

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 AND HARHART,
JANUARY 24, 2011

AS REPORTED FROM COMMITTEE ON ENVIRONMENTAL RESOURCES AND
ENERGY, HOUSE OF REPRESENTATIVES, AS AMENDED, DECEMBER 7,
2011

AN ACT

1 Requiring the design, construction and renovation of State-owned
2 or State-leased buildings to comply with specified energy and
3 environmental building standards; AND PROVIDING FOR THE
4 POWERS AND DUTIES OF THE DEPARTMENT OF GENERAL SERVICES. ←

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

7 Section 1. Short title.

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

10 Section 2. Purpose.

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

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

16 (2) To optimize the energy performance of State

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 project in which the
16 building to be constructed is larger than 20,000 gross square
17 feet.

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

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

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

28 Section 4. Standards.

29 (a) Minimum criteria.--The high-performance building
30 standards applicable to this act shall meet the following

1 minimum criteria:

2 (1) Be consensus-based, as defined by the Office of
3 Management and Budget, Circular No. A-119, dated February 10,
4 1998.

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

9 (3) Require documentation, verifiable calculations or
10 the equivalent procedure to substantiate and support any
11 claim made relating to paragraph (2).

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

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

16 (b) Level of performance.--The performance required under
17 the adopted high-performance building standards shall be at or
18 above the level beyond the minimum level required by the
19 selected standards.

20 (c) Energy Star ratings.--

21 (1) In addition to meeting the performance requirements
22 of the adopted high performance building standards, all
23 building projects involving buildings owned or leased by a
24 Commonwealth agency are required to achieve an Environmental
25 Protection Agency Energy Star rating of 85 or above.

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

30 Section 5. Scope.

~~Facilities owned by a Commonwealth agency.~~ All building 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, ~~in consultation with the Department of Environmental Protection,~~ 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, ~~in consultation with the Department of Environmental Protection,~~ 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 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 ~~and~~, 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 SENATE AND THE CHAIRMAN AND MINORITY CHAIRMAN OF THE STATE GOVERNMENT COMMITTEE OF THE HOUSE OF REPRESENTATIVES. The report shall at a minimum include:

(1) The number and type of buildings designed and

constructed utilizing each of the rating systems recognized under this act.

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

(3) Actual or anticipated savings in energy consumption.

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

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

Section 8. Monitoring and evaluation.

The department, ~~in consultation with the Department of Environmental Protection,~~ shall develop and implement a process to monitor and evaluate the energy and environmental benefits associated with each building project designed, constructed or renovated under this act. The Commonwealth agency occupying the building shall commence monitoring and evaluation in accordance with the department-established process one year after the completion and occupancy of the building project and continue for five years thereafter.

Section 9. Applicability.

This act shall apply as follows:

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

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

Section 10. Enforcement.

The department shall not enforce the provisions of this act

1 as they apply to building projects owned or leased by a
2 Commonwealth agency until the Secretary of General Services and
3 the Secretary of the Budget determine there is adequate funding
4 available to cover additional costs resulting from compliance
5 with the requirements of this act.

6 Section 11. Effective date.

7 ~~This act shall take effect as follows:~~ ←

8 ~~(1) Section 5 shall take effect in one year.~~

9 ~~(2) This section shall take effect immediately.~~

10 ~~(3) The remainder of this act shall take effect in 60~~
11 ~~days.~~

12 THIS ACT SHALL TAKE EFFECT IN 60 DAYS. ←