

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas
89th General Assembly
Regular Session, 2013

A Bill

SENATE BILL 1049

By: Senator Elliott
By: Representative Love

For An Act To Be Entitled

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

Subtitle

TO AMEND THE LAWS CONCERNING THE ENERGY EFFICIENCY OF PUBLIC BUILDINGS OWNED OR LEASED BY A PUBLIC AGENCY OR PUBLIC SCHOOL.

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

SECTION 1. Arkansas Code § 22-3-2003 is amended to read as follows:

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

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

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

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



~~develop and:~~

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

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

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

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

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

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

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

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

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

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

(a) The Arkansas Energy Office shall:

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

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

(2) Update this program annually.

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

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

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

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

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

(i) Energy-use goals and standards;

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

(iii) Other criteria for building systems and technologies.

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

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

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

(B) Require no significant expenditure of funds;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(A) Furthers the goals under this section; and

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

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

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

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

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