

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

## HOUSE BILL

No. 193 Session of  
2011

INTRODUCED BY HARPER, CALTAGIRONE, COHEN, DeLUCA, FLECK,  
FREEMAN, GEORGE, HORNAMAN, KORTZ, MILNE, MURPHY, PASHINSKI,  
PAYTON, ROSS, SANTARSIERO, SCAVELLO, VITALI, WATSON, MURT,  
TAYLOR, YOUNGBLOOD, M. SMITH, GIBBONS, BRADFORD, HARHART,  
STURLA AND K. BOYLE, JANUARY 24, 2011

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES,  
JANUARY 24, 2012

## AN ACT

1 Requiring the design, construction and renovation of CERTAIN  
2 State-owned or State-leased buildings to comply with  
3 specified energy and environmental building standards; and  
4 providing for the powers and duties of the Department of  
5 General Services. ←

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

8 Section 1. Short title.

9 This act shall be known and may be cited as the High-  
10 Performance, State Buildings Standards Act.

11 Section 2. Purpose.

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

14 (1) To promote effective energy and environmental  
15 standards for construction, rehabilitation and maintenance of  
16 buildings in this Commonwealth.

17 (2) To optimize the energy performance of ~~State~~ ←

COMMONWEALTH buildings ~~throughout this Commonwealth.~~



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

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

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

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

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

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

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

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

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

### Section 3. Definitions.

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

"Building project." The design, construction or renovation of any physical structure and its associated project building

1 site.

2 "Commonwealth agency." An executive agency, an independent  
3 agency, a State-affiliated entity or State-related institution  
4 as defined by 62 Pa.C.S. § 103 (relating to definitions). The  
5 term also includes the General Assembly, its officers and  
6 agencies and the unified judicial system and its officers and  
7 agencies.

8 "Department." The Department of General Services of the  
9 Commonwealth.

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

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

15 (1) A State-owned ~~construction~~ BUILDING project in which  
16 the building to be constructed is larger than 20,000 gross  
17 square feet. ←

18 (2) A new ~~construction~~ BUILDING project in which the  
19 building to be constructed is more than ~~10,000~~ 20,000 gross  
20 square feet and in which building a Commonwealth agency has  
21 agreed to lease no fewer than 90% of the gross square feet. ←

22 (3) A RENOVATION THAT IS LARGER THAN 20,000 GROSS SQUARE  
23 FEET AND AT LEAST 90% OF THE TOTAL SQUARE FOOTAGE OF THE  
24 BUILDING. ←

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

30 "Renovation project." A building project involving the

1 modification or adaptive reuse of an existing facility.

2 Section 4. Standards.

3 (a) Minimum criteria.--The high-performance building  
4 standards applicable to this act shall meet the following  
5 minimum criteria:

6 ~~(1) Be consensus based, as defined by the Office of~~ ←  
7 ~~Management and Budget, Circular No. A 119, dated February 10,~~  
8 ~~1998.~~

9 ~~(2)~~ (1) At a minimum, include performance-based ←  
10 categories or credits that will foster achievement of the  
11 purposes set forth under section 2(2), (3), (4), (6), (7),  
12 (8), (9) and (10).

13 ~~(3)~~ (2) Require documentation, verifiable calculations ←  
14 or the equivalent procedure to substantiate and support any  
15 claim made relating to paragraph (2).

16 ~~(4)~~ (3) Employ third-party, postconstruction review and ←  
17 verification for achievement of certification. ←

18 ~~(5) Have~~ BY AN ORGANIZATION THAT HAS a track record of ←  
19 certified green buildings in the United States AND USES A ←  
20 CONSENSUS-BASED RATING SYSTEM.

21 (b) Level of performance.--The performance required under  
22 the adopted high-performance building standards shall be at or  
23 above the level beyond the minimum level required by the  
24 selected standards.

25 (c) ACHIEVE Energy Star ratings.-- ←

26 (1) In addition to meeting the performance requirements  
27 of the adopted high performance building standards, all  
28 ~~building~~ MAJOR FACILITY projects ~~involving buildings owned or~~ ←  
29 ~~leased by a Commonwealth agency~~ are required to BE DESIGNED ←  
30 TO EARN ENERGY STAR CERTIFICATION TO achieve an Environmental

Protection Agency Energy Star rating of ~~85~~ 75 or above.

(2) Paragraph (1) shall apply only to ~~construction~~ MAJOR FACILITY projects which commence after the effective date of this act and involve building types ~~in~~ FOR which the Environmental Protection Agency provides Energy Star ratings.

#### Section 5. Scope.

All ~~building~~ MAJOR FACILITY projects shall meet or exceed the prescribed level of achievement under the high-performance building standard adopted under section 6.

#### Section 6. Regulations.

The department shall develop and issue regulations for complying with this act. The purposes of the regulations shall be to:

(1) Adopt high-performance building standards selected by the department from among accepted industry standards meeting the criteria prescribed in section 4(a).

(2) Define procedures and methods for verifying compliance with the standards, as set forth under sections 4 and 5, in the design and construction of ~~State-owned or State-leased building~~ MAJOR FACILITY projects subject to this act.

(3) Specify the level of achievement to be met under section 5.

#### Section 7. Report.

The department shall prepare and submit annually a report to the chairman and the minority chairman of the Environmental Resources and Energy Committee of the Senate, the chairman and the minority chairman of the Environmental Resources and Energy Committee of the House of Representatives, the chairman and minority chairman of the State Government Committee of the

1 Senate and the chairman and minority chairman of the State  
2 Government Committee of the House of Representatives. The report  
3 shall at a minimum include:

4 (1) The number and type of buildings designed and  
5 constructed utilizing each of the rating systems recognized  
6 under this act.

7 (2) The levels of certification of each building  
8 designed, constructed or renovated.

9 ~~(3) Actual or anticipated savings in energy consumption.~~ ←

10 ~~(4)~~ (3) A description of all potential environmental ←  
11 benefits, including, but not limited to, water resources  
12 savings and the reduction of waste generation.

13 ~~(5)~~ (4) Any conflicts or barriers identified which ←  
14 hinder the effective implementation of this act.

15 Section 8. Monitoring and evaluation.

16 The department shall develop and implement a process to  
17 monitor and evaluate the energy and environmental benefits  
18 associated with each ~~building~~ MAJOR FACILITY project designed, ←  
19 constructed or renovated under this act. The Commonwealth agency  
20 occupying the building shall commence monitoring and evaluation  
21 in accordance with the department-established process one year  
22 after the completion and occupancy of the ~~building~~ MAJOR ←  
23 FACILITY project and continue for five years thereafter.

24 Section 9. Applicability.

25 This act shall apply as follows:

26 (1) The provisions of this act shall apply to all  
27 ~~project design contracts initiated on or after the effective~~ ←  
28 ~~date of this section~~ MAJOR FACILITY PROJECTS WHERE DESIGN ←  
29 COMMENCES AT LEAST 60 DAYS AFTER THE FINAL REGULATIONS ARE  
30 PROMULGATED BY THE DEPARTMENT UNDER SECTION 6.

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

4 Section 10. Enforcement.

5       The department shall not IMPLEMENT OR enforce the provisions     ←  
6       of this act as they apply to ~~building~~ MAJOR FACILITY projects     ←  
7       owned or leased by a Commonwealth agency until the Secretary of  
8       General Services and the Secretary of the Budget determine there  
9       is adequate funding available to cover additional costs  
10      resulting from compliance with the requirements of this act.

11 Section 11. Effective date.

12      This act shall take effect in 60 days.