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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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**HOUSE BILL**

**No. 1204** Session of  
2007

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INTRODUCED BY M. SMITH, BENNINGTON, BOYD, BRENNAN, CALTAGIRONE,  
DePASQUALE, DeWEESE, EACHUS, FRANKEL, FREEMAN, GALLOWAY,  
GEORGE, GIBBONS, GRUCELA, HARHAI, HARPER, HENNESSEY, JOSEPHS,  
KING, LEACH, MAHONEY, MANN, MARKOSEK, McCALL, McGEEHAN,  
MUSTIO, M. O'BRIEN, PALLONE, PETRONE, PRESTON, PYLE,  
READSHAW, SANTONI, SCAVELLO, SIPTROTH, SOLOBAY, STURLA,  
SURRA, THOMAS, VITALI, WALKO, J. WHITE, YOUNGBLOOD, MARSHALL,  
SCHRODER, SHAPIRO, KOTIK, WANSACZ AND GERGELY, MAY 31, 2007

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REFERRED TO COMMITTEE ON ENVIRONMENTAL RESOURCES AND ENERGY,  
MAY 31, 2007

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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

1 throughout this Commonwealth.

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

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

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

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

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

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

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

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

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

25 Section 3. Definitions.

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

29 "Building project." The design, construction, renovation,  
30 operation and maintenance of any inhabited physical structure

1 and its associated project building site.

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

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

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

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

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

21 (2) A State-funded building renovation project where the  
22 State funding exceeds either 50% of the construction cost or  
23 \$500,000 in State funds.

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

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

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

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

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

8 Section 4. Standards.

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

12 (1) Be consensus-based, as defined by the Office of  
13 Management and Budget, Circular No. A-119, dated February 10,  
14 1998.

15 (2) At a minimum, include performance-based categories  
16 or credits that will foster achievement of the purposes set  
17 forth under section 2(2), (3), (4), (6), (7), (8), (9) and  
18 (10).

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

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

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

26 (6) Comply with LEED-NC guidelines for green building  
27 certification.

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

1 selected standards.

2 (c) Energy Star ratings.--In addition to meeting the  
3 performance requirements of the adopted high performance  
4 building standards, all State-funded major facility projects are  
5 required to achieve an Environmental Protection Agency Energy  
6 Star rating of 85 or above.

7 Section 5. Scope.

8 (a) Facilities owned or leased by Commonwealth or State-  
9 affiliated entities.--

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

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

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

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

25 Section 6. Regulations.

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

30 (1) Adopt high-performance building standards selected

1 by the department, in consultation with the Department of  
2 Environmental Protection, from among accepted industry  
3 standards meeting the criteria prescribed in section 4(a).

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

6 (3) Define procedures and methods for verifying  
7 compliance with the standards, as set forth in sections 4 and  
8 5, in the design and construction of State-funded building  
9 projects under this act.

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

15 The department shall prepare and submit annually a report to  
16 the chairman and the minority chairman of the Environmental  
17 Resources and Energy Committee of the Senate and the chairman  
18 and the minority chairman of the Environmental Resources and  
19 Energy Committee of the House of Representatives. The report  
20 shall at a minimum include:

21 (1) The number and type of buildings designed and  
22 constructed utilizing each of the rating systems recognized  
23 under this act.

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

26 (3) Actual savings in energy costs.

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

30 (5) Any conflicts or barriers identified which hinder

1 the effective implementation of this act.

2 Section 8. Monitoring and evaluation.

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

11 Section 9. Applicability.

12 This act shall apply as follows:

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

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

19 Section 10. Effective date.

20 This act shall take effect as follows:

21 (1) Section 5 of this act shall take effect in twelve  
22 months.

23 (2) The remainder of this act shall take effect in 60  
24 days.