

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 444 Session of
2009

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WALKO, WHITE AND YOUNGBLOOD, FEBRUARY 13, 2009

REFERRED TO COMMITTEE ON ENVIRONMENTAL RESOURCES AND ENERGY,
FEBRUARY 13, 2009

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.

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

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

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

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

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

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

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

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

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

24 Section 3. Definitions.

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

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

1 "Commercial interior fit-out." Interior design and
2 installation by owners or tenants of new or existing office
3 space, typically exclusive of structural components and core and
4 shell elements.

5 "Department." The Department of General Services of the
6 Commonwealth.

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

11 "LEED." The Leadership in Energy and Environmental Design
12 Green Building Rating System developed by the U.S. Green
13 Building Council.

14 "LEED-NC." LEED's rating system for New Construction and
15 Major Renovations.

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

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

20 (2) A State-funded building renovation project where the
21 State funding exceeds either 50% of the construction cost or
22 \$500,000 in State funds.

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

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

30 "Renovation project." A building project involving the

1 modification or adaptive reuse of an existing facility.

2 "State department." A department, board, bureau, commission
3 or authority under the jurisdiction of the Governor.

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

6 Section 4. Standards.

7 (a) Minimum criteria.--The high-performance building
8 standards applicable to this act shall meet the following
9 minimum criteria:

10 (1) Be consensus-based, as defined by the Office of
11 Management and Budget, Circular No. A-119, dated February 10,
12 1998.

13 (2) At a minimum, include performance-based categories
14 or credits that will foster achievement of the purposes set
15 forth under section 2(2), (3), (4), (6), (7), (8), (9) and
16 (10).

17 (3) Require documentation, verifiable calculations or
18 the equivalent procedure to substantiate and support any
19 claim made relating to paragraph (2).

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

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

24 (6) Comply with LEED-NC guidelines for green building
25 certification.

26 (b) Level of performance.--The performance required under
27 the adopted high-performance building standards shall be at or
28 above the level beyond the minimum level required by the
29 selected standards.

30 (c) Energy Star ratings.--In addition to meeting the

1 performance requirements of the adopted high performance
2 building standards, all State-funded major facility projects are
3 required to achieve an Environmental Protection Agency Energy
4 Star rating of 85 or above.

5 Section 5. Scope.

6 (a) Facilities owned or leased by Commonwealth or State-
7 affiliated entities.--

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

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

14 (3) The level of achievement to be met under paragraph
15 (2) shall be set forth in the regulations adopted by the
16 department.

17 (b) State-funded major facility projects.--When the
18 department issues funding, it shall require the use of standards
19 adopted under section 6 during the design and construction phase
20 of the project. Each State-funded major facility project shall
21 meet or exceed the level of achievement as set forth under
22 section 4.

23 Section 6. Regulations.

24 (a) General rule.--The department, in consultation with the
25 Department of Environmental Protection, shall develop and issue
26 regulations for complying with this act. The purposes of the
27 regulations shall be to:

28 (1) Adopt high-performance building standards selected
29 by the department, in consultation with the Department of
30 Environmental Protection, from among accepted industry

standards meeting the criteria prescribed in section 4(a).

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

(3) 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-funded building projects under this act.

(b) Amendment.--The department, in consultation with the Department of Environmental Protection, may amend the regulations as necessitated by the emergence of new or modified high-performance building standards as defined under section 4. 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 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 savings in energy costs.

(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.

1 The department, in consultation with the Department of
2 Environmental Protection, shall develop and implement a process
3 to monitor and evaluate the energy and environmental benefits
4 associated with each building project designed, constructed or
5 renovated under this act. The monitoring and evaluation of each
6 building project shall commence one year after the completion
7 and occupancy of the building project and continue for five
8 years thereafter.

9 Section 9. Applicability.

10 This act shall apply as follows:

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

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

17 Section 10. Effective date.

18 This act shall take effect as follows:

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

21 (2) The remainder of this act shall take effect in 60
22 days.