

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

## HOUSE BILL

No. 444 Session of  
2009

INTRODUCED BY M. SMITH, BELFANTI, BOYD, BRENNAN, BRIGGS,  
CALTAGIRONE, DEASY, EACHUS, FABRIZIO, FREEMAN, GEORGE,  
GIBBONS, GRUCELA, JOSEPHS, KORTZ, MARKOSEK, MCGEEHAN, MELIO,  
MUNDY, M. O'BRIEN, PALLONE, PASHINSKI, PETRI, PYLE, READSHAW,  
SABATINA, SCAVELLO, SIPTROTH, K. SMITH, STURLA, VULAKOVICH,  
WALKO, WHITE, YOUNGBLOOD, HOUGHTON, GERBER, CURRY, HARKINS,  
BRADFORD AND SHAPIRO, FEBRUARY 13, 2009

SENATOR M. WHITE, ENVIRONMENTAL RESOURCES AND ENERGY, IN SENATE,  
AS AMENDED, JUNE 22, 2010

## AN ACT

1 Requiring the design, construction and renovation of STATE-OWNED  
2 OR STATE-LEASED buildings ~~that receive a State appropriation~~  
3 to comply with specified energy and environmental building  
4 standards. ← ←

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

7 Section 1. Short title.

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

10 Section 2. Purpose.

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

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

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

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

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

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

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

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

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

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

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

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

### Section 3. Definitions.

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

"Building project." The design, construction or renovation

1 of any physical structure and its associated project building  
2 site.

3 "Commonwealth agency." An executive agency, an independent  
4 agency, a State-affiliated entity or State-related institution  
5 as defined by 62 Pa.C.S. § 103 (relating to definitions). The  
6 term also includes the General Assembly, its officers and  
7 agencies and the unified judicial system and its officers and  
8 agencies.

9 "Department." The Department of General Services of the  
10 Commonwealth.

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

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

16 (1) A ~~State-funded new~~ STATE-OWNED construction project ←  
17 in which the building to be constructed is larger than 20,000  
18 gross square feet.

19 (2) ~~A State-funded building renovation project where the~~ ←  
20 ~~State funding exceeds \$1,000,000 of the construction cost.~~

21 ~~(3)~~ A new construction project in which the building to ←  
22 be constructed is more than 10,000 gross square feet and in  
23 which building a Commonwealth agency has agreed to lease NO ←  
24 FEWER THAN 90% of the gross square feet.

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

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

~~"State funded." In reference to a building project, the term~~ ←  
~~refers to a receipt of funds from a State appropriation, in~~  
~~whole or part, whether by means of direct payment,~~  
~~reimbursement, grant or loan, other than an appropriation for~~  
~~the renovation of leased facilities.~~

Section 4. Standards.

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

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

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

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

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

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

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

(c) Energy Star ratings.--

(1) In addition to meeting the performance requirements of the adopted high performance building standards, all

1 building projects involving buildings owned or leased by a  
2 Commonwealth agency,~~including State funded major facility~~ ←  
3 ~~projects,~~ are required to achieve an Environmental Protection  
4 Agency Energy Star rating of 85 or above.

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

9 Section 5. Scope.

10 ~~(a)~~ Facilities owned by a Commonwealth agency.--All building ←  
11 projects shall meet or exceed the prescribed level of  
12 achievement under the high-performance building standard adopted  
13 under section 6.

14 ~~(b) State funded major facility projects. When a~~ ←  
15 ~~Commonwealth agency approves a project to be State funded, it~~  
16 ~~shall require the use of standards adopted under section 6~~  
17 ~~during the design and construction phase of the project.~~

18 Section 6. Regulations.

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

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

27 ~~(2) Define reporting requirements for State funded~~ ←  
28 ~~building projects under this act.~~

29 ~~(3)~~ Define procedures and methods for verifying  
30 compliance with the standards, as set forth under sections 4

1 and 5, in the design and construction of ~~State-funded~~ STATE-  
2 OWNED OR STATE-LEASED building projects ~~under~~ SUBJECT TO this  
3 act.

4 ~~(4)~~ (3) Specify the level of achievement to be met under  
5 section 5.

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

11 The department shall prepare and submit annually a report to  
12 the chairman and the minority chairman of the Environmental  
13 Resources and Energy Committee of the Senate and the chairman  
14 and the minority chairman of the Environmental Resources and  
15 Energy Committee of the House of Representatives. The report  
16 shall at a minimum include:

17 (1) The number and type of buildings designed and  
18 constructed utilizing each of the rating systems recognized  
19 under this act.

20 (2) The levels of certification of each building  
21 designed, constructed or renovated.

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

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

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

28 Section 8. Monitoring and evaluation.

29 The department, in consultation with the Department of  
30 Environmental Protection, shall develop and implement a process

1 to monitor and evaluate the energy and environmental benefits  
2 associated with each building project designed, constructed or  
3 renovated under this act. The Commonwealth agency occupying the  
4 building shall commence monitoring and evaluation in accordance  
5 with the department-established process one year after the  
6 completion and occupancy of the building project and continue  
7 for five years thereafter.

8 Section 9. Applicability.

9 This act shall apply as follows:

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

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

16 Section 10. Enforcement.

17 The department shall not enforce the provisions of this act  
18 as they apply to building projects owned or leased by a  
19 Commonwealth agency until the Secretary of General Services and  
20 the Secretary of the Budget determine there is adequate funding  
21 available to cover additional costs resulting from compliance  
22 with the requirements of this act.

23 Section 11. Effective date.

24 This act shall take effect ~~in 60 days.~~ AS FOLLOWS:

25 (1) SECTION 5 SHALL TAKE EFFECT IN ONE YEAR.

26 (2) THIS SECTION SHALL TAKE EFFECT IMMEDIATELY.

27 (3) THE REMAINDER OF THIS ACT SHALL TAKE EFFECT IN 60  
28 DAYS.

