

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 34 Session of 2013

INTRODUCED BY HARPER, STURLA, O'BRIEN, FLECK, ROSS, HAGGERTY, HARHART, V. BROWN, PASHINSKI, KORTZ, O'NEILL, WATSON, BRADFORD, MCCARTER, PETRI, CALTAGIRONE, MATZIE, FREEMAN, MILNE, MURT AND MOLCHANY, JANUARY 8, 2013

AS REPORTED FROM COMMITTEE ON ENVIRONMENTAL RESOURCES AND ENERGY, HOUSE OF REPRESENTATIVES, AS AMENDED, FEBRUARY 4, 2013

AN ACT

1 Requiring the design, construction and renovation of certain
2 State-owned or State-leased buildings to comply with
3 specified energy and environmental building standards; and
4 providing for the powers and duties of the Department of
5 General Services.

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

8 Section 1. Short title.

9 This act shall be known and may be cited as the High-
10 Performance State Building Standards Act.

11 Section 2. Purpose.

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

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

17 (2) To optimize the energy performance of Commonwealth

1 buildings.

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 this 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 or renovation  
30 of any physical structure and its associated project building

1 site.

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

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

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

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

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

17 (2) A new building project in which the building to be  
18 constructed is more than 20,000 gross square feet and in  
19 which building a Commonwealth agency has agreed to lease no  
20 fewer than 90% of the gross square feet.

21 (3) A renovation PROJECT that is larger than 20,000 <--  
22 gross square feet and at least 90% of the total square  
23 footage of the building.

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

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

1 OWNED OR LEASED BY A COMMONWEALTH AGENCY.

2 Section 4. Standards.

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

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

10 (2) Require documentation, verifiable calculations or  
11 the equivalent procedure to substantiate and support any  
12 claim made relating to paragraph (1).

13 (3) Employ third-party, postconstruction review and  
14 verification for achievement of certification by an  
15 organization that has a track record of certified green  
16 buildings in the United States and uses a consensus-based  
17 rating system.

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

22 (c) Achieve Energy Star ratings.--

23 (1) In addition to meeting the performance requirements  
24 of the adopted high performance building standards, all major  
25 facility projects are required to be designed to earn Energy  
26 Star certification to achieve an Environmental Protection  
27 Agency Energy Star rating of 75 or above.

28 (2) Paragraph (1) shall apply only to major facility  
29 projects which commence after the effective date of this act  
30 and involve building types for which the Environmental

1 Protection Agency provides Energy Star ratings.

2 Section 5. Scope.

3 All major facility projects shall meet or exceed the  
4 prescribed level of achievement under the high-performance  
5 building standard adopted under section 6.

6 Section 6. Regulations.

7 The department shall develop and issue regulations for  
8 complying with this act. The purposes of the regulations shall  
9 be to:

10 (1) Adopt high-performance building standards selected  
11 by the department from among accepted industry standards  
12 meeting the criteria prescribed in section 4(a).

13 (2) Define procedures and methods for verifying  
14 compliance with the standards, as set forth under sections 4  
15 and 5, in the design and construction of major facility  
16 projects subject to this act.

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

19 Section 7. Report.

20 The department shall prepare and submit annually a report to  
21 the chairman and the minority chairman of the Environmental  
22 Resources and Energy Committee of the Senate, the chairman and  
23 the minority chairman of the Environmental Resources and Energy  
24 Committee of the House of Representatives, the chairman and  
25 minority chairman of the State Government Committee of the  
26 Senate and the chairman and minority chairman of the State  
27 Government Committee of the House of Representatives. The report  
28 shall at a minimum include:

29 (1) The number and type of buildings designed and  
30 constructed utilizing each of the rating systems recognized

1 under this act.

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

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

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

9 Section 8. Monitoring and evaluation.

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

18 Section 9. Applicability.

19 This act shall apply as follows:

20 (1) The provisions of this act shall apply to all major  
21 facility projects where design commences at least 60 days  
22 after the final regulations are promulgated by the department  
23 under section 6.

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

27 Section 10. Enforcement.

28 The department shall not implement or enforce the provisions  
29 of this act as they apply to major facility projects owned or  
30 leased by a Commonwealth agency until the Secretary of General

1 Services and the Secretary of the Budget determine there is  
2 adequate funding available to cover additional costs resulting  
3 from compliance with the requirements of this act.

4 Section 11. Effective date.

5 This act shall take effect in 60 days.