

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1136 Session of 2011

INTRODUCED BY RAFFERTY, TARTAGLIONE, ERICKSON, FONTANA, BOSCOLA, WASHINGTON, ARGALL, PIPPY, WAUGH, LEACH, STACK, WILLIAMS, BLAKE, ALLOWAY, HUGHES, FERLO, YUDICHAK, McILHINNEY, KITCHEN, FARNESE, DINNIMAN, SCHWANK, BROWNE AND COSTA, JUNE 29, 2011

SENATOR MARY JO WHITE, ENVIRONMENTAL RESOURCES AND ENERGY, AS AMENDED, APRIL 2, 2012

AN ACT

1 Requiring the design, AND construction and renovation of certain ←
2 State 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 Government 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 State and local government 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 State and local government capacity to~~
21 ~~design, build and operate high performance buildings and, in~~
22 ~~doing so, to create new jobs and contribute to economic~~

23 ~~growth.~~ THE PURPOSE OF THIS ACT IS TO PROMOTE EFFECTIVE
24 ENERGY AND ENVIRONMENTAL STANDARDS FOR CONSTRUCTION OF
25 BUILDINGS IN THIS COMMONWEALTH.

26 Section 3. Definitions.

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

30 "Building project." The design, AND construction or

1 ~~renovation~~ of any inhabited physical structure and its
2 associated project building 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 owned construction project in which the~~
17 ~~building to be constructed is larger than 5,000 gross square~~
18 ~~feet.~~

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

22 ~~(3) A new construction project in which the building to~~
23 ~~be constructed is more than 10,000 gross square feet and in~~
24 ~~which building a Commonwealth agency has agreed to lease 90%~~
25 ~~of the gross square feet.~~

26 ~~The term does not include a building, regardless of size, that~~
27 A STATE-OWNED CONSTRUCTION PROJECT IN WHICH THE BUILDING TO BE ←
28 CONSTRUCTED IS LARGER THAN 10,000 GROSS SQUARE FEET. THE TERM
29 DOES NOT INCLUDE A BUILDING, REGARDLESS OF SIZE, THAT does not
30 have conditioned space as defined by Standard 90.1 of the

1 American Society of Heating, Refrigerating and Air-Conditioning
2 Engineers, referred to as ASHRAE 90.1.

3 ~~"Rapidly growing school district." A school district where~~ ←
4 ~~the average daily membership increased 7.5% or more over the~~
5 ~~immediately preceding three year period.~~

6 ~~"Renovation project." A building project involving the~~
7 ~~modification or adaptive reuse of an existing facility.~~

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 been applied to green buildings in the United~~
25 ~~States, buildings which have been certified by an approved~~
26 ~~building agency.~~ THE DEPARTMENT SHALL DEVELOP HIGH- ←
27 PERFORMANCE BUILDING STANDARDS THAT ARE DESIGNED TO ACHIEVE
28 THE FOLLOWING:

29 (1) OPTIMIZE THE ENERGY PERFORMANCE OF COMMONWEALTH
30 BUILDINGS.

1 (2) REDUCE POTENTIAL DISCHARGE OF POLLUTANTS FROM
2 COMMONWEALTH BUILDINGS.

3 (3) REDUCE BUILDING-RELATED HEALTH PROBLEMS.

4 (4) REDUCE DEPENDENCE ON IMPORTED SOURCES OF ENERGY.

5 (5) REDUCE WASTE GENERATION AND WATER CONSUMPTION.

6 (6) REQUIRE DOCUMENTATION OF COMPLIANCE WITH THE
7 STANDARDS DEVELOPED BY THE DEPARTMENT UNDER THIS SECTION.

8 (7) PROVIDE POSTCONSTRUCTION REVIEW AND VERIFICATION OF
9 COMPLIANCE WITH ALL STANDARDS DEVELOPED BY THE DEPARTMENT
10 UNDER THIS SECTION.

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

15 (c) Energy Star ratings.--In addition to meeting the
16 performance requirements of the adopted high performance
17 building standards, all projects SUBJECT TO THE REQUIREMENTS OF ←
18 THIS ACT are required to BE DESIGNED TO EARN ENERGY STAR ←
19 CERTIFICATION TO achieve an Environmental Protection Agency
20 Energy Star rating of 85 75 or above. ←

21 Section 5. Scope.

22 ~~(a) Facilities owned by the Commonwealth or State affiliated ←~~
23 ~~entities.~~

24 ~~(1) All major facility projects shall meet or exceed the~~
25 ~~standards as set forth under section 4 and the levels of~~
26 ~~achievement as defined by the department.~~

27 ~~(2) All other building projects shall meet or exceed the~~
28 ~~prescribed level of achievement under the adopted high~~
29 ~~performance building standard as set forth under section 4.~~

30 ~~(3) The level of achievement to be met under paragraph~~

1 ~~(2) shall be set forth in the regulations adopted by the~~
2 ~~department.~~

3 ~~(b) Major facility projects. When the department issues~~
4 ~~funding, it shall require the use of standards adopted under~~
5 ~~section 6 during the design and construction phase of the~~
6 ~~project. Each major facility project shall meet or exceed the~~
7 ~~level of achievement as set forth under section 4.~~

8 ~~(c) Facilities owned or leased by rapidly growing school~~
9 ~~districts.~~

10 ~~(1) All major facility projects of a rapidly growing~~
11 ~~school district shall meet or exceed the standards as set~~
12 ~~forth under section 4 and the levels of achievement as~~
13 ~~defined by the department.~~

14 ~~(2) All other buildings of a rapidly growing school~~
15 ~~district shall meet or exceed the prescribed level of~~
16 ~~achievement under the adopted high performance building~~
17 ~~standard as set forth under section 4.~~

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

21 ALL MAJOR FACILITY PROJECTS SHALL MEET OR EXCEED THE PRESCRIBED
22 LEVEL OF ACHIEVEMENT UNDER REGULATIONS ON HIGH PERFORMANCE
23 BUILDING STANDARDS PROMULGATED BY THE DEPARTMENT UNDER SECTION
24 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 IMPLEMENT HIGH-PERFORMANCE BUILDING STANDARDS CONSISTENT WITH ←
5 SECTION 4.

6 (2) 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 STATE-OWNED MAJOR FACILITY 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, the chairman and
18 the minority chairman of the ~~Community, Economic and~~ ←
19 ~~Recreational Development Committee~~ STATE GOVERNMENT COMMITTEE ←
20 of the Senate ~~and~~, the chairman and the minority chairman of the ←
21 Environmental Resources and Energy Committee of the House of
22 Representatives AND THE CHAIRMAN AND THE MINORITY CHAIRMAN OF ←
23 THE STATE GOVERNMENT COMMITTEE OF THE HOUSE OF REPRESENTATIVES.

24 The report 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 savings in energy costs.~~ ←

1 ~~(4)~~ (3) 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)~~ (4) Any conflicts or barriers identified which ←
5 hinder 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 monitoring and evaluation of each~~
12 ~~building project shall commence one year after the completion~~
13 ~~and occupancy of the building project and continue for five~~
14 ~~years.~~

15 SECTION 8. ENFORCEMENT. ←

16 THE DEPARTMENT SHALL NOT ENFORCE THE PROVISIONS OF THIS ACT
17 AS THEY APPLY TO BUILDING PROJECTS OWNED BY A COMMONWEALTH
18 AGENCY UNTIL THE SECRETARY OF GENERAL SERVICES AND THE SECRETARY
19 OF THE BUDGET DETERMINE THERE IS ADEQUATE FUNDING AVAILABLE TO
20 COVER ADDITIONAL COSTS RESULTING FROM COMPLIANCE WITH THE
21 REQUIREMENTS OF THIS ACT.

22 Section 9. Applicability.

23 This act shall apply as follows:

24 (1) The provisions of this act shall apply to all
25 ~~project design contracts initiated on or after the effective~~ ←
26 ~~date of this section~~ MAJOR FACILITY PROJECTS WITH DESIGN ←
27 COMMENCING AT LEAST 60 DAYS AFTER THE FINAL REGULATIONS UNDER
28 SECTION 6 ARE PROMULGATED BY THE DEPARTMENT.

29 (2) The provisions of this act shall apply to all
30 project construction contracts initiated one year after the

1 effective date of this section.

2 Section 10. Effective date.

3 This act shall take effect ~~as follows:~~ ←

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

5 ~~(2) The remainder of this act shall take effect in 60~~

6 days.