

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 784 Session of
2009

INTRODUCED BY FOLMER, ERICKSON, WILLIAMS, FERLO, EARLL, BROWNE,
PIPPY, LEACH, ALLOWAY, FARNESE, YAW AND BOSCOLA,
APRIL 17, 2009

REFERRED TO STATE GOVERNMENT, APRIL 17, 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.

18 (2) The Commonwealth is a large business enterprise and
19 a substantial consumer of energy, including transportation

1 fuels, natural gas and electricity. The expense of this
2 energy represents a substantial operating cost for State
3 government.

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

10 Section 3. Definitions.

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

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

19 "Department." The Department of General Services of the
20 Commonwealth.

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

24 (1) Insulation of building structure or systems within a
25 building.

26 (2) Storm windows or doors, caulking or weather
27 stripping, multiglazed windows or doors, heat-absorbing or
28 heat-reflective glazed and coated window or door systems,
29 additional glazing, reductions in glass area or other window
30 and door system modifications that reduce energy consumption.

1 (3) Automated or computerized energy control systems.

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

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

10 (6) Energy recovery systems.

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

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

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

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

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

26 (i) Changes to more favorable rate schedules.

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

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

30 (12) The installation of energy information and control

1 systems that monitor consumption, redirect systems to optimal
2 energy sources and manage energy-using equipment.

3 (13) Indoor air quality improvements.

4 (14) Daylighting systems.

5 (15) Renewable or onsite distributed power generation
6 systems.

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

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

17 "Governmental unit." A department or agency under the
18 jurisdiction of the Governor of the Commonwealth.

19 "Secretary." The Secretary of General Services of the
20 Commonwealth.

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

26 "Task force." The Interagency Task Force on Energy
27 established under section 7.

28 Section 4. Reducing energy use in State buildings.

29 (a) Department to establish energy efficiency savings
30 target.--The department shall establish an energy efficiency

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

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

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

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

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

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

29 (5) Policies and procedures to reduce unnecessary use of
30 lighting, heating, ventilation and air conditioning systems

1 and to control thermostats to maximize energy savings while
2 also providing occupant comfort.

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

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

9 (i) The source of heating fuel, including the type
10 of fuel.

11 (ii) The size of the building as measured in square
12 feet.

13 (iii) The total expenditures per month for
14 electricity and heating fuel.

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

16 In managing the Commonwealth's fleet of motor vehicles, the
17 department shall:

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

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

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

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

9 Section 6. Energy efficiency and procurement.

10 The department shall review and revise Commonwealth
11 procurement policies and procedures as necessary to ensure:

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

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

26 Section 7. Interagency Task Force on Energy.

27 (a) Establishment.--The Interagency Task Force on Energy is
28 established.

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

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

4 (2) Promote energy efficiency and conservation within
5 Commonwealth facilities.

6 (3) Coordinate State agency actions.

7 (4) Identify opportunities for State agencies to lead by
8 example.

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

12 (1) Secretary of Environmental Protection, who shall
13 serve as chairman.

14 (2) Chairman of the Pennsylvania Public Utility
15 Commission.

16 (3) Director of the Pennsylvania Emergency Management
17 Agency.

18 (4) Executive Director of the Pennsylvania Rural
19 Development Council.

20 (5) Secretary of Aging.

21 (6) Secretary of Agriculture.

22 (7) Secretary of Community and Economic Development.

23 (8) Secretary of Conservation and Natural Resources.

24 (9) Secretary of General Services.

25 (10) Secretary of Health.

26 (11) Secretary of Public Welfare.

27 (12) Secretary of Transportation.

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

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

(d) Responsibilities of task force.--

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

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

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

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

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

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

(ii) promote conservation, efficiency and demand management;

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

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

(2) The energy plan shall also include the measures taken in the previous year that addressed these listed goals. The plan shall be submitted to the task force for advice and assistance on or before July 15 of each year. The task force shall compile the agency reports into a comprehensive report to be included as part of the annual report required under section 11.

(f) Interagency energy team.--Each task force member shall

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

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

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

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

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

20 Section 8. Cooperation among executive agencies and independent
21 agencies.

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

27 (b) Duties of Department of Environmental Protection.--The
28 Department of Environmental Protection shall:

29 (1) Provide advice and assistance to the Department of
30 General Services and executive agencies in developing the

energy management and conservation requirements of this act.

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

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

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

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

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

Section 10. Historic buildings.

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

Section 11. Reporting.

The department shall provide an annual report to the chairman and minority chairman of the Environmental Resources and Energy Committee of the Senate and the chairman and minority chairman of the Environmental Resources and Energy Committee of the House of Representatives that specifies the efforts of all State

1 departments and agencies in complying with this act.

2 Section 12. Effective date.

3 This act shall take effect in 60 days.