
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1061 Session of
2013

INTRODUCED BY RAFFERTY, FERLO, YUDICHAK, FONTANA, TEPLITZ,
WASHINGTON, ERICKSON, BOSCOLA, WAUGH, BREWSTER, SCHWANK AND
COSTA, JULY 19, 2013

REFERRED TO ENVIRONMENTAL RESOURCES AND ENERGY, JULY 19, 2013

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
18 preferable building materials, finishes and furnishings.

1 (4) To improve environmental quality in this
2 Commonwealth by decreasing the discharge of pollutants from
3 buildings and their manufacture.

4 (5) To create public awareness of new technologies that
5 can improve the health and productivity of building occupants
6 by meeting advanced criteria for indoor air quality.

7 (6) To improve working conditions and reduce building-
8 related health problems.

9 (7) To reduce State government dependence upon imported
10 sources of energy through buildings that conserve energy and
11 utilize local and renewable energy sources.

12 (8) To protect and restore this Commonwealth's natural
13 resources by avoiding development of inappropriate building
14 sites.

15 (9) To reduce the burden on municipal water supply and
16 treatment by reducing potable water consumption.

17 (10) To reduce waste generation and to manage waste
18 through recycling and diversion from landfill disposal.

19 (11) To improve State government capacity to design,
20 build and operate high-performance buildings and, in doing
21 so, to create new jobs and contribute to economic growth.

22 Section 3. Definitions.

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

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

29 "Commonwealth agency." An executive agency, an independent
30 agency, a State-affiliated entity or State-related institution

1 as defined by 62 Pa.C.S. § 103 (relating to definitions). The
2 term also includes the General Assembly, its officers and
3 agencies and the unified judicial system and its officers and
4 agencies.

5 "Department." The Department of General Services of the
6 Commonwealth.

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

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

12 (1) A State-owned construction project in which the
13 building to be constructed is larger than 10,000 gross square
14 feet.

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

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

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

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

28 Section 4. Standards.

29 (a) Minimum criteria.--The high-performance building
30 standards applicable to this act shall meet the following

1 minimum criteria:

2 (1) Be consensus-based, as defined by the Office of
3 Management and Budget, Circular No. A-119, dated February 10,
4 1998.

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

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

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

14 (5) Have been applied to green buildings in the United
15 States, buildings which have been certified by an approved
16 building agency.

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

21 (c) Energy Star ratings.--In addition to meeting the
22 performance requirements of the adopted high performance
23 building standards, all projects are required to achieve an
24 Environmental Protection Agency Energy Star rating of 85 or
25 above.

26 Section 5. Scope.

27 (a) Facilities owned by the Commonwealth.

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

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

4 (3) The level of achievement to be met under paragraph
5 (2) shall be set forth in the regulations adopted by the
6 department.

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

12 Section 6. Regulations.

13 (a) General rule.--The department, in consultation with the
14 Department of Environmental Protection, shall develop and issue
15 regulations for complying with this act. The purposes of the
16 regulations shall be to:

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

21 (2) Define procedures and methods for verifying
22 compliance with the standards, as set forth in sections 4 and
23 5, in the design and construction of State-funded building
24 projects under this act.

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

29 Section 7. Report.

30 The department shall prepare and submit annually a report to

1 the chairman and the minority chairman of the Environmental
2 Resources and Energy Committee of the Senate, the chairman and
3 the minority chairman of the Community, Economic and
4 Recreational Development Committee of the Senate and the
5 chairman and the minority chairman of the Environmental
6 Resources and Energy Committee of the House of Representatives.

7 The report shall at a minimum include:

8 (1) The number and type of buildings designed and
9 constructed utilizing each of the rating systems recognized
10 under this act.

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

13 (3) Actual savings in energy costs.

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

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

19 Section 8. Monitoring and evaluation.

20 The department, in consultation with the Department of
21 Environmental Protection, shall develop and implement a process
22 to monitor and evaluate the energy and environmental benefits
23 associated with each building project designed, constructed or
24 renovated under this act. The monitoring and evaluation of each
25 building project shall commence one year after the completion
26 and occupancy of the building project and continue for five
27 years.

28 Section 9. Applicability.

29 This act shall apply as follows:

30 (1) The provisions of this act shall apply to all

1 project design contracts initiated on or after the effective
2 date of this section.

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

6 Section 10. Effective date.

7 This act shall take effect as follows:

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

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