
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 415 Session of
2017

INTRODUCED BY RAFFERTY, YUDICHAK, SCHWANK, HUGHES AND BROWNE,
FEBRUARY 28, 2017

REFERRED TO ENVIRONMENTAL RESOURCES AND ENERGY,
FEBRUARY 28, 2017

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
18 buildings.

19 (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."

13 (1) Any of the following:

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

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

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

24 (2) The term does not include a building, regardless of
25 size or ownership interest, that does not have conditioned
26 space as defined by Standard 90.1 of the American Society of
27 Heating, Refrigerating and Air-Conditioning Engineers,
28 referred to as 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 a claim
12 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 (d) Cost recovery.--The difference between additional cost
3 incurred in a major facility project and the lowest cost
4 alternative shall have an estimated recovery period of not more
5 than 10 years.

6 Section 5. Scope.

7 All major facility projects shall meet or exceed the
8 prescribed level of achievement under the high-performance
9 building standard adopted under section 6.

10 Section 6. Regulations.

11 The department shall develop and issue regulations for
12 complying with this act. The purposes of the regulations shall
13 be to:

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

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

21 (3) Specify the level of achievement to be met under
22 section 5.

23 Section 7. Report.

24 The department shall prepare and submit annually a report to
25 the chair and the minority chair of the Environmental Resources
26 and Energy Committee of the Senate, the chair and the minority
27 chair of the Environmental Resources and Energy Committee of the
28 House of Representatives, the chair and minority chair of the
29 State Government Committee of the Senate and the chair and
30 minority chair of the State Government Committee of the House of

1 Representatives. The report shall at a minimum include:

2 (1) The number and type of buildings designed and
3 constructed utilizing each of the rating systems recognized
4 under this act.

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

7 (3) A description of all potential environmental
8 benefits, including water resources savings and the reduction
9 of waste generation.

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

12 Section 8. Monitoring and evaluation.

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

21 Section 9. Applicability.

22 This act shall apply as follows:

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

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

30 Section 10. Enforcement.

1 The department may not implement or enforce the provisions of
2 this act as they apply to major facility projects owned or
3 leased by a Commonwealth agency until the Secretary of General
4 Services and the Secretary of the Budget determine there is
5 adequate funding available to cover additional costs resulting
6 from compliance with the requirements of this act.

7 Section 11. Effective date.

8 This act shall take effect in 60 days.