
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 AND WATSON,
JANUARY 24, 2011

REFERRED TO COMMITTEE ON ENVIRONMENTAL RESOURCES AND ENERGY,
JANUARY 24, 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.

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 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 State
16 buildings 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 this 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 or renovation
28 of any physical structure and its associated project building
29 site.

30 "Commonwealth agency." An executive agency, an independent

1 agency, a State-affiliated entity or State-related institution
2 as defined by 62 Pa.C.S. § 103 (relating to definitions). The
3 term also includes the General Assembly, its officers and
4 agencies and the unified judicial system and its officers and
5 agencies.

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

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

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

13 (1) A State-owned construction project in which the
14 building to be constructed is larger than 20,000 gross square
15 feet.

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

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 Section 4. Standards.

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

30 (1) Be consensus-based, as defined by the Office of

1 Management and Budget, Circular No. A-119, dated February 10,
2 1998.

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

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

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

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

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

18 (c) Energy Star ratings.--

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

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

28 Section 5. Scope.

29 Facilities owned by a Commonwealth agency.--All building
30 projects shall meet or exceed the prescribed level of

1 achievement under the high-performance building standard adopted
2 under section 6.

3 Section 6. Regulations.

4 The department, in consultation with the Department of
5 Environmental Protection, shall develop and issue regulations
6 for complying with this act. The purposes of the regulations
7 shall be to:

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

12 (2) Define procedures and methods for verifying
13 compliance with the standards, as set forth under sections 4
14 and 5, in the design and construction of State-owned or
15 State-leased building projects subject to this act.

16 (3) Specify the level of achievement to be met under
17 section 5.

18 Section 7. Report.

19 The department shall prepare and submit annually a report to
20 the chairman and the minority chairman of the Environmental
21 Resources and Energy Committee of the Senate and the chairman
22 and the minority chairman of the Environmental Resources and
23 Energy Committee of the House of Representatives. The report
24 shall at a minimum include:

25 (1) The number and type of buildings designed and
26 constructed utilizing each of the rating systems recognized
27 under this act.

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

30 (3) Actual or anticipated savings in energy consumption.

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

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

6 Section 8. Monitoring and evaluation.

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

16 Section 9. Applicability.

17 This act shall apply as follows:

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

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

24 Section 10. Enforcement.

25 The department shall not enforce the provisions of this act
26 as they apply to building projects owned or leased by a
27 Commonwealth agency until the Secretary of General Services and
28 the Secretary of the Budget determine there is adequate funding
29 available to cover additional costs resulting from compliance
30 with the requirements of this act.

1 Section 11. Effective date.

2 This act shall take effect as follows:

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

4 (2) This section shall take effect immediately.

5 (3) The remainder of this act shall take effect in 60
6 days.