

LEGISLATIVE REFERENCE BUREAU

AMENDMENTS TO SENATE BILL NO. 1061

Sponsor:

Printer's No. 1340

1 Amend Bill, page 1, lines 1 through 3, by striking out all of
2 said lines and inserting

3 Requiring the design, construction and renovation of certain
4 State-owned or State-leased buildings to comply with
5 specified energy and environmental building standards; and
6 providing for the powers and duties of the Department of
7 General Services.

8 Amend Bill, page 1, lines 6 through 18; pages 2 through 6,
9 lines 1 through 30; page 7, lines 1 through 9, by striking out
10 all of said lines on said pages and inserting

11 Section 1. Short title.

12 This act shall be known and may be cited as the High-
13 Performance State Building Standards Act.

14 Section 2. Purpose.

15 The General Assembly declares the purposes of this act as
16 follows:

17 (1) To promote effective energy and environmental
18 standards for construction, rehabilitation and maintenance of
19 buildings in this Commonwealth.

20 (2) To optimize the energy performance of Commonwealth
21 buildings.

22 (3) To increase the demand for environmentally
23 preferable building materials, finishes and furnishings.

24 (4) To improve environmental quality in this
25 Commonwealth by decreasing the discharge of pollutants from
26 buildings and their manufacture.

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

30 (6) To improve working conditions and reduce building-
31 related health problems.

32 (7) To reduce this Commonwealth's dependence upon
33 imported sources of energy through buildings that conserve
34 energy and utilize local and renewable energy sources.

35 (8) To protect and restore this Commonwealth's natural

1 resources by avoiding development of inappropriate building
2 sites.

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

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

7 (11) To improve the Commonwealth's capacity to design,
8 build and operate high-performance buildings and, in doing
9 so, to create new jobs and contribute to economic growth.

10 Section 3. Definitions.

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

14 "Building project." The design, construction or renovation
15 of any physical structure and its associated project building
16 site.

17 "Commonwealth agency." An executive agency, an independent
18 agency, a State-affiliated entity or State-related institution
19 as defined by 62 Pa.C.S. § 103 (relating to definitions). The
20 term also includes the General Assembly, its officers and
21 agencies and the unified judicial system and its officers and
22 agencies.

23 "Department." The Department of General Services of the
24 Commonwealth.

25 "High-performance building." A building designed to achieve
26 integrated systems design and construction so as to
27 significantly reduce or eliminate the negative impact of the
28 built environment.

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

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

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

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

39 The term does not include a building, regardless of size or
40 ownership interest, that does not have conditioned space as
41 defined by Standard 90.1 of the American Society of Heating,
42 Refrigerating and Air-Conditioning Engineers, referred to as
43 ASHRAE 90.1.

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

47 Section 4. Standards.

48 (a) Minimum criteria.--The high-performance building
49 standards applicable to this act shall meet the following
50 minimum criteria:

51 (1) At a minimum, include performance-based categories

1 or credits that will foster achievement of the purposes set
2 forth under section 2(2), (3), (4), (6), (7), (8), (9) and
3 (10).

4 (2) Require documentation, verifiable calculations or
5 the equivalent procedure to substantiate and support any
6 claim made relating to paragraph (1).

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

12 (b) Level of performance.--The performance required under
13 the adopted high-performance building standards shall be at or
14 above the level beyond the minimum level required by the
15 selected standards.

16 (c) Achieve Energy Star ratings.--

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

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

26 (d) Cost recovery.--The difference between any additional
27 cost incurred in a major facility project and the lowest cost
28 alternative shall have an estimated recovery period of not more
29 than ten years.

30 Section 5. Scope.

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

34 Section 6. Regulations.

35 The department shall develop and issue regulations for
36 complying with this act. The purposes of the regulations shall
37 be to:

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

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

45 (3) Specify the level of achievement to be met under
46 section 5.

47 Section 7. Report.

48 The department shall prepare and submit annually a report to
49 the chairman and the minority chairman of the Environmental
50 Resources and Energy Committee of the Senate, the chairman and
51 the minority chairman of the Environmental Resources and Energy

1 Committee of the House of Representatives, the chairman and
2 minority chairman of the State Government Committee of the
3 Senate and the chairman and minority chairman of the State
4 Government Committee of the House of Representatives. The report
5 shall at a minimum include:

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

9 (2) The levels of certification of each building
10 designed, constructed or renovated.

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

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

16 Section 8. Monitoring and evaluation.

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

25 Section 9. Applicability.

26 This act shall apply as follows:

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

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

34 Section 10. Enforcement.

35 The department shall not implement or enforce the provisions
36 of this act as they apply to major facility projects owned or
37 leased by a Commonwealth agency until the Secretary of General
38 Services and the Secretary of the Budget determine there is
39 adequate funding available to cover additional costs resulting
40 from compliance with the requirements of this act.

41 Section 11. Effective date.

42 This act shall take effect in 60 days.