

**ENROLLED BILL**

-- Education, Health, and Environmental Affairs/Health and Government Operations and Appropriations --

Introduced by **Senators Brochin, Britt, Conway, Currie, Dyson, Forehand, Frosh, Garagiola, Giannetti, Green, Grosfeld, Hollinger, and Pinsky**  
**Pinsky, Harris, and Colburn**

Read and Examined by Proofreaders:

\_\_\_\_\_  
Proofreader.

\_\_\_\_\_  
Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this  
\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ o'clock, \_\_\_\_ M.

\_\_\_\_\_  
President.

CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Proposed Capital Projects - Planning - High Performance Buildings**

3 FOR the purpose of requiring a unit of State government requesting an appropriation  
4 for the preliminary planning of a proposed capital project to include in its  
5 program submission to the Department of Budget and Management a  
6 justification for proposing that the building is ~~not~~ appropriate for design as a  
7 high performance building; requiring the Department to conduct a certain review  
8 if a certain justification is submitted; defining a certain term; and generally  
9 relating to the planning and design of high performance buildings in proposed  
10 capital projects.

11 BY repealing and reenacting, with amendments,  
12 Article - State Finance and Procurement  
13 Section 3-602(d)

1 Annotated Code of Maryland  
2 (2001 Replacement Volume and 2004 Supplement)

3 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
4 MARYLAND, That the Laws of Maryland read as follows:

5 **Article - State Finance and Procurement**

6 3-602.

7 (d) (1) ~~(I)~~ IN THIS ~~SUBSECTION~~ ~~PARAGRAPH~~, "HIGH PERFORMANCE  
8 BUILDING" MEANS A BUILDING THAT ~~ACHIEVES AT LEAST~~:

9 ~~(I)~~ 1. ACHIEVES AT LEAST A SILVER RATING ACCORDING TO  
10 THE U.S. GREEN BUILDING COUNCIL'S LEED (LEADERSHIP IN ENERGY AND  
11 ENVIRONMENTAL DESIGN) GREEN BUILDING RATING SYSTEM AS ADOPTED IN 2001  
12 OR SUBSEQUENTLY BY THE MARYLAND GREEN BUILDING COUNCIL; ~~OR~~

13 ~~(II)~~ 2. ACHIEVES AT LEAST A TWO GLOBE RATING ACCORDING  
14 TO THE GREEN GLOBES PROGRAM AS ADOPTED BY THE GREEN BUILDING  
15 INITIATIVE; ~~OR~~

16 ~~(III)~~ ~~(III)~~ 3. ACHIEVES AT LEAST A COMPARABLE NUMERIC  
17 RATING ACCORDING TO A NATIONALLY RECOGNIZED, ACCEPTED, AND APPROPRIATE  
18 NUMERIC SUSTAINABLE DEVELOPMENT RATING SYSTEM, GUIDELINE, OR  
19 STANDARD; ~~OR~~

20 ~~(IV)~~ 4. MEETS NATIONALLY RECOGNIZED, CONSENSUS-BASED,  
21 AND ACCEPTED GREEN BUILDING GUIDELINES, STANDARDS, OR SYSTEMS APPROVED  
22 BY THE STATE.

23 ~~(II)~~ 1. A UNIT OF STATE GOVERNMENT REQUESTING AN  
24 APPROPRIATION FOR PRELIMINARY PLANNING OF A PROPOSED CAPITAL PROJECT  
25 MAY INCLUDE IN ITS REQUEST A JUSTIFICATION FOR PROPOSING THAT A BUILDING  
26 IN THE PROJECT IS APPROPRIATE FOR DESIGN AS A HIGH PERFORMANCE BUILDING.

27 2. IF JUSTIFICATION IS SUBMITTED UNDER  
28 SUBSUBPARAGRAPH 1 OF THIS SUBPARAGRAPH CONCERNING A BUILDING IN A  
29 PROPOSED CAPITAL PROJECT, THE DEPARTMENT SHALL REVIEW WHETHER IT IS  
30 PRACTICABLE AND FISCALLY PRUDENT TO INCORPORATE IN THE CAPITAL PROJECT  
31 THE USE OF A COMPREHENSIVE PROCESS OF DESIGN AND CONSTRUCTION THAT  
32 WOULD RESULT IN THE BUILDING BEING A HIGH PERFORMANCE BUILDING.

33 [(1)] (2) Before an appropriation may be authorized for preliminary  
34 planning of a proposed capital project:

35 (i) the unit of the State government requesting the appropriation  
36 shall submit to the Department a program describing, in detail, ~~+~~

37 ~~+~~ the scope and purpose of the project; and

UNOFFICIAL COPY OF SENATE BILL 92

1 ~~2. THE JUSTIFICATION FOR PROPOSING THAT A BUILDING~~  
2 ~~IN THE PROJECT IS NOT APPROPRIATE FOR DESIGN AS A HIGH PERFORMANCE~~  
3 ~~BUILDING; AND~~

4 (ii) the Secretary of Budget and Management must approve the  
5 program.

6 [(2)] (3) Before an appropriation may be authorized for construction of a  
7 proposed capital project:

8 (i) the unit of State government requesting the appropriation shall  
9 submit to the Departments of Budget and Management and General Services a  
10 detailed design program, which shall include all information required by the  
11 Departments; and

12 (ii) both the Secretary of Budget and Management and the  
13 Secretary of General Services must approve the detailed design program.

14 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
15 October 1, 2005.