
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 AND SCHWANK, JUNE 29, 2011

REFERRED TO ENVIRONMENTAL RESOURCES AND ENERGY, JUNE 29, 2011

AN ACT

1 Requiring the design, 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.

24 Section 3. Definitions.

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

28 "Building project." The design, construction or renovation
29 of any inhabited physical structure and its associated project
30 building site.

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

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

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

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

14 (1) A State-owned construction project in which the
15 building to be constructed is larger than 5,000 gross square
16 feet.

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

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

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

28 "Rapidly-growing school district." A school district where
29 the average daily membership increased 7.5% or more over the
30 immediately preceding three-year period.

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

3 Section 4. Standards.

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

7 (1) Be consensus-based, as defined by the Office of
8 Management and Budget, Circular No. A-119, dated February 10,
9 1998.

10 (2) At a minimum, include performance-based categories
11 or credits that will foster achievement of the purposes set
12 forth under section 2(2), (3), (4), (6), (7), (8), (9) and
13 (10).

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

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

19 (5) Have been applied to green buildings in the United
20 States, buildings which have been certified by an approved
21 building agency.

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

26 (c) Energy Star ratings.--In addition to meeting the
27 performance requirements of the adopted high performance
28 building standards, all projects are required to achieve an
29 Environmental Protection Agency Energy Star rating of 85 or
30 above.

1 Section 5. Scope.

2 (a) Facilities owned by the Commonwealth or State-affiliated
3 entities.--

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

7 (2) All other building projects shall meet or exceed the
8 prescribed level of achievement under the adopted high-
9 performance building standard as set forth under section 4.

10 (3) The level of achievement to be met under paragraph
11 (2) shall be set forth in the regulations adopted by the
12 department.

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

18 (c) Facilities owned or leased by rapidly growing school
19 districts.--

20 (1) All major facility projects of a rapidly growing
21 school district shall meet or exceed the standards as set
22 forth under section 4 and the levels of achievement as
23 defined by the department.

24 (2) All other buildings of a rapidly growing school
25 district shall meet or exceed the prescribed level of
26 achievement under the adopted high-performance building
27 standard as set forth under section 4.

28 (3) The level of achievement to be met under paragraph
29 (2) shall be set forth in the regulations adopted by the
30 department.

1 Section 6. Regulations.

2 (a) General rule.--The department, in consultation with the
3 Department of Environmental Protection, shall develop and issue
4 regulations for complying with this act. The purposes of the
5 regulations shall be to:

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

10 (2) Define procedures and methods for verifying
11 compliance with the standards, as set forth in sections 4 and
12 5, in the design and construction of State-funded building
13 projects under this act.

14 (b) Amendment.--The department, in consultation with the
15 Department of Environmental Protection, may amend the
16 regulations as necessitated by the emergence of new or modified
17 high-performance building standards as defined under section 4.

18 Section 7. Report.

19 The department shall prepare and submit annually a report to
20 the chairman and the minority chairman of the Environmental
21 Resources and Energy Committee of the Senate, the chairman and
22 the minority chairman of the Community, Economic and
23 Recreational Development Committee of the Senate and the
24 chairman and the minority chairman of the Environmental
25 Resources and Energy Committee of the House of Representatives.
26 The report shall at a minimum include:

27 (1) The number and type of buildings designed and
28 constructed utilizing each of the rating systems recognized
29 under this act.

30 (2) The levels of certification of each building

1 designed, constructed or renovated.

2 (3) Actual savings in energy costs.

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

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

8 Section 8. Monitoring and evaluation.

9 The department, in consultation with the Department of
10 Environmental Protection, shall develop and implement a process
11 to monitor and evaluate the energy and environmental benefits
12 associated with each building project designed, constructed or
13 renovated under this act. The monitoring and evaluation of each
14 building project shall commence one year after the completion
15 and occupancy of the building project and continue for five
16 years.

17 Section 9. Applicability.

18 This act shall apply as follows:

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

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

25 Section 10. Effective date.

26 This act shall take effect as follows:

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

28 (2) The remainder of this act shall take effect in 60
29 days.