

1 State of Arkansas
2 88th General Assembly
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4

As Engrossed: S3/16/11

A Bill

SENATE BILL 823

5 By: Senator J. Jeffress
6 By: Representative T. Rogers
7

For An Act To Be Entitled

9 AN ACT TO PROMOTE THE CONSERVATION OF ENERGY AND
10 NATURAL RESOURCES IN BUILDINGS OWNED BY PUBLIC
11 AGENCIES AND INSTITUTIONS OF HIGHER EDUCATION; AND
12 FOR OTHER PURPOSES.
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Subtitle

15 TO PROMOTE THE CONSERVATION OF ENERGY AND
16 NATURAL RESOURCES IN BUILDINGS OWNED BY
17 PUBLIC AGENCIES AND INSTITUTIONS OF
18 HIGHER EDUCATION.
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22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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24 SECTION 1. Arkansas Code § 22-3-2003(b), concerning the Sustainable
25 Energy-Efficient Buildings Program, is amended to read as follows:

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

27 (1) For public agencies, the Arkansas Energy Office shall
28 develop and:

29 (A) Issue policies and technical guidelines to establish
30 procedures and methods for compliance with the criteria and the performance
31 standards for a major facility or a major renovation under § 22-3-2004; and

32 (B) Administer an energy management program ~~and an~~
33 ~~operation and maintenance program~~ designed to achieve compliance with the
34 requirements of § 22-3-2006 through the implementation of energy conservation
35 measures; and

36 (2) For the institutions of higher education, each institution



1 of higher education:

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

6 (B) May administer an energy management program ~~and an~~
7 ~~operation and maintenance program~~ designed to achieve compliance with the
8 requirements of § 22-3-2006 through the implementation of energy conservation
9 measures.

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11 SECTION 2. Arkansas Code § 22-3-2004(a)(1), concerning the standards
12 for a major facility or a major renovation, is amended to read as follows:

13 (1) A major facility of a public agency or an institution of
14 higher education shall be designed, constructed, and certified to at least
15 ten percent (10%) reduction below the baseline energy consumption determined
16 in accordance with the Performance Rating Method of Appendix G of the
17 American Society of Heating, Refrigerating, and Air-Conditioning Engineers,
18 Standard 90.1-2007, as it existed on January 1, 2009;

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20 SECTION 3. Arkansas Code § 22-3-2004(b)(1), concerning the standards
21 for a major facility or a major renovation, is amended to read as follows:

22 (b)(1) A major renovation of a public agency or an institution of
23 higher education shall be certified to at least ten percent (10%) reduction
24 below the baseline energy consumption determined in accordance with the
25 Performance Rating Method of Appendix G of the American Society of Heating,
26 Refrigerating, and Air-Conditioning Engineers, Standard 90.1-2007, as it
27 existed on January 1, 2009.

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29 SECTION 4. Arkansas Code § 22-3-2004(f)(2)(B), concerning the
30 standards for a major facility or a major renovation, is amended to read as
31 follows:

32 (B) If the report under subdivision (f)(2)(A)(ii) of this
33 section shows that the building's average energy or water consumption over
34 the one-year period after the date of beneficial occupancy is more than the
35 baseline consumption determined in accordance with the Performance Rating
36 Method of Appendix G of the American Society of Heating, Refrigerating, and

1 Air-Conditioning Engineers, Standard 90.1-2007, as it existed on January 1,
2 2009, the designer, the owner public agency or the owner institution of
3 higher education, the contractor, the contract manager at risk, and the
4 commissioning agent shall:

- 5 (i) Investigate;
- 6 (ii) Determine the cause for the failure to achieve
7 this section's performance standards; and
- 8 (iii) Recommend corrections or modifications to meet
9 this section's performance standards.

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11 SECTION 5. Arkansas Code § 22-3-2006(b), concerning a program to
12 manage energy usage of public agencies, is amended to read as follows:

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

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

- 17 (A) Improve the efficiency of energy, water, and other
18 utility uses; and
- 19 (B) Consider the cost of the product over its economic
20 life;

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

- 23 (i) Energy-use goals and standards;
- 24 (ii) Economic assumptions for life-cycle cost
25 analysis; and
- 26 (iii) Other criteria for building systems and
27 technologies.

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

31 (3) Identify and recommend energy conservation maintenance and
32 operating procedures that:

33 (A) Are designed to reduce energy consumption within the
34 public facility; and

35 (B) Require no significant expenditure of funds;

36 (4) Require the maximum interchangeability and compatibility of

1 equipment components when energy management equipment is proposed for any
2 facility of a public agency; and

3 (5)(A) Develop an energy audit and a procedure for conducting an
4 energy audit, ~~to the extent funds are available.~~

5 (B)(i) Within five (5) years after ~~July 31, 2009~~ June 30,
6 2011, the Arkansas Energy Office shall have completed an energy audit of
7 every public agency each public agency occupying a state-owned building shall
8 complete an energy audit using American Society of Heating, Refrigerating and
9 Air-Conditioning Engineers audit procedures and report the findings to the
10 Arkansas Energy Office.

11 (ii) The level of the energy audit in subdivision
12 (b)(5)(B)(i) shall be consistent with the condition of each public facility.

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

16 (i) Building commissioning to reduce energy
17 consumption within the facility; or

18 (ii) Installing an energy savings measure under a
19 guaranteed energy savings contract.

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21 SECTION 6. Arkansas Code § 22-3-2006(d)(3), concerning a program to
22 manage energy usage of public agencies, is amended to read as follows:

23 (3) Submit annually by ~~April 1~~ October 31 to the Arkansas Energy
24 Office a written report of the public agency's utility consumption and costs
25 by fuel;

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27 /s/J. Jeffress

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30 **APPROVED: 03/30/2011**