

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.

1 State of Arkansas
2 84th General Assembly
3 Regular Session, 2003

A Bill

HOUSE BILL 2348

4
5 By: Representatives Ledbetter, Moore, Bradford
6
7

For An Act To Be Entitled

8 AN ACT TO PROMOTE THE CONSERVATION OF ENERGY AND
9 NATURAL RESOURCES IN THE DESIGN OF PUBLIC
10 BUILDING PROJECTS BY ADOPTING THE LEADERSHIP IN
11 ENERGY AND ENVIRONMENTAL DESIGN RATING SYSTEM;
12 AND FOR OTHER PURPOSES.
13

Subtitle

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

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

23 SECTION 1. This act may be referred to as the "Arkansas Energy and
24 Natural Resource Conservation Act".
25

26 SECTION 2. Definitions:

27 (1) "Adaptive reuse" means the modification, to accommodate a function
28 other than its original intent, of any building site and existing structure
29 for which the gross square footage of the structure is at least five thousand
30 (5,000) square feet;

31 (2) "Building project" means any physical structure and project
32 building suit, either inhabited or uninhabited, for which the gross square
33 footage is at least five thousand (5,000) square feet;

34 (3) "Grant applicant" means any individual, institution, governmental
35 jurisdiction, or other organization recognized by the granting department or
36 agency as qualified to apply for financial assistance from any state



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1 department, agency, or office, for the purpose of planning, designing, or
2 constructing a new or rehabilitated building;

3 (4) “Leadership in energy and environmental rating system” means the
4 Leadership Energy and Environmental Design System Version 2.1, governing
5 energy and natural resource conservation relevant to architectural design, as
6 adopted by the United States Green Building Council, as of January 1, 2003;

7 (5)(A) “Level of commitment” means the declaration by a grant
8 applicant as part of the grant application of its intent to design a building
9 project to achieve a rating that corresponds to one (1) of the following four
10 (4) recognized levels of the leadership in energy and environmental rating
11 system:

- 12 (B) Certified;
- 13 (C) Silver;
- 14 (D) Gold; or
- 15 (E) Platinum;

16 (6) “Newly designed construction project” means any building and its
17 building site for which a contract has been entered into beginning July 1,
18 2004, to construct a building and building site improvements such as parking,
19 landscape and irrigation, stormwater management, and retaining walls;

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

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

25 (B) “Project limits” includes material and equipment storage
26 space, lay down or pre-fabrication space, clearing, grubbing, and drainage
27 improvements;

28 (9) “Proposed construction project” means all building construction
29 projects in the conceptual planning stages, or building projects not yet
30 built or under contract to be built as of July 1, 2004;

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

35 (11) “Public funding” means federal or state funds that are allocated
36 for a state building project as a result of grants, tax revenue, or general

1 appropriations;

2 (12) "Rehabilitation project" means any building project involving the
 3 modification or adaptive reuse of an existing facility in which:

4 (A) The gross square footage is at least five thousand (5000)
 5 square feet; and

6 (B) Twenty-five percent (25%) or more of the facility is being
 7 changed or modified;

8 (13) "State agency" means the State of Arkansas or any of its
 9 agencies, departments, or institutions; and

10 (14) "State building project" means any physical structure and project
 11 building site, either inhabited or uninhabited:

12 (A) For which the gross square footage of the building is at
 13 least five thousand (5,000) square feet;

14 (B) In which a state agency secures the design or construction
 15 contract; and

16 (C) In which public funding is used in whole or part to design
 17 or construct the project.

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 19 SECTION 3. Application to state building projects.

20 (a)(1) Any public building project or rehabilitation project that is
 21 owned by a state agency shall be designed to meet a minimum of twenty-six
 22 (26) points required, out of a maximum of sixty-nine (69) points, to achieve
 23 a leadership in energy and environmental design rating of "certified".

24 (2) The leadership in energy and environmental design rating
 25 system certification requirement in subdivision (a)(1) of this section
 26 applies to all proposed and newly designed construction projects, including
 27 rehabilitation and adaptive reuse projects for which a contract has been
 28 entered into between the owner and design professional, as of July 1, 2004.

29 (b) The requirements of subsection (a) of this section also apply to
 30 any privately developed partnership that is:

31 (1) Part of a state and private partnership; or

32 (2) Developed as a result of economic incentives and in which
 33 state moneys are used:

34 (A) For the planning, design or construction of any
 35 building structure for which the gross footage is at least five thousand
 36 (5,000) square feet; and

1 (B) As a financial inducement or as a tax exemption for
 2 public buildings.

3 (c) Any state agency may administer and maintain oversight of its
 4 building projects regarding the requirements of this act.

5 (d) Any other state agency, department, or political subdivision that
 6 is not subject to the requirements under subsections (a) or (b) of this
 7 section, including a municipal and county government, may apply the
 8 requirements of those subsections to its respective building projects.

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 10 SECTION 4. Application to state administered grants.

11 (a)(1) Beginning July 1, 2004, any entity that awards a state
 12 administered grant for a public building project shall provide within its
 13 grant application ranking system a method by which points will be awarded to
 14 a grant applicant, based on the applicant's intent to design the public
 15 building project to achieve a particular preliminary leadership in energy and
 16 environmental design rating system certification as follows:

17 (1) A grant applicant who indicates no commitment shall be
 18 awarded zero points;

19 (2) A grant applicant who indicates a certified commitment shall
 20 be awarded one (1) or more points;

21 (3) A grant applicant who indicates a silver commitment shall be
 22 awarded more points than the grant applicant who indicates a certified
 23 commitment;

24 (4) A grant applicant who indicates a gold commitment shall be
 25 awarded more points than the grant applicant who indicates a silver
 26 commitment; and

27 (5) A grant applicant who indicates a platinum commitment shall
 28 receive more points than the grant applicant who indicates a gold commitment.

29 (b) As part of the grant application, the grant applicant shall
 30 provide to the grant awarding entity under subdivision (a) of this section,
 31 an annotated list that expressly indicates which of the sixty-nine (69)
 32 recognized points of the leadership in energy and environmental design rating
 33 system that the applicant's public building project shall be designed to
 34 meet.