

# HOUSE BILL 942

P2

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CF SB 332

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By: **Delegates Bronrott, Barve, and Morhaim**

Introduced and read first time: February 9, 2007

Assigned to: Health and Government Operations and Appropriations

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## A BILL ENTITLED

1 AN ACT concerning

2 **High Performance Buildings Act**

3 FOR the purpose of requiring certain buildings to be high performance buildings;  
4 requiring certain buildings that are renovated to be high performance buildings  
5 under certain circumstances; exempting certain building types from certain  
6 high performance building standards; providing for the applicability of this Act;  
7 defining a term; and generally relating to high performance buildings.

8 BY repealing and reenacting, with amendments,  
9 Article – State Finance and Procurement  
10 Section 3–602(d)  
11 Annotated Code of Maryland  
12 (2006 Replacement Volume and 2006 Supplement)

13 BY adding to  
14 Article – State Finance and Procurement  
15 Section 3–602.1  
16 Annotated Code of Maryland  
17 (2006 Replacement Volume and 2006 Supplement)

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

20 **Article – State Finance and Procurement**

21 3–602.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (d) (1) (i) In this paragraph, “high performance building” means a  
2 building that:

3 1. achieves at least a silver rating according to the U.S.  
4 Green Building Council’s LEED (Leadership in Energy and Environmental Design)  
5 Green Building Rating System as adopted in 2001 or subsequently by the Maryland  
6 Green Building Council;

7 2. achieves at least a two globe rating according to the  
8 Green Globes Program as adopted by the Green Building Initiative;

9 3. achieves at least a comparable numeric rating  
10 according to a nationally recognized, accepted, and appropriate numeric sustainable  
11 development rating system, guideline, or standard; or

12 4. meets nationally recognized, consensus-based, and  
13 accepted green building guidelines, standards, or systems approved by the State.

14 (ii) 1. **[A] EXCEPT AS PROVIDED IN § 3-602.1 OF THIS**  
15 **SUBTITLE, A** unit of State government requesting an appropriation for preliminary  
16 planning of a proposed capital project may include in its request a justification for  
17 proposing that a building in the project is appropriate for design as a high  
18 performance building.

19 2. **[If] EXCEPT AS PROVIDED IN § 3-602.1 OF THIS**  
20 **SUBTITLE, IF** justification is submitted under subparagraph 1 of this  
21 subparagraph concerning a building in a proposed capital project, the Department  
22 shall review whether it is practicable and fiscally prudent to incorporate in the capital  
23 project the use of a comprehensive process of design and construction that would  
24 result in the building being a high performance building.

25 (2) Before an appropriation may be authorized for preliminary  
26 planning of a proposed capital project:

27 (i) the unit of the State government requesting the  
28 appropriation shall submit to the Department a program describing, in detail, the  
29 scope and purpose of the project; and

30 (ii) the Secretary of Budget and Management must approve the  
31 program.

1           (3) Before an appropriation may be authorized for construction of a  
2 proposed capital project:

3                   (i) the unit of State government requesting the appropriation  
4 shall submit to the Departments of Budget and Management and General Services a  
5 detailed design program, which shall include all information required by the  
6 Departments; and

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

9 **3-602.1.**

10           **(A) EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, IF A**  
11 **CAPITAL PROJECT INCLUDES THE CONSTRUCTION OF A BUILDING THAT IS 5,000**  
12 **SQUARE FEET OR GREATER, THE BUILDING SHALL BE CONSTRUCTED TO BE A**  
13 **HIGH PERFORMANCE BUILDING, AS DEFINED IN § 3-602(D) OF THIS SUBTITLE.**

14           **(B) (1) FOR THE PURPOSES OF THIS SUBSECTION, “MAJOR**  
15 **RENOVATION” MEANS THE RENOVATION OF A BUILDING WHERE:**

16                   **(I) THE COST OF THE RENOVATION IS GREATER THAN 50%**  
17 **OF THE BUILDING’S ASSESSED VALUE; AND**

18                   **(II) THE SCOPE OF THE RENOVATION IS 5,000 SQUARE FEET**  
19 **OR GREATER.**

20           **(2) EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION,**  
21 **IF A CAPITAL PROJECT INCLUDES THE MAJOR RENOVATION OF A BUILDING, THE**  
22 **BUILDING SHALL BE RENOVATED TO BE A HIGH PERFORMANCE BUILDING, AS**  
23 **DEFINED IN § 3-602(D) OF THIS SUBTITLE.**

24           **(C) THE FOLLOWING TYPES OF UNOCCUPIED BUILDINGS ARE NOT**  
25 **REQUIRED TO BE CONSTRUCTED OR RENOVATED TO BE HIGH PERFORMANCE**  
26 **BUILDINGS:**

27                   **(1) WAREHOUSE AND STORAGE FACILITIES;**

28                   **(2) GARAGES;**

- 1                   **(3) MAINTENANCE FACILITIES;**  
2                   **(4) TRANSMITTER BUILDINGS;**  
3                   **(5) PUMPING STATIONS; AND**  
4                   **(6) OTHER SIMILAR TYPES OF BUILDINGS, AS DETERMINED BY**  
5 **THE DEPARTMENT.**

6           SECTION 2. AND BE IT FURTHER ENACTED, That Section 1 of this Act shall  
7 apply to capital projects that have not initiated a Request For Proposal for the  
8 selection of an architectural and engineering consultant on or before the effective date  
9 of this Act.

10           SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
11 October 1, 2007.