

THE GENERAL ASSEMBLY OF PENNSYLVANIA

# HOUSE BILL

No. 238 Session of  
2007

INTRODUCED BY R. MILLER, ADOLPH, BOYD, CALTAGIRONE, CAPPELLI,  
CIVERA, CLYMER, CREIGHTON, DePASQUALE, FABRIZIO, FAIRCHILD,  
FRANKEL, FREEMAN, GEORGE, GINGRICH, GRELL, GRUCELA,  
HENNESSEY, HERSHEY, HORNAMAN, JOSEPHS, MELIO, MOYER, NAILOR,  
O'NEILL, PETRONE, RAPP, REICHLEY, ROSS, RUBLEY, SCAVELLO,  
SCHRODER, SIPTROTH, STEIL, STERN, VEREB, WALKO AND WATSON,  
FEBRUARY 5, 2007

REFERRED TO COMMITTEE ON STATE GOVERNMENT, FEBRUARY 5, 2007

## AN ACT

1 Providing for the reduction of energy use in State buildings;  
2 for energy efficiency and the State motor vehicle fleet, for  
3 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          "Department." The Department of General Services of the  
17          Commonwealth.

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

21               (1) Insulation of building structure or systems within a  
22               building.

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

28               (3) Automated or computerized energy control systems.

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

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

7           (6) Energy recovery systems.

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

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

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

17          (10) A facility alteration that includes expenditures  
18          required to properly implement other energy conservation  
19          measures.

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

23               (i) Changes to more favorable rate schedules.

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

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

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

30          (13) Indoor air quality improvements.

1           (14) Daylighting systems.

2           (15) Renewable or onsite distributed power generation  
3       systems.

4       "Energy profile." A document showing the types and rates of  
5       energy consumed and the amount of dollars expended for energy  
6       consumption in a State building.

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

14      "Governmental unit." A department or agency under the  
15      jurisdiction of the Governor of the Commonwealth.

16      "Secretary." The Secretary of General Services of the  
17      Commonwealth.

18      "State building." A structure occupied by an executive  
19      agency as defined in 62 Pa.C.S. § 103 (relating to definitions).

20      "Task force." The Interagency Task Force on Energy  
21      established under section 7.

22      Section 4. Reducing energy use in State buildings.

23      (a) Department to establish energy efficiency savings  
24      target.--The department shall establish an energy efficiency  
25      savings target for all State buildings managed by the department  
26      or another department or agency within the executive branch. The  
27      target shall be to attain a 10% reduction in energy use in all  
28      Commonwealth-owned facilities by December 31, 2010, when  
29      compared to energy use and energy purchases for the fiscal year  
30      ending June 30, 2005.

1 (b) Establishment of energy efficiency programs.--The  
2 department shall establish programs to enhance the energy  
3 efficiency of existing facilities. These shall include, but may  
4 not be limited to:

5 (1) A program for an energy analysis of each State  
6 building identifying opportunities for reduced energy use,  
7 the cost and associated savings for each, including a  
8 completion schedule for the energy analysis program.

9 (2) A program to perform regular maintenance on all  
10 lighting, heating, ventilation and air conditioning systems,  
11 including, but not limited to, lubricating, balancing,  
12 aligning, vacuuming, cleaning and checking seals to ensure  
13 optimum efficiency.

14 (3) A program to evaluate the feasibility of converting  
15 to more energy-efficient lighting systems, including goals  
16 for making cost-effective lighting efficiency improvements  
17 that reduce electricity costs and maintain illumination  
18 quality.

19 (4) Policies and procedures to identify and eliminate  
20 air infiltration and improve thermal insulation in building  
21 exteriors, such as walls, windows, doors, ceilings and  
22 floors.

23 (5) Policies and procedures to reduce unnecessary use of  
24 lighting, heating, ventilation and air conditioning systems  
25 and to control thermostats to maximize energy savings while  
26 also providing occupant comfort.

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

29 (7) A program to track the energy use within  
30 Commonwealth-owned facilities and to establish energy

1 profiles of these facilities, which may include, but not be  
2 limited to:

3 (i) The source of heating fuel, including the type  
4 of fuel.

5 (ii) The size of the building as measured in square  
6 feet.

7 (iii) The total expenditures per month for  
8 electricity and heating fuel.

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

10 In managing the Commonwealth's fleet of motor vehicles, the  
11 department shall:

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

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

25 (3) Increase the use and procurement of alternative fuel  
26 and bio-based lubricants within the fleet. The department  
27 shall conduct an analysis of the vehicle fuel and amount of  
28 lubricants used by all fleet vehicles and develop a schedule  
29 for increasing the amount of alternative fuel and bio-based  
30 lubricants over a ten-year period.

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

Section 6. Energy efficiency and procurement.

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

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

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

Section 7. Interagency Task Force on Energy.

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

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

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

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

(3) Coordinate State agency actions.

1           (4) Identify opportunities for State agencies to lead by  
2     example.

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

6           (1) Secretary of Environmental Protection, who shall  
7     serve as chairman.

8           (2) Chairman of the Pennsylvania Public Utility  
9     Commission.

10          (3) Director of the Pennsylvania Emergency Management  
11     Agency.

12          (4) Executive Director of the Pennsylvania Rural  
13     Development Council.

14          (5) Secretary of Aging.

15          (6) Secretary of Agriculture.

16          (7) Secretary of Community and Economic Development.

17          (8) Secretary of Conservation and Natural Resources.

18          (9) Secretary of General Services.

19          (10) Secretary of Health.

20          (11) Secretary of Public Welfare.

21          (12) Secretary of Transportation.

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

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

25     (d) Responsibilities of task force.--

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

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

30          (3) The task force shall assemble the individual



1 agency's energy plans and submit them, together with an  
2 executive summary including a progress report, to the  
3 Governor on or before September 15 of each year.

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

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

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

12 (ii) promote conservation, efficiency and demand  
13 management;

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

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

17 (2) The energy plan shall also include the measures  
18 taken in the previous year that addressed these listed goals.  
19 The plan shall be submitted to the task force for advice and  
20 assistance on or before July 15 of each year. The task force  
21 shall compile the agency reports into a comprehensive report  
22 to be included as part of the annual report required under  
23 section 10.

24 (f) Interagency energy team.--Each task force member shall  
25 designate staff to serve on an interagency energy team that will  
26 meet, as needed, to ensure that plan tasks are developed and  
27 implemented. The team shall report to the chairman of the task  
28 force. The Department of Environmental Protection shall  
29 coordinate the activities of the teams.

30 (g) Interagency cooperation.--All agencies under the

1 Governor's jurisdiction shall fully cooperate and provide  
2 assistance, particularly with regard to agency energy plans, to  
3 the task force in performing its functions.

4 (h) Compensation.--Members of the task force shall receive  
5 no compensation for their services, except that such members may  
6 be reimbursed for actual travel and related expenses in  
7 accordance with relevant rules and regulations of the Executive  
8 Board.

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

11 (j) Meetings.--Task force meetings shall be held on a  
12 regular basis and shall be open to the public as required by 65  
13 Pa.C.S. Ch. 7 (relating to open meetings).  
14 Section 8. Cooperation among executive agencies and independent  
15 agencies.

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

21 (b) Duties of Department of Environmental Protection.--The  
22 Department of Environmental Protection shall:

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

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

30 (3) Assist the department in developing long-range

1 energy management and conservation methods to be applied in  
2 Commonwealth facilities.

3 (4) Assist the department in the preparation of the  
4 annual report as listed in section 10.

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

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

13 Section 10. Reporting.

14 The department shall provide an annual report to the chairman  
15 and minority chairman of the Environmental Resources and Energy  
16 Committee of the Senate and the chairman and minority chairman  
17 of the Environmental Resources and Energy Committee of the House  
18 of Representatives that specifies the efforts of all State  
19 departments and agencies in complying with this act.

20 Section 11. Effective date.

21 This act shall take effect in 60 days.