Higher Education and State agencies on development and use of strategic energy planning.
- Development of a basic energy manager training course for State agencies and Higher Education.
- The cost of an energy manager to train larger State agencies and Higher Education

Finding: 2: AEO costs to implement the rules have included the following in 2010-2012. All funding used to implement and administer a program designed to meet the goals of Act 1494 were provided through the American Recovery and Reinvestment Act of 2009 (ARRA). As of March 30, 2012, those funds are no longer available.

Personnel (Annual)	\$65,000.00
Technical/Program Development/Training Contract	\$931,179.61
Professional Training (2011-2012)	\$25,000.00
Professional Training 2 (2012-2013)	\$14,000.00

- a. **Personnel:** This is the cost for AEO to provide a dedicated position to oversee the implementation and the ongoing administration of the responsibilities delegated to AEO by Act 1494. As result of the funding loss, the manager for this program since its inception has since retired and the position unfilled. AEO has consolidated aspects of these duties into an existing position in an attempt to continue the program in some form.
- b. **Technical/Program Development/Training Contract:** Cadmus assisted AEO with establishing a program, provided technical support for State agencies and provided quality assurance support to validate State-wide data. Additionally, Cadmus conducted training classes to teach agencies and institutions of higher education how to develop, maintain and report data from ESPM.
- c. **Professional Training:** The U.S. Green Building Council – Arkansas Chapter (USGBC) was given a \$25,000.00 grant in 2011 to educate design engineers and architects on the recent commercial updates to the 2011 Arkansas Energy Code and the application of ASHRAE 90.1-2007 to any new construction projects engaged State agencies or higher education institutions in the State. Eight sessions were held with a total attendance of 181 building professionals. AEO continues to partner with 2012-2013 with an additional grant to the USGBC to conduct four more trainings.

Finding 3: AEO was fortunate that the establishment of Act 1494 coincided with the beginning of the ARRA in 2009 in order to help kick start compliance efforts. Funds from ARRA were utilized to establish a program to help the State meet its goals. However, this funding source is no longer available to continue this work at the same levels. To put it in perspective, ARRA provided a budget of approximately \$52 million from 2010-2012. During this time AEO had as many as 18 employees on staff to administer programs including efforts for Act 1494 compliance that included a third-party contractor. Since the expiration of this program, AEO funding levels have receded back to those previous to 2009. AEO currently has five staff members. The program manager for Act 1494 related activities has since retired and those responsibilities have been folded into an existing position that also inherited additional responsibilities of other departing staff members. While AEO strives to provide the best information and resources available state agencies, legislators and the public, it has proven difficult to provide the same level of service, analysis and quality assurance previously provided to these stakeholders under current budget restraints.

Recommendation: As funding provided by ARRA has ended, it is recommended that additional funds be identified to help increase uptake in Act 1494 compliance activities. In order to continue a minimum level of administration of such a program, it is recommended that the legislature identify funds to assist with this work. This will allow the program to continue to grow energy and cost savings statewide in a more effective manner by offering technical support, guidance, education/awareness and quality assurance services to State agencies trying to meet the goals put forth by the Act. Additionally, AEO is exploring concepts with the Office of State Procurement that could allow a fee-for-service in exchange for facilitating the procurement process of major energy efficiency retrofits via energy performance contracts offered by energy service companies (ESCOs).

Operational Savings

2. Identification of the operating savings attributable to the implementation of energy-efficient and water-efficient building standards, including without limitation savings in energy

Finding 1: For the 22 agencies reporting energy usage to AEO, there was a slight increase in utility costs that has accompanied by a reduction in energy usage.

Year	Buildings	Energy Use (kBtu)	Energy Cost
2008	487	1,748,378,656	\$21,440,545
2009	484	1,669,654,521	\$24,335,171
2010	496	1,773,382,949	\$23,590,726
2011	496	1,607,627,318	\$21,886,685

These agencies have reduced energy usage by the baseline year 2008 by 140,751,338 kBtu or 41,250,151 kWhs. These savings are equivalent to the energy use of 2,838 Arkansas homes annually. While there was a decrease in energy use, the utility costs increased \$445,141.00. State agencies report the total costs and energy usage indicated on their monthly utility bills. ESPM does not take into account rates paid by agencies on a cost per unit of energy basis. It can be inferred that had there not been a reduction in energy that the utility costs would have increased at a greater rate. Finally, it is important to note that there was a decrease in energy use despite the addition of 9 additional buildings since 2008. A greater breakdown of the information provided in this finding can be found in Appendix 3.

Finding 2: There are a total of six agencies/institutions that submitted seven energy efficiency projects and requested loans from the Arkansas Building Authority Revolving Loan Fund. These projects must meet the rules put forth by the “Sustainable Public Building Standards for a Major Facility or Major Renovation” promulgated by AEO. Each of these projects estimated the energy savings and payback period for the projects. A summary of these projects and their projected savings is listed below:

- 1) **Agency: UAMS** - Upgrade the central energy plant for the campus, equipment only.
 - Comments: This was a loan for the equipment (or some of the equipment) on a \$30,000,000 + energy project. The equipment has been purchased and installed.
 - Cost: \$3 million
 - Projected Savings:
 - 8,557 MBtu/yr
 - Because the equipment package is only part of a greater energy related project we were not given a simple payback.
- 2) **Agency: Arkansas State Police** – Re-roof the headquarters, upgrade controls and work on an energy recovery unit.
 - Comments: Roofing and controls have been completed except for some work on the lightening system that was removed for roofing. They have some funds left out of the \$2,000,000 loan that they are considering replacing some of the roof top HVAC units.
 - Cost: \$2 million
 - Projected Savings:
 - 4,866 MBtu/yr
 - 32.3 year simple payback

- 3) **Agency: Arkansas Oil and Gas Commission** - Renovate the El Dorado facility.
 - Comments: This project is complete except for some punch list items. They have a little of their funds left and are considering tying their chiller to the controls system.
 - Cost: \$6 million
 - Projected Savings:
 - 1,112 MBtu/yr
 - 27.9 year simple payback
- 4) **Agency: Southern Arkansas University** – Install new windows and work on the central heating and cooling systems.
 - Comments: This project has been combined with district heating and is complete except for some punch list items.
 - Cost: \$596,673.00
 - Projected Savings
 - Window Replacement Projected Savings
 - 1,900 MBtu/yr
 - 16.8 year simple payback
 - District Heat Projected Savings
 - 8,024 MBtu/yr.
 - 9.1 simple payback
 - Central Cooling/Heating Projected Savings
 - Cost \$999,990.00
 - 6,057 MBtu/yr
 - 10 year simple payback
- 5) **Agency: UALR** – Lighting and central plant controls retrofit
 - Comments: Approximately 80% complete.
 - Cost: \$1.6 million
 - Projected Savings
 - 10,579 MBtu/yr.
 - 9.1 year simple payback
- 6) **Agency: University of Arkansas at Fort Smith** – HVAC and Lighting Retrofit
 - Comments: UAFS is negotiating with a lower bidder.
 - Cost: \$2,166,500.00
 - Projected Savings:
 - 7,717 MBtu/yr.
 - 15.1 year simple payback.

Employee Impact

3. An identification of any impact on employee productivity from the application of the standards under this subchapter; and

Finding: There are many anecdotal examples that support the view that increased energy efficiency improvements in an office space can improve the productivity of the occupants who work inside. However, to date, there isn't a great deal of research on the topic. Additionally, the range of energy efficiency measures that occur in the State don't lend themselves to a direct comparison, i.e. HVAC or lighting replacement compared to a complete building retrofit of a building seeking LEED certification. Determining appropriate metrics and understanding other externalities that impact employee productivity proves difficult for understanding any influence even when not considering EE measures.

AEO has determined that an employee survey conducted on new construction, major renovations and some minor EE projects is the best method of determining impact on employee productivity. Such a survey will seek to assess productivity by addressing issue such as thermal comfort, acoustic and indoor air quality, water controls and lighting. This survey can:

- Use both qualitative and quantitative reports to compile survey reports.
- Create a corrective action plan on issues of occupant comfort where dissatisfaction rates were above acceptable levels. Correction action might include a mechanism that allows occupants to communicate need adjustments to building to operations staff.
- Be included in "Energy Efficiency and Natural Resource Conservation in Public Buildings" rules promulgated by the Arkansas Energy Office.
- Be developed in coordination with the Arkansas Building Authority.

Recommendation: The AEO has identified an Occupant Indoor Environmental Quality (IEQ) Survey created by the Center for The Built Environment at the University of California-Berkeley. <http://cbe.berkeley.edu/research/survey.htm>. This is an online tool that can be tailored to specific buildings if needed and has been used by buildings seeking Leadership in Energy and Environmental Design (LEED) certification to meet requirements of Indoor Environmental Quality (IEQ) Credit 2.1. This creates an easy function for employees to report their feedback and allows the State to quickly evaluate the effectiveness of these efforts. AEO will determine if it is feasible to utilize this service or create a survey will allow the State to:

- Evaluate the effectiveness of building service providers
- Justify facility expenditures to management
- Assess the effectiveness of improvements
- Stay aware of the occupants' perceptions of the building
- Enhance communication between corporate real estate, facility operators, and building occupants

Effectiveness

4. Evaluation of the effectiveness of the application of the standards under this subchapter.

Finding 1: Agencies that are engaged in baseline utility comparisons are reducing the amount of energy used compared to FY2008. Out of the 26 State agencies that participated, 22 show a reduction in energy consumption. Two agencies have already met and exceeded the 20% threshold due in 2014, while many others are poised to meet that goal.

Finding 2: Arkansas State agencies have demonstrated a commitment to benchmarking their energy use and working towards improved efficiency. This benchmarking process requires the time and dedication of agency staff members, as well as resources provided by the AEO. Benchmarking is an essential tool for improved energy management and should remain a priority for agencies as they work to meet Act 1494 reduction goals.

Finding 3: The Arkansas Building Authority currently reviews all State projects to insure that documentation has been provided to meet the standards established by the Sustainable Public Buildings Program which was initiated by the Act. These standards apply to building of 20,000 sq. ft. or more for new construction or a renovation of 20,000 sq. ft. or more that exceeds 50% of the insured value of the building.

Finding 4: Some agencies are not covered in this report because they do not pay utility bills directly, but pay them indirectly in these lease agreements with the building owner.

Recommendation: 3. In order to adequately track utility usage for State agencies in leasing arrangements, all future lease agreements should require building owners to establish and maintain ESPM accounts to qualify for state contracts. Additionally, give more consideration to energy costs when determining lease agreements. An example of this, could be the inclusion of a requirement for potential landlords to provide utility usage data in ESPM for the previous three years before the State signs a lease agreement with third party owners. This would require coordination with ABA.

Finding 5: Certain circumstances make it difficult for State agencies to report efficiently or accurately even in instances in which they pay their own utility bills. For some these issues stem from the sheer number of buildings within their portfolio, but the problems often go deeper. For example, the Department of Finance and Administration (DFA) reports 111 buildings. However, many of these are shared office spaces within local municipal buildings. Many times, these spaces are obtained at very low lease rates in order host essential state services within a community. Utility bills paid by DFA are simply cost of the entire building divided amongst tenants. In these cases, DFA has little to no control over energy use and the information reported does not accurately reflect the agency's energy use.

The Department of Community Correction (DCC) is another instance to consider. This is an agency reporting 44 buildings and find themselves in a similar situation as DFA. Moreover, due to the nature of their work, offices move on a relatively frequent basis making it difficult for comparisons to be drawn from the baseline year.

Both of these agencies are diligent in terms of reporting energy usage in these facilities. Data has been submitted through FY 2012 for both. However, errors exist in the reporting mechanisms due to the difficulties highlighted. A resolution has yet to be found. Furthermore, because of the sheer volume of the utility data that must be entered, compliance activities amount to little more than busy work for these agencies. This diverts time and energy from their core missions and does little to meet the spirit embodied in Act 1494.

Recommendation 4: In an effort to reduce the burden on State agencies and streamline reporting, AEO should evaluate each agency on a case-by-case basis to determine reporting requirements for Act 1494 compliance activities. One approach could include establishing certain thresholds such as minimum full-time equivalent, minimum floor area, method in which utility bills are levied, etc. These changes will likely need to be amended into the rules promulgated by AEO. This will allow for more agencies to draw comparisons and fully participate in compliance activities.

Conclusion

Act 1494 reporting has presented various challenges for agencies that include learning about benchmarking and ESPM, collecting and verifying historical usage and cost data, collecting and entering data in ESPM through FY 2012. This process has helped AEO and State agencies to identify historical data gaps, put into place processes for data collection, document changes in building stock, and to review agency progress towards Act 1494 goals. It is up to AEO to increase energy efficiency gains by building capacity within State agencies to track and measure savings through consistent education and awareness. Additionally, it is vital for AEO to help initiate policies that enable agencies to effectively collect required data in leasing situations and remove barriers that prevent the financing of energy efficiency upgrades through performance contracting when appropriate.

As a result of activities incurred as a result of Act 1494, the State has seen an overall reduction in energy use in State agencies as well as a reduction on money spent on utilities. Agencies like the Arkansas Building Authority showcase the success. ABA has exceeded the 2014 goal of 20% by three percentage points two years early. This agency has also spent \$315,371 less on utility bills in FY2011 compared to their baseline year despite having added a building in 2010. One other agency has met the initial 2014 goal and several others are on the cusp meeting this goal. While some agencies don't share in this success for various reasons, the old adage "You can't manage what you don't measure" is clearly displayed by the results presented in this report. The awareness created by Act 1494 has spurred agencies to be more cognizant of the State's energy and financial resources.

AEO will continue to work with those agencies to increase their success. In order to achieve a more complete data set representative of all agencies, boards, and commissions covered by Act 1494 in coming years, currently non-reporting agencies will need to focus on gathering and submitting historical information and all agencies will need to continue monthly updates of utility information to their ESPM accounts. AEO will continue to aid agencies in their efforts to meet the goals outlined in legislation. Communication by AEO to agencies on a regular basis will be essential for continued success.

Appendix 1: Agencies Required to Report under Act 1494

1. Game and Fish Commission
2. Highway and Transportation, Department of
3. Abstractor's Board
4. Board of Accountancy
5. Alcohol/Drug Abuse Counselors
6. Appraiser Board
7. Architects Board
8. Athletic Training Board
9. Athletic Commission
10. Auctioneer's License Board
11. Bail Bondsmen Board
12. Barber Examiners
13. Burial Association Board
14. Private Career Education Board
15. Cemetery Board
16. Child Abuse & Neglect Prevention
17. Collection Institutions Board
18. Contractor's Licensing Board
19. Cosmetology Board
20. Counseling Examiners Board
21. Fair Housing Commission
22. Interior Designers Board
23. Board of Election Commissioners
24. Embalmers & Funeral Directors Board
25. Engineers and Professional Surveyors
26. Ethics Commission
27. Foresters Board
28. Geologists Registration Board
29. Judicial Discipline & Disability
30. Landscape Architect Board
31. Message Therapy
32. Physical Therapy Board
33. Real Estate Commission
34. Rural Services
35. Board of Sanitarians
36. Social Work Licensing Board
37. Arkansas Home Inspectors
38. Professional Soil Classifiers
39. Towing & Recovery Board
40. Title Insurance Agents Board
41. Tobacco Control Board
42. Fire Protection Licensing Board
43. Workforce Investment Board
44. Chiropractic Examiners Board
45. Dental Examiners Board
46. Dietics Licensing Board
47. Hearing Instrument Dispensing Board
48. Disease Intervention Spec
49. Medical Licensing Board
50. Board of Health Education
51. Board of Nursing
52. Opticians Board
53. Optometry Board
54. Pharmacy Board
55. Podiatric Medicine Board
56. Psychology Examiners Board
57. Acupuncture & Related Technologies Board
58. Speech Pathology / Audiology Board
59. Spinal Cord Commission, Arkansas
60. Veterinary Board
61. Beef Council
62. Corn and Grain Sorghum Board
63. Manufactured Home Commission
64. Disability Determination for Social Security
65. Governor's Mansion Commission
66. Capitol Zoning Commission
67. Catfish Promotion Board
68. Martin Luther King Jr Commission
69. Minority Health Commission
70. Motor Vehicle Commission
71. AR Legislative Committee on Nursing
72. Parole (Post Prison Transfer) Board
73. Public Defender Commission
74. Rice Research & Promotion Board
75. Science and Technology Authority
76. Sentencing Commission
77. Soybean Board
78. Arkansas Code Revision Committee
79. Arkansas Teacher Housing Development FDN
80. Tobacco Settlement Commission
81. AR Transitional Employment Bd
82. War Memorial Stadium Commission
83. Waterways Commission
84. Wheat Promotion Board
85. Student Loan Authority
86. Building Authority
87. AR Livestock and Poultry Committee
88. Claims Commission
89. Disabled Veterans Service
90. Public Employee Retirement
91. Teacher's Retirement
92. Veteran's Child Welfare Service
93. Veteran's Affairs, Department of
94. Worker's Compensation Commission
95. Development Finance Authority
96. Agriculture, Department of
97. Aeronautics Department
98. Bank Department
99. Securities Department
100. Forestry Commission
101. Geological Survey Commission
102. Insurance Department
103. Liquefied Gas Petroleum Board
104. Oil and Gas Commission
105. Plant Board
106. Public Service Commission
107. Natural Resources Commission
108. Information Systems, Department of
109. Office of Geographic Information Services
110. Office of Information Technology
111. Correction, Department of
112. Community Correction, Department of
113. Assessment Coordination Department
114. Education, Department of
115. School for the Blind, Arkansas
116. School for the Deaf, Arkansas
117. Educational Television Network
118. State Library
119. Career Education, Department of
120. Finance and Administration, Department of
121. Health, Department of
122. Health Services Permit Institution
123. Higher Education Department
124. Human Services, Department of
125. Economic Development Commission
126. Department of Labor
127. Workforce Services, Department of
128. Heritage Commission
129. Parks and Tourism, Department of
130. Environmental Quality, Department of
131. Law Enforcement Standards and Training, Arkansas Commission on
132. Crime Laboratory
133. State Police
134. Military Department, Arkansas National Guard
135. Crime Information Center
136. Emergency Management, Department of
137. AR Lottery Commission
138. Aeronautics, Department

Appendix 2: State Agencies Paying Utility Bills

1. Contractor's Licensing Board
2. Highway and Transportation, Department of- Constitutional Office
3. Engineers and Professional Surveyors
4. Real Estate Commission
5. Disability Determination for Social Security
6. Forestry Commission
7. War Memorial Stadium Commission
8. Building Authority
9. Veteran's Affairs, Department of
10. Worker's Compensation Commission
11. Information Systems, Department of
12. Bank Department
13. Geological Survey Commission
14. Liquefied Gas Petroleum Board
15. Oil and Gas Commission
16. Plant Board
17. Correction, Department of
18. Community Correction, Department of
19. Education, Department of
20. School for the Blind, Arkansas
21. School for the Deaf, Arkansas
22. Educational Television Network
23. Career Education, Department of
24. DFA - Revenue
25. Health, Department of
26. Human Services, Department of
27. Workforce Services, Department of
28. Heritage Commission
29. Parks and Tourism, Department of
30. Environmental Quality, Department of
31. Law Enforcement Standards and Training, Arkansas Commission on
32. State Police (Includes Aeronautics Department)
33. Military Department, Arkansas National Guard
34. Emergency Management, Department of
35. Lottery Commission*

*Lottery Commission was not in existence when Act 1494 was initiated. Thus, no baseline could be set in FY 2008

Appendix 3: Year-Over-Year Comparison - All Agencies

Year	Number of Buildings	Total Floor Space (Sq. Ft.)	Baseline Site Energy Intensity (kBtu/Sq. Ft.)	Current Site Energy Intensity (kBtu/Sq. Ft.)	Percent Change from Baseline, %
2008	487	14,390,723	117.8	117.8	0.00%
2009	484	12,674,552	117.8	128.9	9.43%
2010	496	14,534,351	117.8	129.3	9.76%
2011	496	14,829,736	117.8	111.1	-5.65%
2012	-	-	117.8	-	-
2013	-	-	117.8	-	-
2014	-	-	117.8	-	-
2015	-	-	117.8	-	-
2016	-	-	117.8	-	-
2017	-	-	117.8	-	-

Year	Baseline Weather Normalized Site EUI (kBtu/Sq. Ft.)	Current Weather Normalized Site EUI (kBtu/Sq. Ft.)	Weather Normalized Percent Change from Baseline, %	Baseline Annual Energy Cost (US Dollars (\$))	Annual Energy Cost (US Dollars (\$))	Percent Change in Cost (%)
2008	121.5	121.5	0.00%	\$ 21,440,545	\$ 21,440,545	0.00%
2009	121.5	131.7	8.43%	\$ 21,440,545	\$ 24,337,885	-13.51%
2010	121.5	123.9	2.02%	\$ 21,440,545	\$ 23,590,726	-10.03%
2011	121.5	111.1	-8.52%	\$ 21,440,545	\$ 22,012,626	-2.67%
2012	121.5	-	-	-	-	-
2013	121.5	-	-	-	-	-
2014	121.5	-	-	-	-	-
2015	121.5	-	-	-	-	-
2016	121.5	-	-	-	-	-
2017	121.5	-	-	-	-	-

Appendix 3 Continued

Year	Number of Buildings	Total Floor Space (Sq. Ft.)	Baseline Total Site Energy Use (kBtu)	Current Total Site Energy Use (kBtu)	Percent Change from Baseline, %
2008	487	14,390,723	1,695,203,980	1,695,203,980	0.00%
2009	484	12,674,552	1,695,203,980	1,633,723,093	-3.63%
2010	496	14,534,351	1,695,203,980	1,850,799,334	9.18%
2011	496	14,829,736	1,695,203,980	1,607,657,259	-5.16%
2012	-	-	1,695,203,980	-	-
2013	-	-	1,695,203,980	-	-
2014	-	-	1,695,203,980	-	-
2015	-	-	1,695,203,980	-	-
2016	-	-	1,695,203,980	-	-
2017	-	-	1,695,203,980	-	-

Year	Weather Normalized Baseline Total Site Energy Use (kBtu)	Weather Normalized Current Total Site Energy Use (kBtu)	Weather Normalized Percent Change from Baseline, %	Baseline Annual Energy Cost (US Dollars (\$))	Annual Energy Cost (US Dollars (\$))	Percent Change in Cost (%)
2008	1,748,378,656	1,748,378,656	0.00%	\$ 21,440,545	\$ 21,440,545	0.00%
2009	1,748,378,656	1,669,654,521	-4.50%	\$ 21,440,545	\$ 24,335,171	-13.50%
2010	1,748,378,656	1,773,382,949	1.43%	\$ 21,440,545	\$ 23,590,726	-10.03%
2011	1,748,378,656	1,607,627,318	-8.05%	\$ 21,440,545	\$ 21,886,685	-2.08%
2012	1,748,378,656	-	-	-	-	-
2013	1,748,378,656	-	-	-	-	-
2014	1,748,378,656	-	-	-	-	-
2015	1,748,378,656	-	-	-	-	-
2016	1,748,378,656	-	-	-	-	-
2017	1,748,378,656	-	-	-	-	-

Appendix 4: FY 2012 Review Snapshot

Fiscal Year 2012 - Annual Act 1494 STEP Review

	Agency/Institution	# of Buildings	ABA RLF	ABA Lease(s)	Other Lease(s)	In compliance	More Info Needed	Attempt at ESPM Entry	Director's Letter	Updated STEP	EUI reduction (pull Year over Year EUI - % change from Baseline - Column H)				EUI Weather Normalized Reduction % Change from Baseline (pull Year over Year Column K)			
	Agencies Paying Bills																	
	58	538	3	12	10	17	39	47	28		26	26	26	23				
	35								20		2009	2010	2011	2012	2009	2010	2011	2012
1	Arkansas Building Authority	13				X		X	X	X	-1.20%	-7.52%	-10.91%	-23.48	-1.36	-10.15	-12.32	-24.61
2	Arkansas Real Estate Commission	1				X		X	X	X	-2.66%	2.09%	-4.60%	-13.95	-6.44	-13.94	-10.94	-13.56
3	Bank Department	2				X		X	X	X	10.17%	7.79%	16.10%	-2.99%	10.32%	-2.78%	9.23%	-2.19%
4	Career Education, Department of	14					X	X			-96.11%	11.63%	28.32%	59.95%	-96.15%	19.00%	17.92%	61.06%
5	Contractors Licensing Board	1				X		X	X	X	3.24%	7.86%	-2.33%	-18.14%	4.35%	-1.45%	-4.35%	-22.46%
6	Correction, Department of	36				X		X	X	X	0.43%	0.43%	-2.19%	-10.45%	0.27%	-5.60%	-4.39%	-8.27%
7	Community Correction, Department of	43					X	X	X	X	-1.05%	9.21%	-60.97%	-53%				
8	Department of Health						X	X										
9	Disability Determination for Social Security Administration				X		X											
10	Finance and Administration,	111					X	X			1.75%	-7.98%	-11.09%	23.94%				
11	Forestry Commission				X		X	X										
12	Education, Department of	3				X		X	X	X	0.08%	11.98%	6.79%	-0.22%	-1.86%	190%	2.15%	-3.67%
13	Educational Television Network	19					X	X	X	X	1.87%	-20.84%	-11.94%	-2.01	1.76	-20.95	-12.11	-0.037
14	Emergency Management, Department of	3					X	X	X	X	4.82%	15.62%	15.62%	12%	61%	72%	78%	73%
15	Environmental Quality, Department of	2					X	X	X	X	17.67%	-7.16%	-25.47%					
16	Geological Survey	2				X		X	X	X	-6.18%	-15.79%	-5.86%	-15%	-2.68	-22.95	-9.65	-13.6
17	Heritage Department	14					X	X			0.40%	-5.66%	-7.56%	-6.00%	-0.25%	-7.32%	-7.49%	-9.61%
18	Highway and Transportation	128				X	X	X	X	X	-1.23%	10.41%	4.44%	-12%				
19	Human Services, Department				X		X	X	X	X	15.11%	-3.11%	-8.58%	-90				

Appendix 4: FY 2012 Review Snapshot

	Agency/Institution	# of Buildings	ABA RLF	ABA Lease(s)	Other Lease(s)	In compliance	More Info Needed	Attempt at ESPM Entry	Director's Letter	Updated SIFP	EUI reduction (pull Year over Year EUI - % change from Baseline - Column H)				EUI Weather Normalized Reduction % Change from Baseline (pull Year over Year Column K)			
Agencies Paying Bills																		
	58	538	3	12	10	17	39	47	28		26	26	26	23				
	35								20		2009	2010	2011	2012	2009	2010	2011	2012
20	Information Systems, Department	2					X	X			-1.01%	-15.52%	-18.02%	-16.32	-1.47%	-17.32%	-19.01%	-16.57%
21	Law Enforcement Standards and Training, Commission on	2					X	X	X	X	1.38%	4.56%	-1.00%	-1.02	5.11%	-2.58%	-2.11%	
22	Liquefied Gas Petroleum Board						X											
23	Lottery Commission						X											
24	Military Department, Arkansas National Guard	69				X		X	X	X	-1.36%	11.68%	8.20%	-4.10%	-2.79%	-1.25%	3.55%	-4.17%
25	Oil and Gas Commission	2	X				X	X	X	X	-11.63%	-4.76%	-6.35%	-6.6	-12.43%	-7.28%	-6.48%	-6.61%
26	Parks and Tourism, Department					X		X	X	X	-1.26%	-11.20%	1%	9%				
27	Plant Board, State			X		X		X	X	X	6.46%	6.40%	-2.54%	-19.62	5.87%	-7.07%	-10.54%	-23.59%
28	Veteran's Affairs, Department	11					X	X			-3.58%	-6.70%	32.70%		-5.37%	-10.84%	-28.74%	
29	Workers' Compensation Commission						X	X										
30	School for the Blind						X											
31	School for the Deaf						X											
32	State Police	23	X				X	X	X	X	4.89%	3.18%	0.25%		4.48%	0.24%	-1.77%	
33	Engineers and Prof Surveys, Arkansas Board of	1					X	X			3.46%	-5.01%	-19.24%	-27.46%	4.60%	-19.39%	-17.29%	-31%
34	War Memorial Stadium Commission	1					X											
35	Workforce Services, Department	35				X	X	X	X	X	3.16%	5.34%	-8.15%	-10.25%	2.40%	0.15%	-11.04%	-10.86%
Agencies Under Lease (Most of these agencies need only letter and updated SIFP for compliance.)																		
	23								8	8	2009	2010	2011	2012				
1	Aeronautics Department				X			X	X									
2	Agriculture Department			X			X	N/A			N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
3	Assessment Coordination Department				X		X	N/A			N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
4	Crime Information Center			X			X	N/A			N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A

Appendix 4: FY 2012 Review Snapshot

Agency/Institution	# of Buildings	ABA RLF	ABA Lease(s)	Other Lease(s)	In compliance	More Info Needed	Attempt at ESPM Entry	Director's Letter	Updated SIEP	EUI reduction (pull Year over Year EUI - % change from Baseline - Column H)				EUI Weather Normalized Reduction % Change from Baseline (pull Year over Year Column K)			
Agencies Paying Bills																	
58	538	3	12	10	17	39	47	28		26	26	26	23				
35								20		2009	2010	2011	2012	2009	2010	2011	2012
5	Crime Laboratory		X	X		X	N/A	X	X	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
6	Development Finance Authority	111		X	X		N/A	X	X	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
7	Economic Development Commission, Arkansas - No report			X		X	N/A	X	X	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
8	Election Commissioners, Arkansas Board of			X		X	N/A			N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
9	Higher Education, Department of				X	X	N/A			N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
10	Insurance Department				X	X	N/A			N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
11	Labor, Department of				X	X	N/A	X	X	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
12	Livestock and Poultry Commission			X		X	N/A	X	X	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
13	Minority Health Commission, Arkansas			X		X	N/A			N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
14	Natural Resources Commission			X		X	N/A			N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
15	Public Service Commission			X		X	N/A	X	X	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
16	Rural Services					X	N/A		X	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
17	Science and Technology Authority			X		X	N/A			N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
18	Securities Department No report				X	X	N/A	X	X	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
19	State Drug Director		X			X											

Not applicable.
Data requires review
Missing Data
Met 2014 Goal