
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 28

Special Session No. 1 of
2007-2008

INTRODUCED BY PIPPY, FERLO, MELLOW, COSTA, RAFFERTY, FONTANA,
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WASHINGTON, WAUGH, STACK, McILHINNEY, BOSCOLA AND DINNIMAN,
OCTOBER 25, 2007

REFERRED TO ENERGY POLICIES, OCTOBER 25, 2007

AN ACT

1 Requiring the design, construction and renovation of buildings
2 that receive a State appropriation to comply with specified
3 energy and environmental building standards.

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

6 Section 1. Short title.

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

9 Section 2. Purpose.

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

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

15 (2) To optimize the energy performance of buildings
16 throughout this Commonwealth.

17 (3) To increase the demand for environmentally

1 preferable building materials, finishes and furnishings.

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

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

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

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

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

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

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

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

23 Section 3. Definitions.

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

27 "Building project." The design, construction, renovation,
28 operation and maintenance of any inhabited physical structure
29 and its associated project building site.

30 "Commercial interior fit-out." Interior design and

1 installation by owners or tenants of new or existing office
2 space, typically exclusive of structural components and core and
3 shell elements.

4 "Department." The Department of General Services of the
5 Commonwealth of Pennsylvania.

6 "High-performance building." A building designed to achieve
7 integrated systems design and construction so as to
8 significantly reduce or eliminate the negative impact of the
9 built environment.

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

11 (1) A State-funded new construction project in which the
12 building to be constructed is larger than 10,000 gross square
13 feet.

14 (2) A State-funded building renovation project where the
15 State funding exceeds either 50% of the construction cost or
16 \$500,000 in State funds.

17 (3) A State-funded commercial interior tenant fit-out
18 project that is larger than 10,000 square feet of leasable
19 area.

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

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

26 "State department." A department, board, bureau, commission
27 or authority under the jurisdiction of the Governor of the
28 Commonwealth.

29 "State-funded." In reference to a building project, the term
30 refers to receipt of funds from a State appropriation.

1 Section 4. Standards.

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

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

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

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

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

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

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

23 (c) EnergyStar ratings.--In addition to meeting the
24 performance requirements of the adopted high performance
25 building standards, all State-funded major facility projects are
26 required to achieve an Environmental Protection Agency
27 EnergyStar rating of 85 or above.

28 Section 5. Scope.

29 (a) Facilities owned or leased by Commonwealth or State-
30 affiliated entities.--

1 (1) All major facility projects shall meet or exceed the
2 standards as set forth under section 4, and the levels of
3 achievement to be defined by the department.

4 (2) All other building projects shall meet or exceed the
5 prescribed level of achievement under the adopted high-
6 performance building standard as set forth under section 4.

7 (3) The level of achievement to be met under paragraph
8 (2) shall be set forth in the regulations adopted by the
9 department.

10 (b) State-funded major facility projects.--When the
11 department issues funding, it shall require the use of standards
12 adopted under section 6 during the design and construction phase
13 of the project. Each State-funded major facility project shall
14 meet or exceed the level of achievement as set forth under
15 section 4.

16 Section 6. Regulations.

17 (a) General rule.--The department, in consultation with the
18 Department of Environmental Protection, shall develop and issue
19 regulations for complying with this act. The purposes of the
20 regulations shall be to:

21 (1) Adopt high-performance building standards selected
22 by the department, in consultation with the Department of
23 Environmental Protection, from among accepted industry
24 standards meeting the criteria prescribed in section 4(a).

25 (2) Define reporting requirements for State-funded
26 building projects under this act.

27 (3) Define procedures and methods for verifying
28 compliance with the standards, as set forth in sections 4 and
29 5, in the design and construction of State-funded building
30 projects under this act.

1 (b) Amendment.--The department, in consultation with the
2 Department of Environmental Protection, may amend the
3 regulations as necessitated by the emergence of new or modified
4 high-performance building standards as defined under section 4.
5 Section 7. Report.

6 The department shall prepare and submit annually a report to
7 the chairman and the minority chairman of the Environmental
8 Resources and Energy Committee of the Senate and the chairman
9 and the minority chairman of the Environmental Resources and
10 Energy Committee of the House of Representatives. The report
11 shall at a minimum include:

12 (1) The number and type of buildings designed and
13 constructed utilizing each of the rating systems recognized
14 under this act.

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

17 (3) Actual savings in energy costs.

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

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

23 Section 8. Monitoring and evaluation.

24 The department, in consultation with the Department of
25 Environmental Protection, shall develop and implement a process
26 to monitor and evaluate the energy and environmental benefits
27 associated with each building project designed, constructed or
28 renovated under this act. The monitoring and evaluation of each
29 building project shall commence one year after the completion
30 and occupancy of the building project and continue for five

1 years thereafter.

2 Section 9. Applicability.

3 This act shall apply as follows:

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

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

10 Section 10. Effective date.

11 This act shall take effect as follows:

12 (1) Section 5 of this act shall take effect in 12
13 months.

14 (2) The remainder of this act shall take effect in 60
15 days.