

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 AND CURRY, FEBRUARY 13, 2009

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES, JULY 8, 2009

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 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, ~~renovation,~~ ←
30 ~~operation and maintenance of any inhabited~~ OR RENOVATION OF ANY ←

1 physical structure 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 "COMMONWEALTH AGENCY." AN EXECUTIVE AGENCY, AN INDEPENDENT ←
7 AGENCY, A STATE-AFFILIATED ENTITY OR STATE-RELATED INSTITUTION
8 AS DEFINED BY 62 PA.C.S. § 103 (RELATING TO DEFINITIONS). THE
9 TERM ALSO INCLUDES THE GENERAL ASSEMBLY, ITS OFFICERS AND
10 AGENCIES AND THE UNIFIED JUDICIAL SYSTEM AND ITS OFFICERS AND
11 AGENCIES.

12 "Department." The Department of General Services of the
13 Commonwealth.

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

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

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

22 (2) A State-funded building renovation project where the
23 State funding exceeds \$1,000,000 of the construction cost.

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 ~~(4) A new construction project in which the building to~~
28 ~~be constructed is more than 10,000 gross square feet and a~~
29 ~~State department has agreed to lease 90% of the gross square~~
30 ~~feet.~~

1 (3) A NEW CONSTRUCTION PROJECT IN WHICH THE BUILDING TO ←
2 BE CONSTRUCTED IS MORE THAN 10,000 GROSS SQUARE FEET AND IN
3 WHICH BUILDING A COMMONWEALTH AGENCY HAS AGREED TO LEASE 90%
4 OF THE GROSS SQUARE FEET.

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

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

11 ~~"State department." A department, board, bureau, commission ←~~
12 ~~or authority under the jurisdiction of the Governor.~~

13 "State-funded." In reference to a building project, the term
14 refers to a receipt of funds from a State appropriation, IN ←
15 WHOLE OR PART, WHETHER BY MEANS OF DIRECT PAYMENT,
16 REIMBURSEMENT, GRANT OR LOAN, OTHER THAN AN APPROPRIATION FOR
17 THE RENOVATION OF LEASED FACILITIES.

18 Section 4. Standards.

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

22 (1) Be consensus-based, as defined by the Office of
23 Management and Budget, Circular No. A-119, dated February 10,
24 1998.

25 (2) At a minimum, include performance-based categories
26 or credits that will foster achievement of the purposes set
27 forth under section 2(2), (3), (4), (6), (7), (8), (9) and
28 (10).

29 (3) Require documentation, verifiable calculations or
30 the equivalent procedure to substantiate and support any

1 claim made relating to paragraph (2).

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

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

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

10 (c) Energy Star ratings.--

11 (1) In addition to meeting the performance requirements
12 of the adopted high performance building standards, all
13 building projects involving buildings owned or leased by a
14 Commonwealth agency, including State-funded major facility
15 projects, are required to achieve an Environmental Protection
16 Agency Energy Star rating of 85 or above.

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

21 Section 5. Scope.

22 ~~(a) Facilities owned or leased by Commonwealth or State~~ ←
23 ~~affiliated 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 to be 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) State funded major facility projects. When the~~
4 ~~department issues funding, it shall require the use of standards~~
5 ~~adopted under section 6 during the design and construction phase~~
6 ~~of the project. Each State funded major facility project shall~~
7 ~~meet or exceed the level of achievement as set forth under~~
8 ~~section 4.~~

9 (A) FACILITIES OWNED BY A COMMONWEALTH AGENCY.--ALL BUILDING ←
10 PROJECTS SHALL MEET OR EXCEED THE PRESCRIBED LEVEL OF
11 ACHIEVEMENT UNDER THE HIGH-PERFORMANCE BUILDING STANDARD ADOPTED
12 UNDER SECTION 6.

13 (B) STATE-FUNDED MAJOR FACILITY PROJECTS.--WHEN A
14 COMMONWEALTH AGENCY APPROVES A PROJECT TO BE STATE-FUNDED, IT
15 SHALL REQUIRE THE USE OF STANDARDS ADOPTED UNDER SECTION 6
16 DURING THE DESIGN AND CONSTRUCTION PHASE OF THE PROJECT.
17 Section 6. Regulations.

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

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

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

28 (3) Define procedures and methods for verifying
29 compliance with the standards, as set forth under sections 4
30 and 5, in the design and construction of State-funded

1 building projects under this act.

2 (4) SPECIFY THE LEVEL OF ACHIEVEMENT TO BE MET UNDER ←
3 SECTION 5.

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

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

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

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

20 (3) Actual ~~savings in energy costs~~ OR ANTICIPATED ←
21 SAVINGS IN ENERGY CONSUMPTION.

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

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

27 Section 8. Monitoring and evaluation.

28 The department, in consultation with the Department of
29 Environmental Protection, shall develop and implement a process
30 to monitor and evaluate the energy and environmental benefits

1 associated with each building project designed, constructed or
2 renovated under this act. ~~The monitoring and evaluation of each~~ ←
3 ~~building project shall commence~~ THE COMMONWEALTH AGENCY ←
4 OCCUPYING THE BUILDING SHALL COMMENCE MONITORING AND EVALUATION
5 IN ACCORDANCE WITH THE DEPARTMENT-ESTABLISHED PROCESS one year
6 after the completion and occupancy of the building project and
7 continue 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.