

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 324 Session of 2009

INTRODUCED BY MILLER, BEAR, BENNINGHOFF, BEYER, BOYD,
 CALTAGIRONE, CLYMER, CREIGHTON, DePASQUALE, FABRIZIO,
 FAIRCHILD, FLECK, FRANKEL, GEORGE, GIBBONS, GINGRICH,
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 REICHLEY, ROAE, ROCK, ROSS, SCAVELLO, SIPTROTH, K. SMITH,
 STERN, THOMAS, VULAKOVICH, WALKO AND WATSON,
 FEBRUARY 10, 2009

REFERRED TO COMMITTEE ON STATE GOVERNMENT, FEBRUARY 10, 2009

AN ACT

1 Providing for the reduction of energy use in State buildings,
 2 for energy efficiency and the State motor vehicle fleet and
 3 for other energy efficiency and procurement; establishing the
 4 Interagency Task Force on Energy and providing for its powers
 5 and duties; and providing for recognition of efforts to
 6 improve State energy efficiency and for reporting.

7 The General Assembly of the Commonwealth of Pennsylvania
 8 hereby enacts as follows:

9 Section 1. Short title.

10 This act shall be known and may be cited as the Energy
 11 Efficiency in State Government Buildings Act.

12 Section 2. Purpose.

13 The General Assembly declares the purposes of this act as
 14 follows:

15 (1) The Commonwealth should lead by example in adopting,
 16 implementing and promoting energy efficiency and in using
 17 renewable, locally produced biofuels and bioenergy.

1 (2) The Commonwealth is a large business enterprise and
2 a substantial consumer of energy, including transportation
3 fuels, natural gas and electricity. The expense of this
4 energy represents a substantial operating cost for State
5 government.

6 (3) The increased investment in energy conservation
7 technologies, alternative transportation fuels and
8 technologies and clean energy technologies by the
9 Commonwealth will result in lower operating costs for State
10 government which will result in savings for all Pennsylvania
11 taxpayers.

12 Section 3. Definitions.

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

16 "Commonwealth agency." An executive agency, an independent
17 agency, a State-affiliated entity or a State-related institution
18 as defined by 62 Pa.C.S. § 103 (relating to definitions). The
19 term also includes the unified judicial system and its officers
20 and agencies.

21 "Department." The Department of General Services of the
22 Commonwealth.

23 "Energy conservation measure." A program or facility
24 alteration designed to reduce energy consumption or operating
25 costs. This term includes, but is not limited to:

26 (1) Insulation of building structure or systems within a
27 building.

28 (2) Storm windows or doors, caulking or weather
29 stripping, multiglazed windows or doors, heat-absorbing or
30 heat-reflective glazed and coated window or door systems,

1 additional glazing, reductions in glass area or other window
2 and door system modifications that reduce energy consumption.

3 (3) Automated or computerized energy control systems.

4 (4) Heating, ventilating or air conditioning system
5 modifications or replacements.

6 (5) Replacement or modification of lighting fixtures to
7 increase the energy efficiency of a lighting system without
8 increasing the overall illumination of a facility, unless an
9 increase in illumination is necessary to conform to
10 applicable State or local building codes for the lighting
11 system after the proposed modifications are made.

12 (6) Energy recovery systems.

13 (7) Systems that produce steam or forms of energy, such
14 as heat or electricity, for use within a building or complex
15 of buildings.

16 (8) Energy conservation measures that provide operating
17 cost reductions based on life-cycle cost analysis.

18 (9) A training program or facility alteration that
19 reduces energy consumption or reduces operating costs,
20 including allowable costs, based on future reductions in
21 labor costs or costs for contracted services.

22 (10) A facility alteration that includes expenditures
23 required to properly implement other energy conservation
24 measures.

25 (11) A program to reduce energy costs through rate
26 adjustments, load shifting to reduce peak demand or use of
27 alternative energy suppliers, such as, but not limited to:

28 (i) Changes to more favorable rate schedules.

29 (ii) Negotiation of lower rates, same supplier or
30 new suppliers, where applicable.

1 (iii) Auditing of energy service billing and meters.

2 (12) The installation of energy information and control
3 systems that monitor consumption, redirect systems to optimal
4 energy sources and manage energy-using equipment.

5 (13) Indoor air quality improvements.

6 (14) Daylighting systems.

7 (15) Renewable or onsite distributed power generation
8 systems.

9 "Energy profile." A document showing the types and rates of
10 energy consumed and the amount of dollars expended for energy
11 consumption in a State building.

12 "Energy Star." The voluntary partnership among the
13 Department of Energy, the Environmental Protection Agency,
14 product manufacturers, local utilities and retailers to help
15 promote energy-efficient products by labeling with the Energy
16 Star logo, to educate consumers about the benefits of energy
17 efficiency and to promote energy efficiency in buildings by
18 benchmarking and rating energy performance.

19 "Governmental unit." A department or agency under the
20 jurisdiction of the Governor of the Commonwealth.

21 "Secretary." The Secretary of General Services of the
22 Commonwealth.

23 "State building." A structure occupied by an executive
24 agency, an independent agency, a State-affiliated entity or a
25 State-related institution as defined by 62 Pa.C.S. § 103
26 (relating to definitions). The term also includes the unified
27 judicial system and its officers and agencies.

28 "Task force." The Interagency Task Force on Energy
29 established under section 7.

30 Section 4. Reducing energy use in State buildings.

1 (a) Department to establish energy efficiency savings
2 target.--The department shall establish an energy efficiency
3 savings target for all State buildings managed by the department
4 or another department or agency within the executive branch. The
5 target shall be to attain a 20% reduction in energy use in all
6 State buildings by December 31, 2011, and 30% by 2015 when
7 compared to energy use and energy purchases for the fiscal year
8 ending June 30, 2006.

9 (b) Establishment of energy efficiency programs.--The
10 department shall establish programs to enhance the energy
11 efficiency of existing facilities. These shall include, but may
12 not be limited to:

13 (1) A program for an energy analysis of each State
14 building identifying opportunities for reduced energy use,
15 the cost and associated savings for each, including a
16 completion schedule for the energy analysis program.

17 (2) A program to perform regular maintenance on all
18 lighting, heating, ventilation and air conditioning systems,
19 including, but not limited to, lubricating, balancing,
20 aligning, vacuuming, cleaning and checking seals to ensure
21 optimum efficiency.

22 (3) A program to evaluate the feasibility of converting
23 to more energy-efficient lighting systems, including goals
24 for making cost-effective lighting efficiency improvements
25 that reduce electricity costs and maintain illumination
26 quality.

27 (4) Policies and procedures to identify and eliminate
28 air infiltration and improve thermal insulation in building
29 exteriors, such as walls, windows, doors, ceilings and
30 floors.

1 (5) Policies and procedures to reduce unnecessary use of
2 lighting, heating, ventilation and air conditioning systems
3 and to control thermostats to maximize energy savings while
4 also providing occupant comfort.

5 (6) Policies and procedures to maintain, monitor and
6 control systems that use water to reduce waste.

7 (7) A program to track the energy use within
8 Commonwealth-owned facilities and to establish energy
9 profiles of these facilities, which may include, but not be
10 limited to:

11 (i) The source of heating fuel, including the type
12 of fuel.

13 (ii) The size of the building as measured in square
14 feet.

15 (iii) The total expenditures per month for
16 electricity and heating fuel.

17 Section 5. Energy efficiency and the State motor vehicle fleet.

18 In managing the Commonwealth's fleet of motor vehicles, the
19 department shall:

20 (1) Ensure compliance with the requirements of the
21 Federal Energy Policy Act of 1992 (Public Law 102-486, 42
22 U.S.C. § 13201 et seq.) by acquiring alternative fuel
23 vehicles capable of operating on nonpetroleum fuels or on
24 blended fuels with lower petroleum content.

25 (2) Increase the number of hybrid or other alternative
26 fueled vehicles within the fleet, if analysis by the
27 department determines the hybrid or other alternative fueled
28 vehicles to be cost effective and capable of meeting the
29 Commonwealth's transportation needs. Based upon this
30 analysis, the department shall develop a schedule for

1 increasing the number of hybrid or other alternative fueled
2 vehicles within the fleet over a ten-year period.

3 (3) Increase the use and procurement of alternative fuel
4 and bio-based lubricants within the fleet. The department
5 shall conduct an analysis of the vehicle fuel and amount of
6 lubricants used by all fleet vehicles and develop a schedule
7 for increasing the amount of alternative fuel and bio-based
8 lubricants over a ten-year period.

9 (4) Develop procedures to utilize diesel fuel with the
10 highest percentage of biodiesel content available.

11 Section 6. Energy efficiency and procurement.

12 The department shall review and revise Commonwealth
13 procurement policies and procedures as necessary to ensure:

14 (1) The inclusion of energy efficiency considerations
15 and life-cycle costs when determining whether the purchase of
16 or contracting for goods or supplies represents the best
17 value for the Commonwealth, including, but not limited to,
18 equipment purchased for State facilities such as lighting
19 equipment, heating systems, ventilation systems, air
20 conditioning systems and water heating systems.

21 (2) New electronic office equipment purchased by State
22 departments or agencies shall be Energy Star compliant to the
23 extent Energy Star certified equipment is available and that
24 all major appliances purchased for State-owned or State-
25 operated facilities, including residential facilities, shall
26 be Energy Star compliant to the extent Energy Star certified
27 equipment is available.

28 Section 7. Interagency Task Force on Energy.

29 (a) Establishment.--The Interagency Task Force on Energy is
30 established.

1 (b) Purposes and goals.--The purposes and goals of the task
2 force shall be to:

3 (1) Encourage a diverse supply of energy using
4 traditional and renewable sources and ensuring adequate
5 delivery systems.

6 (2) Promote energy efficiency and conservation within
7 Commonwealth facilities.

8 (3) Coordinate State agency actions.

9 (4) Identify opportunities for State agencies to lead by
10 example.

11 (c) Composition of task force.--The task force shall consist
12 of the following members, each of whom shall be appointed by and
13 serve at the pleasure of the Governor:

14 (1) Secretary of Environmental Protection, who shall
15 serve as chairman.

16 (2) Chairman of the Pennsylvania Public Utility
17 Commission.

18 (3) Director of the Pennsylvania Emergency Management
19 Agency.

20 (4) Executive Director of the Pennsylvania Rural
21 Development Council.

22 (5) Secretary of Aging.

23 (6) Secretary of Agriculture.

24 (7) Secretary of Community and Economic Development.

25 (8) Secretary of Conservation and Natural Resources.

26 (9) Secretary of General Services.

27 (10) Secretary of Health.

28 (11) Secretary of Public Welfare.

29 (12) Secretary of Transportation.

30 (13) Secretary of Governor's Office of Administration.

1 (14) Other individuals whom the Governor may elect to
2 appoint at any time.

3 (d) Responsibilities of task force.--

4 (1) The task force shall provide advice and assistance
5 in the preparation and review of agency energy plans.

6 (2) The task force shall seek to develop good working
7 relationships with interested stakeholders.

8 (3) The task force shall assemble the individual
9 agency's energy plans and submit them, together with an
10 executive summary including a progress report, to the
11 Governor on or before September 15 of each year.

12 (e) Responsibilities of Commonwealth agencies and other
13 entities.--

14 (1) Each executive agency, and all independent agencies
15 participating voluntarily in this initiative, shall develop
16 an annual energy plan that outlines the actions the agency
17 will take to:

18 (i) utilize to the extent practical alternative
19 energy sources for energy supply;

20 (ii) promote conservation, efficiency and demand
21 management;

22 (iii) track and report energy usage and cost; and

23 (iv) further support the energy goals of the
24 Commonwealth as may be set forth by the task force.

25 (2) The energy plan shall also include the measures
26 taken in the previous year that addressed these listed goals.
27 The plan shall be submitted to the task force for advice and
28 assistance on or before July 15 of each year. The task force
29 shall compile the agency reports into a comprehensive report
30 to be included as part of the annual report required under

1 section 10.

2 (f) Interagency energy team.--Each task force member shall
3 designate staff to serve on an interagency energy team that will
4 meet, as needed, to ensure that plan tasks are developed and
5 implemented. The team shall report to the chairman of the task
6 force. The Department of Environmental Protection shall
7 coordinate the activities of the teams.

8 (g) Interagency cooperation.--All agencies under the
9 Governor's jurisdiction shall fully cooperate and provide
10 assistance, particularly with regard to agency energy plans, to
11 the task force in performing its functions.

12 (h) Compensation.--Members of the task force shall receive
13 no compensation for their services, except that such members may
14 be reimbursed for actual travel and related expenses in
15 accordance with relevant rules and regulations of the Executive
16 Board.

17 (i) Funding.--Each agency shall provide sufficient funds and
18 staff to develop and implement its energy plan.

19 (j) Meetings.--Task force meetings shall be held on a
20 regular basis and shall be open to the public as required by 65
21 Pa.C.S. Ch. 7 (relating to open meetings).

22 Section 8. Cooperation among executive agencies and independent
23 agencies.

24 (a) Duty to cooperate.--The department may request and shall
25 receive from any executive agency such cooperation, information
26 and data needed to properly implement this act. Independent
27 agencies not under the Governor's jurisdiction may participate
28 in the provisions of this act.

29 (b) Duties of Department of Environmental Protection.--The
30 Department of Environmental Protection shall:

1 (1) Provide advice and assistance to the Department of
2 General Services and executive agencies in developing the
3 energy management and conservation requirements of this act.

4 (2) On a continuing basis, develop and recommend
5 additional energy conservation measures or alternative energy
6 generation technologies that could be implemented by
7 executive agencies.

8 (3) Assist the department in developing long-range
9 energy management and conservation methods to be applied in
10 Commonwealth facilities.

11 (4) Assist the department in the preparation of the
12 annual report as listed in section 11.

13 Section 9. Recognition of efforts to improve State energy
14 efficiency.

15 The department shall establish an annual award program to be
16 known as the Governor's Award for Excellence in Energy
17 Efficiency to annually recognize and reward State department or
18 agency progress in implementing cost-effective energy efficiency
19 and energy conservation measures and for achieving energy
20 savings.

21 Section 10. Historic buildings.

22 This act shall not apply to the extent it would require the
23 implementation of measures to conserve energy, water or other
24 utility use that would conflict with the historic nature of
25 buildings under the jurisdiction of the Pennsylvania Historical
26 and Museum Commission.

27 Section 11. Reporting.

28 The department shall provide an annual report to the chairman
29 and minority chairman of the Environmental Resources and Energy
30 Committee of the Senate and the chairman and minority chairman

1 of the Environmental Resources and Energy Committee of the House
2 of Representatives that specifies the efforts of all State
3 departments and agencies in complying with this act.

4 Section 12. Effective date.

5 This act shall take effect in 60 days.