

1 State of Arkansas  
2 89th General Assembly  
3 Regular Session, 2013  
4

# A Bill

SENATE BILL 1049

5 By: Senator Elliott  
6 By: Representative Love  
7

## For An Act To Be Entitled

9 AN ACT TO AMEND THE LAWS CONCERNING THE ENERGY  
10 EFFICIENCY OF PUBLIC BUILDINGS OWNED OR LEASED BY A  
11 PUBLIC AGENCY OR PUBLIC SCHOOL; TO REQUIRE THAT  
12 INSTITUTIONS OF HIGHER EDUCATION AND K-12 PUBLIC  
13 SCHOOLS EMPLOY ENERGY MANAGEMENT PROGRAMS AT EACH  
14 CAMPUS; TO ALLOW FOR THE RETENTION OF ALL OR A  
15 PORTION OF THE FINANCIAL SAVINGS THAT RESULT FROM THE  
16 IMPLEMENTATION OF ENERGY EFFICIENCY MEASURES; TO  
17 ESTABLISH A DATABASE FOR ENERGY CONSUMPTION BUILDINGS  
18 OCCUPIED BY A PUBLIC AGENCY; AND FOR OTHER PURPOSES.  
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## Subtitle

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21 TO AMEND THE LAWS CONCERNING THE ENERGY  
22 EFFICIENCY OF PUBLIC BUILDINGS OWNED OR  
23 LEASED BY A PUBLIC AGENCY OR PUBLIC  
24 SCHOOL.  
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28 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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30 SECTION 1. Arkansas Code § 22-3-2003 is amended to read as follows:

31 22-3-2003. The Sustainable Energy-Efficient Buildings Program.

32 (a) The Sustainable Energy-Efficient Buildings Program is established  
33 to promote energy conservation in buildings owned or leased by public  
34 agencies and buildings owned by institutions of higher education.

35 (b) Under the Sustainable Energy-Efficient Buildings Program:

36 (1) For public agencies, the Arkansas Energy Office shall



1 ~~develop and:~~

2 (A) ~~Issue~~ Develop policies and technical guidelines to  
 3 establish procedures and methods for compliance with the criteria and the  
 4 performance standards for a major facility or a major renovation under § 22-  
 5 3-2004; ~~and~~

6 (B) Administer an energy management program designed to  
 7 achieve compliance with the requirements of § 22-3-2006 through the  
 8 implementation of energy conservation measures; and

9 (C) Establish guidelines for the energy efficiency  
 10 requirements for leased buildings after the expiration of existing lease  
 11 contracts;

12 (2) For the institutions of higher education, each institution  
 13 of higher education:

14 (A) Shall develop and issue policies and technical  
 15 guidelines to establish procedures and methods for compliance with the  
 16 criteria and the performance standards for a major facility or a major  
 17 renovation under § 22-3-2004; and

18 (B) ~~May~~ Shall administer an energy management program  
 19 designed to achieve compliance with the requirements of § 22-3-2006 through  
 20 the implementation of energy conservation measures; ~~and~~

21 (3) Each school district kindergarten through grade twelve (k-  
 22 12) shall:

23 (A) Develop policies and technical guidelines to establish  
 24 procedures for compliance with the criteria and the performance standards for  
 25 a major facility or a major renovation under § 22-3-2004; and

26 (B) Administer an energy management program designed to  
 27 achieve compliance with the requirements of § 22-3-2006 through the  
 28 implementation of energy conservation measures.

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 30 SECTION 2. Arkansas Code § 22-3-2006 is amended to read as follows:  
 31 22-3-2006. Program to manage energy usage of public agencies.

32 (a) The Arkansas Energy Office shall:

33 (1) Develop an energy program to manage energy, water, and other  
 34 utility uses for public agencies that will reduce total energy consumption  
 35 per gross square foot for all existing state buildings by twenty percent  
 36 (20%) by 2014 and thirty percent (30%) by 2017 based on energy consumption

1 for the 2007–2008 fiscal year if the savings can be justified by a life-cycle  
2 cost analysis; and

3 (2) Update this program annually.

4 (b) To implement its plan, the Arkansas Energy Office shall to the  
5 extent funds are available:

6 (1) Develop and implement policies, procedures, and standards to  
7 ensure that a public agency's purchasing practices:

8 (A) Improve the efficiency of energy, water, and other  
9 utility uses; and

10 (B) Consider the cost of the product over its economic  
11 life;

12 (2)(A) Adopt and implement building energy design guidelines for  
13 public agencies that include without limitation:

14 (i) Energy-use goals and standards;

15 (ii) Economic assumptions for life-cycle cost  
16 analysis; and

17 (iii) Other criteria for building systems and  
18 technologies.

19 (B) The Arkansas Energy Office shall modify the design  
20 criteria for the construction or the renovation of the facilities of a public  
21 facility to require the conducting of a life-cycle cost analysis;

22 (3) Identify and recommend energy conservation maintenance and  
23 operating procedures that:

24 (A) Are designed to reduce energy consumption within the  
25 public facility; and

26 (B) Require no significant expenditure of funds;

27 (4) Require the maximum interchangeability and compatibility of  
28 equipment components when energy management equipment is proposed for any  
29 facility of a public agency; and

30 (5)(A) Develop an energy audit and a procedure for conducting an  
31 energy audit.

32 (B)(i) Within five (5) years after June 30, 2011, each  
33 public agency occupying a state-owned building shall complete an energy audit  
34 using American Society of Heating, Refrigerating and Air-Conditioning  
35 Engineers audit procedures and report the findings to the Arkansas Energy  
36 Office.

1 (ii) The level of the energy audit in subdivision  
2 (b)(5)(B)(i) of this section shall be consistent with the condition of each  
3 public facility.

4 (C) When conducting an energy audit under this subdivision  
5 (b)(5), the Arkansas Energy Office shall identify and recommend any public  
6 facility that is suitable for:

7 (i) Building commissioning to reduce energy  
8 consumption within the facility; or

9 (ii) Installing an energy savings measure under a  
10 guaranteed energy savings contract.

11 (c) The Arkansas Energy Office may adopt architectural and engineering  
12 standards to implement this section.

13 (d) The Arkansas Energy Office shall establish a database that tracks  
14 each type of energy consumed by a building that is occupied by a public  
15 agency.

16 ~~(d)~~(e) A public agency shall:

17 (1) Develop and implement, to the extent funds are available, an  
18 energy management plan to manage its energy, water, and other utility uses  
19 that is consistent with the Arkansas Energy Office's energy management  
20 program developed under this section;

21 (2) Update its management plan annually, including without  
22 limitation strategies for supporting the energy consumption reduction  
23 requirements under subsection (a) of this section;

24 (3) Submit annually by October 31 to the Arkansas Energy Office  
25 a written report of the public agency's utility consumption and costs by  
26 fuel;

27 (4) Carry out the construction and renovation of a facility in a  
28 manner that:

29 (A) Furthers the goals under this section; and

30 (B) Ensures the use of life-cycle cost analyses and  
31 practices to conserve energy, water, and other utilities; ~~and~~

32 (5) Implement the Arkansas Energy Office's recommendations made  
33 under subdivision (b)(1) of this section, ~~to the extent funds are available;~~  
34 and

35 (6)(A) Be allowed to retain all or a portion of the energy  
36 savings that result from the installation of energy conservation measures.

1                   (B) The Department of Finance and Administration, the  
2 Arkansas Energy Office, and the Arkansas Building Authority shall develop  
3 policies and procedures to allow for the retention of savings by a public  
4 agency.

5                   (C) The policies and procedures under subdivision (e)(6)(A)  
6 of this section shall be implemented by rules that are approved by the  
7 appropriate interim legislative committee or subcommittee of the General  
8 Assembly.

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