
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 615 Session of
2015

INTRODUCED BY RAFFERTY, FONTANA, TEPLITZ, VULAKOVICH, SMITH,
SCHWANK, YUDICHAK, McILHINNEY AND HAYWOOD, MARCH 23, 2015

REFERRED TO ENVIRONMENTAL RESOURCES AND ENERGY, MARCH 23, 2015

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." Any of the following:

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

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

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

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

27 "Renovation project." A building project involving the
28 modification or adaptive reuse of an existing facility that is
29 owned or leased by a Commonwealth agency.

30 Section 4. Standards.

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

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

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

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

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

20 (c) Achieve Energy Star ratings.--

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

26 (2) Paragraph (1) shall apply only to major facility
27 projects which commence after the effective date of this act
28 and involve building types for which the Environmental
29 Protection Agency provides Energy Star ratings.

30 (d) Cost recovery.--The difference between any additional

1 cost incurred in a major facility project and the lowest cost
2 alternative shall have an estimated recovery period of not more
3 than 10 years.

4 Section 5. Scope.

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

8 Section 6. Regulations.

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

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

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

19 (3) Specify the level of achievement to be met under
20 section 5.

21 Section 7. Report.

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

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

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

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

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

11 Section 8. Monitoring and evaluation.

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

20 Section 9. Applicability.

21 This act shall apply as follows:

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

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

29 Section 10. Enforcement.

30 The department shall not implement or enforce the provisions

1 of this act as they apply to major facility projects owned or
2 leased by a Commonwealth agency until the Secretary of General
3 Services and the Secretary of the Budget determine there is
4 adequate funding available to cover additional costs resulting
5 from compliance with the requirements of this act.

6 Section 11. Effective date.

7 This act shall take effect in 60 days.