

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 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

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

Subtitle

15 AN ACT TO PROMOTE THE CONSERVATION OF
16 ENERGY AND NATURAL RESOURCES IN THE
17 DESIGN OF STATE BUILDING PROJECTS.
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21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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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.

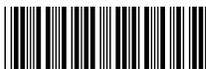
26 This subchapter shall be known and may be referred to as the "Arkansas
27 Energy and Natural Resource Conservation Act".
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29 22-3-1802. Findings and purpose.

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
36 consumed in state buildings, and energy expenditures have been increasing at



1 nearly four percent (4%) per year over the last ten (10) years;

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

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

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

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

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22 22-3-1803. Definitions.

23 As used in this subchapter:

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

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

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

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

36 (3) "Grant applicant" means any individual, institution,

1 governmental jurisdiction, or other organization recognized by the granting
2 department or agency as qualified to apply for financial assistance from any
3 state department, agency, or office for the purpose of planning, designing,
4 or constructing a new or rehabilitated building;

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

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

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

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

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

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

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

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

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

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

36 (B) "Project limits" includes material and equipment

1 storage space, lay down or prefabrication space, clearing, grubbing, and
2 drainage improvements;

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

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

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

13 (12) "Public funding" means federal or state funds that are
14 allocated for a state building project;

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

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

22 (15) "State building project" means any inhabited physical
23 structure and project building site in which:

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

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

28 (16) "Sustainable" means that:

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

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

36 (C) The design encompasses the following broad topics:

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

9
10 22-3-1804. Standards for Arkansas.

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

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

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

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

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

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

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

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

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

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

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

34 (B) Fifteen (15) points will be awarded for the use of
35 bio-based materials derived from multiple credible certified sources
36 supported by an environmental management system certified under the

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

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8 22-3-1805. Application to state building projects.

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

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

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

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

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

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

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

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

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

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

36 (4) The cochairs of the task force shall be members of the

1 General Assembly. One (1) cochair shall be a member of the Senate and one
2 (1) cochair shall be a member of the House of Representatives.

3 (c) The legislative members of the task force shall be entitled to
4 mileage and per diem at the same rate as for attending other legislative
5 committees.

6 (d) The task force shall receive staff support from the Bureau of
7 Legislative Research.

8 (e) The task force shall expire on July 1, 2007, unless continued by
9 an act of the General Assembly.

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11 SECTION 2. EMERGENCY CLAUSE. It is found and determined by the
12 General Assembly of the State of Arkansas that there is a need to incorporate
13 energy and natural resource conservation measures into state buildings and
14 state-funded buildings; that this act will assist the state to provide better
15 use of natural resources, and that this act is immediately necessary because
16 of the need to incorporate standards into new construction. Therefore, an
17 emergency is declared to exist and this act being necessary for the
18 preservation of the public peace, health, and safety shall become effective
19 on July 1, 2005.

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21 */s/ Ledbetter, et al*
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