

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 4

Special Session No. 1 of
2007-2008

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YUDICHAK, SCHRODER, SHAPIRO, BEYER, SAMUELSON AND WAGNER,
SEPTEMBER 27, 2007

AS REPORTED FROM COMMITTEE ON ENVIRONMENTAL RESOURCES AND
ENERGY, HOUSE OF REPRESENTATIVES, AS AMENDED,
DECEMBER 12, 2007

AN ACT

1 Requiring the design, construction and renovation of buildings
2 that receive a State appropriation to comply with specified
3 energy and environmental building standards.

4 The General Assembly of the Commonwealth of Pennsylvania
5 hereby enacts as follows:

6 Section 1. Short title.

7 This act shall be known and may be cited as the High-
8 Performance, State-Funded Buildings Standards Act.

9 Section 2. Purpose.

10 The General Assembly declares the purposes of this act as
11 follows:

12 (1) To promote effective energy and environmental
13 standards for construction, rehabilitation and maintenance of

1 buildings in this Commonwealth.

2 (2) To optimize the energy performance of buildings
3 throughout this Commonwealth.

4 (3) To increase the demand for environmentally
5 preferable building materials, finishes and furnishings.

6 (4) To improve environmental quality in this
7 Commonwealth by decreasing the discharge of pollutants from
8 buildings and their manufacture.

9 (5) To create public awareness of new technologies that
10 can improve the health and productivity of building occupants
11 by meeting advanced criteria for indoor air quality.

12 (6) To improve working conditions and reduce building-
13 related health problems.

14 (7) To reduce the Commonwealth's dependence upon
15 imported sources of energy through buildings that conserve
16 energy and utilize local and renewable energy sources.

17 (8) To protect and restore this Commonwealth's natural
18 resources by avoiding development of inappropriate building
19 sites.

20 (9) To reduce the burden on municipal water supply and
21 treatment by reducing potable water consumption.

22 (10) To reduce waste generation and to manage waste
23 through recycling and diversion from landfill disposal.

24 (11) To improve the Commonwealth's capacity to design,
25 build and operate high-performance buildings and, in doing
26 so, to create new jobs and contribute to economic growth.

27 Section 3. Definitions.

28 The following words and phrases when used in this act shall
29 have the meanings given to them in this section unless the
30 context clearly indicates otherwise:

1 "Building project." The design, construction, renovation,
2 operation and maintenance of any inhabited physical structure
3 and its associated project building site.

4 "Commercial interior fit-out." Interior design and
5 installation by owners or tenants of new or existing office
6 space, typically exclusive of structural components and core and
7 shell elements.

8 "COMMONWEALTH AGENCY." A DEPARTMENT, BOARD, BUREAU, <—
9 COMMISSION OR AUTHORITY UNDER THE JURISDICTION OF THE GOVERNOR
10 AND AN INDEPENDENT AGENCY.

11 "Department." The Department of General Services of the
12 Commonwealth.

13 "High-performance building." A building designed to achieve
14 integrated systems design and construction so as to
15 significantly reduce or eliminate the negative impact of the
16 built environment.

17 "Major facility project." Any of the following:

18 (1) A State-funded new construction project in which the
19 building to be constructed is larger than 10,000 gross square
20 feet.

21 (2) A State-funded building renovation project where the
22 State funding exceeds either 50% of the construction cost or
23 \$500,000 in State funds.

24 (3) A State-funded commercial interior tenant fit-out
25 project that is larger than 10,000 square feet of leasable
26 area.

27 The term does not include a building, regardless of size, that
28 does not have conditioned space as defined by Standard 90.1 of
29 the American Society of Heating, Refrigerating and Air-
30 Conditioning Engineers, referred to as ASHRAE 90.1.

1 "Renovation project." A building project involving the
2 modification or adaptive reuse of an existing facility.

3 ~~"State department." A department, board, bureau, commission~~ <—
4 ~~or authority under the jurisdiction of the Governor of the~~
5 ~~Commonwealth.~~

6 "State-funded." In reference to a building project, the term
7 refers to receipt of funds from a State appropriation.

8 Section 4. Standards.

9 (a) Minimum criteria.--The high-performance building
10 standards applicable to this act shall meet the following
11 minimum criteria:

12 (1) Be consensus-based, as defined by the Office of
13 Management and Budget, Circular No. A-119, dated February 10,
14 1998.

15 (2) At a minimum, include performance-based categories
16 or credits that will foster achievement of the purposes set
17 forth under section 2(2), (3), (4), (6), (7), (8), (9) and
18 (10).

19 (3) Require documentation, verifiable calculations or
20 the equivalent procedure to substantiate and support any
21 claim made relating to paragraph (2).

22 (4) Employ third-party, postconstruction review and
23 verification for achievement of certification.

24 (5) Have a track record of certified green buildings in
25 the United States.

26 (b) Level of performance.--The performance required under
27 the adopted high-performance building standards shall be at or
28 above the level beyond the minimum level required by the
29 selected standards.

30 (c) Energy Star ratings.--In addition to meeting the

1 performance requirements of the adopted high performance
2 building standards, ~~all State-funded major facility projects~~ ALL <—
3 BUILDING PROJECTS INVOLVING BUILDINGS OWNED OR LEASED BY A
4 COMMONWEALTH AGENCY, INCLUDING ALL STATE-FUNDED MAJOR FACILITY
5 PROJECTS, are required to achieve an Environmental Protection
6 Agency Energy Star rating of 85 or above.

7 Section 5. Scope.

8 ~~(a) Facilities owned or leased by Commonwealth or State~~ <—
9 ~~affiliated entities.~~

10 ~~(1) All major facility projects shall meet or exceed the~~
11 ~~standards as set forth under section 4, and the levels of~~
12 ~~achievement to be defined by the department.~~

13 ~~(2) All other building projects shall meet or exceed the~~

14 (A) FACILITIES OWNED OR LEASED BY A COMMONWEALTH AGENCY.-- <—

15 (1) ALL BUILDING PROJECTS SHALL MEET OR EXCEED THE
16 prescribed level of achievement under the adopted high-
17 performance building standard as set forth under section 4.

18 ~~(3)~~ (2) The level of achievement to be met under <—
19 paragraph ~~(2)~~ (1) shall be set forth in the regulations <—
20 adopted by the department.

21 (b) State-funded major facility projects.--When the <—
22 ~~department~~ A COMMONWEALTH AGENCY issues funding, it shall <—
23 require the use of standards adopted under section 6 during the
24 design and construction phase of the project. Each State-funded
25 major facility project shall meet or exceed the level of
26 achievement as set forth under section 4.

27 Section 6. Regulations.

28 (a) General rule.--The department, in consultation with the
29 Department of Environmental Protection, shall develop and issue
30 regulations for complying with this act. The purposes of the

1 regulations shall be to:

2 (1) Adopt high-performance building standards selected
3 by the department, in consultation with the Department of
4 Environmental Protection, from among accepted industry
5 standards meeting the criteria prescribed in section 4(a).

6 (2) Define reporting requirements for State-funded
7 building projects under this act.

8 (3) Define procedures and methods for verifying
9 compliance with the standards, as set forth in sections 4 and
10 5, in the design and construction of State-funded building
11 projects under this act.

12 (b) Amendment.--The department, in consultation with the
13 Department of Environmental Protection, may amend the
14 regulations as necessitated by the emergence of new or modified
15 high-performance building standards as defined under section 4.
16 Section 7. Report.

17 The department shall prepare and submit annually a report to
18 the chairman and the minority chairman of the Environmental
19 Resources and Energy Committee of the Senate and the chairman
20 and the minority chairman of the Environmental Resources and
21 Energy Committee of the House of Representatives. The report
22 shall at a minimum include:

23 (1) The number and type of buildings designed and
24 constructed utilizing each of the rating systems recognized
25 under this act.

26 (2) The levels of certification of each building
27 designed, constructed or renovated.

28 (3) Actual savings in energy costs.

29 (4) A description of all potential environmental
30 benefits, including, but not limited to, water resources

1 savings and the reduction of waste generation.

2 (5) Any conflicts or barriers identified which hinder
3 the effective implementation of this act.

4 Section 8. Monitoring and evaluation.

5 The department, in consultation with the Department of
6 Environmental Protection, shall develop and implement a process
7 to monitor and evaluate the energy and environmental benefits
8 associated with each building project designed, constructed or
9 renovated under this act. The monitoring and evaluation of each
10 building project shall commence one year after the completion
11 and occupancy of the building project and continue for five
12 years thereafter.

13 Section 9. Applicability.

14 This act shall apply as follows:

15 (1) The provisions of this act shall apply to all
16 project design contracts initiated on or after the effective
17 date of this section.

18 (2) The provisions of this act shall apply to all
19 project construction contracts initiated one year after the
20 effective date of this section.

21 Section 10. Effective date.

22 This act shall take effect as follows:

23 (1) Section 5 of this act shall take effect in one year.

24 (2) The remainder of this act shall take effect in 60
25 days.