

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

Act 1770 of the Regular Session

1 State of Arkansas  
2 85th General Assembly  
3 Regular Session, 2005  
4

As Engrossed: H3/18/05

A Bill

HOUSE BILL 2445

5 By: Representatives Ledbetter, J. Hutchinson, Bolin, Elliott, Key  
6 By: Senators Broadway, Malone  
7  
8

9 **For An Act To Be Entitled**

10 AN ACT TO PROMOTE THE CONSERVATION OF ENERGY AND  
11 NATURAL RESOURCES IN THE DESIGN OF STATE BUILDING  
12 PROJECTS THROUGH THE USE OF SUSTAINABLE BUILDING  
13 RATING SYSTEMS; AND FOR OTHER PURPOSES.  
14

15 **Subtitle**

16 AN ACT TO PROMOTE THE CONSERVATION OF  
17 ENERGY AND NATURAL RESOURCES IN THE  
18 DESIGN OF STATE BUILDING PROJECTS.  
19  
20

21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
22

23 SECTION 1. Arkansas Code Title 22, Chapter 3, is amended to add an  
24 additional subchapter to read as follows:

25 22-3-1801. Title.

26 This subchapter shall be known and may be referred to as the "Arkansas  
27 Energy and Natural Resource Conservation Act".  
28

29 22-3-1802. Findings and purpose.

30 (a) It is found and determined by the General Assembly that:

31 (1) State funded building projects have a significant impact on  
32 the environment of our Natural State, the economy, and the health and  
33 productivity of building in habitants;

34 (2) State government currently spends approximately seventy  
35 million dollars (\$70,000,000) annually for electricity and natural gas



1 consumed in state buildings, and energy expenditures have been increasing at  
2 nearly four percent (4%) per year over the last ten (10) years;

3 (3) It is incumbent upon Arkansas state government to lead by  
4 example to minimize energy use and environmental impact in state buildings;

5 (4) Innovations in building science, technology, and operations  
6 are available to maximize the economic utility of state-funded building  
7 projects and reduce energy costs, while achieving the best environmental  
8 performance, and while reducing adverse impacts on the environment; and

9 (5) Incorporating principles of sustainability in building  
10 design will enhance efficient management of material resources and waste,  
11 protection of health and indoor environmental quality, reduce the longer term  
12 costs of construction and operation of state funded buildings, and promote  
13 the use of appropriate Arkansas products in the buildings.

14 (b) In recognition of the economic, energy conservation, and  
15 environmental benefits of sustainable building design, it is in the best  
16 interest of the State of Arkansas to initiate a process to encourage improved  
17 building practices, to provide support and information to assist state  
18 agencies in carrying out the purposes of this subchapter, and to continue  
19 development of best building practices through a legislative task force to  
20 evaluate and report to the General Assembly the progress being made under  
21 this subchapter.

22  
23 22-3-1803. Definitions.

24 As used in this subchapter:

25 (1) "Adaptive reuse" means the modification, to accommodate a  
26 function other than its original intent, of any building site and existing  
27 inhabited structure;

28 (2)(A) "Building project" means any inhabited physical structure  
29 and project building site.

30 (B) "Building project" does not include ancillary  
31 structures or buildings with temporary occupancy such as park restrooms,  
32 pavilions, storage facilities, or similar structures.

33 (C) "Building project" includes any structure in which any  
34 individual spends more than an hour of time within the structure, such as  
35 residences, offices, visitors centers, classrooms, administration buildings,  
36 etc.;

1           (3) “Grant applicant” means any individual, institution,  
2 governmental jurisdiction, or other organization recognized by the granting  
3 department or agency as qualified to apply for financial assistance from any  
4 state department, agency, or office for the purpose of planning, designing,  
5 or constructing a new or rehabilitated building;

6           (4)(A) “Green Globes” means the online environmental assessment  
7 tool as developed by the Green Building Initiative as of December 2004.

8           (B) “Green Globes” allows designers, property owners, and  
9 managers to evaluate and rate buildings against best sustainable building  
10 design and practices, and integrate principles of sustainable architecture at  
11 every stage of project delivery in order to design and construct buildings  
12 that will be energy and resource efficient, achieve operational savings, and  
13 provide healthier environments in which to live and work;

14           (5)(A) “Leadership in Energy and Environmental Design” means the  
15 following building rating systems developed by the United States Green  
16 Building Council:

17                   (i) LEED-NC 2.1, as it exists on January 1, 2005;

18                   (ii) LEED-EB, as it exists on January 1, 2005; or

19                   (iii) LEED-CI, as it exists on January 1, 2005.

20           (B) “Leadership in Energy and Environmental Design” allows  
21 designers, property owners, and managers to evaluate and rate buildings  
22 against best sustainable building design and practices, and integrate  
23 principles of sustainable architecture at every stage of project delivery in  
24 order to design and construct buildings that will be energy and resource  
25 efficient, achieve operational savings, and provide healthier environments in  
26 which to live and work;

27           (6) “Newly designed construction project” means any building and  
28 its building site for which a contract has been entered into beginning July  
29 1, 2005, to construct a building and building site improvements as outlined  
30 in Leadership in Energy and Environmental Design or Green Globes rating  
31 systems;

32           (7) “Project building site” means all property associated with a  
33 building, including the defined legal description of the property or the  
34 defined project limits;

35           (8)(A) “Project limits” means the physical boundaries of a  
36 construction project within which all construction activity must occur.

1                   (B) “Project limits” includes material and equipment  
2 storage space, lay down or prefabrication space, clearing, grubbing, and  
3 drainage improvements;

4                   (9) “Project team” means the persons or individuals representing  
5 the state agency or owner, professional design consultants, and building  
6 contractor, if a contractor is determined prior to design;

7                   (10) “Proposed construction project” means all building  
8 construction projects in the conceptual planning stages for which a design  
9 contract has been executed after July 1, 2005;

10                   (11) “Public and private partnerships” means any private  
11 development that uses state money to assist in the planning, design, or  
12 construction of a building project, such as a building project providing  
13 economic incentives for development;

14                   (12) “Public funding” means federal or state funds that are  
15 allocated for a state building project;

16                   (13) “Rehabilitation project” means any building project  
17 involving the modification or adaptive reuse of an existing facility in which  
18 twenty-five percent (25%) or more of the physical structure, façade, or  
19 interior space of a facility is being changed or modified;

20                   (14) “State agency” means all departments, offices, boards,  
21 commissions, and institutions of the state, including the state-supported  
22 institutions of higher education;

23                   (15) “State building project” means any inhabited physical  
24 structure and project building site in which:

25                   (A) A state agency secures the design or construction  
26 contract; and

27                   (B) Public funding is used in whole or in part to design  
28 or construct the project; and

29                   (16) “Sustainable” means that:

30                   (A) A building integrates building materials and methods  
31 that promote environmental quality, energy conservation, economic vitality,  
32 and social benefit through the design, construction, and operation of the  
33 built environment;

34                   (B) A building merges sound, environmentally responsible  
35 practices into one (1) discipline that looks at the environmental, economic,  
36 and social effects of a building or built project as a whole; and

- 1                   (C) The design encompasses the following broad topics:  
2                   (i) Efficient management of energy and water  
3 resources;  
4                   (ii) Management of material resources and waste;  
5                   (iii) Protection of environmental quality;  
6                   (iv) Protection of health and indoor environmental  
7 quality;  
8                   (v) Reinforcement of natural systems; and  
9                   (vi) Integrating the design approach.

10  
11           22-3-1804. Standards for Arkansas.

12           (a) If a state agency decides to pursue either the Leadership in  
13 Energy and Environmental Design certification or the Green Globes  
14 certification, the standards of this section shall apply for the purpose of  
15 Arkansas state building projects.

16           (b)(1) Use of the Leadership in Energy and Environmental Design rating  
17 system shall be with the following supplemental provisions specific to  
18 Arkansas building projects:

19                   (A) Under LEED Credit EQ 4.4, one (1) point shall be  
20 awarded for the use of composite wood and agrifiber products if the architect  
21 or responsible party provides appropriate documentation that the products are  
22 third-party certified as meeting the American National Standards Institute  
23 standard requirements, ANSI A208.1 for Particleboard Standard and ANSI A  
24 2808.2 for MDF, for formaldehyde emissions or contain no added urea-  
25 formaldehyde;

26                   (B) Under LEED Credit MR 4, one (1) point shall be awarded  
27 when the sum of postconsumer recycled content plus one-half (1/2) of the  
28 preconsumer recycled content constitutes at least ten percent (10%) of the  
29 total value of the materials in the project. A second point shall be awarded  
30 if the sum of postconsumer recycled content plus one-half (1/2) of the  
31 preconsumer content constitutes at least twenty percent (20%) of the total  
32 value of the materials in the project. The valuation is to be determined by  
33 using the LEED-NC letter template;

34                   (C) Under LEED Credit MR 6, one (1) point shall also be  
35 awarded for the use of renewable, bio-based materials for five percent (5%)  
36 of the total value of all the products used in the project that are either

1 residuals of or products grown or harvested under a recognized sustainable  
2 management system, such as the Forest Stewardship Council, the Sustainable  
3 Forestry Initiative Program, the American Tree Farm System, the Canadian  
4 Standards Association, the Organic Trade Association, and the Association for  
5 Bamboo in Construction. The applicable vendor's or manufacturer's  
6 certification documentation must be provided;

7 (D) Under LEED Credit MR 7, one (1) point shall also be  
8 awarded for the use of renewable, bio-based raw materials certified in  
9 accordance with one (1) or more premier certification programs for  
10 environmental management for fifty percent (50%) of the total value of all  
11 bio-based materials and products used in the project. Certification programs  
12 include, but are not limited to, the Forest Stewardship Council, the  
13 Sustainable Forestry Initiative, the American Tree Farm System, the Canadian  
14 Standards Association, the Organic Trade Association, and the Association for  
15 Bamboo in Construction. The applicable vendor's or manufacturer's  
16 certification documentation must be provided;

17 (E) Under LEED Innovation in Design Credit 1.1, one (1)  
18 point will be awarded if five percent (5%) or more of the mass of all  
19 building materials used are carbon sequestering bio-based products managed  
20 under a recognized sustainable management plan; and

21 (F) Under LEED Innovation in Design Credit 1.2, one (1)  
22 point will be awarded for the use of bio-based materials derived from  
23 multiple credible certified sources supported by an environmental management  
24 system certified under the International Organization for Standardization  
25 standard ISO 14001, including the Forest Stewardship Council, the Sustainable  
26 Forestry Initiative, the American Tree Farm System, the Canadian Standards  
27 Association, the Organic Trade Association, and the Association for Bamboo in  
28 Construction. The applicable vendor's or manufacturer's certification  
29 documentation must be provided.

30 (2) Use of the Green Globes rating system shall be with the  
31 following supplemental provision specific to Arkansas building projects:

32 (A) An additional fifteen (15) points shall be awarded if  
33 five percent (5%) or more of the mass of all building materials used are  
34 carbon sequestering wood bio-based products; and

35 (B) Fifteen (15) points will be awarded for the use of  
36 bio-based materials derived from multiple credible certified sources

1 supported by an environmental management system certified under the  
2 International Organization for Standardization standard ISO 14001, including  
3 the Forest Stewardship Council, the Sustainable Forestry Initiative, the  
4 American Tree Farm System, the Canadian Standards Association, the Organic  
5 Trade Association, and the Association for Bamboo in Construction. The  
6 applicable vendor's or manufacturer's certification documentation must be  
7 provided.

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9 22-3-1805. Application to state building projects.

10 State agencies conducting or funding a public building project or  
11 rehabilitation project are encouraged to refer to and should utilize whenever  
12 possible and appropriate the Leadership in Energy and Environmental Design or  
13 Green Globes rating systems referred to in this subchapter.

14  
15 22-3-1806. Legislative Task Force on Sustainable Building Design and  
16 Practices.

17 (a) The Legislative Task Force on Sustainable Building Design and  
18 Practices is established to:

19 (1) Continue to review, discuss, and advise on issues related to  
20 sustainable design and practices for buildings;

21 (2) Monitor case study projects and evaluate performance and  
22 outcomes relevant to high performance building strategies;

23 (3) Serve as a reference for educational resources; and

24 (4) Ask for a review of sustainable building design and  
25 practices performed by state agencies.

26 (b)(1) The task force shall be composed of no more than twenty (20)  
27 members. The number of members shall be determined by agreement between the  
28 Chair of the Senate Interim Committee on Public Health, Welfare, and Labor  
29 and the Chair of the House Interim Committee on Public Health, Welfare, and  
30 Labor.

31 (2) The Chair of the Senate Interim Committee on Public Health,  
32 Welfare, and Labor and the Chair of the House Interim Committee on Public  
33 Health, Welfare, and Labor shall appoint the membership pursuant to procedure  
34 agreed upon by the chairs.

35 (3) The task force shall include members of the General Assembly  
36 and members of the public.





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