

# SENATE BILL 686

P2, F2, M3

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CF HB 541

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By: **Senators Robey, Forehand, Frosh, Garagiola, Harrington, King, Klausmeier, Kramer, Lenett, Madaleno, Peters, Raskin, and Rosapepe**  
Introduced and read first time: February 6, 2009  
Assigned to: Budget and Taxation

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## A BILL ENTITLED

1 AN ACT concerning

2 **High Performance Buildings Act – Applicable to Community College Capital**  
3 **Projects**

4 FOR the purpose of making the High Performance Buildings Act applicable to  
5 community college capital projects that receive State funds; making this Act  
6 applicable to certain capital projects that have not initiated a certain Request  
7 for Proposal on or before a certain date; and generally relating to the  
8 construction of high performance buildings at community colleges.

9 BY repealing and reenacting, with amendments,  
10 Article – State Finance and Procurement  
11 Section 3–602.1  
12 Annotated Code of Maryland  
13 (2006 Replacement Volume and 2008 Supplement)

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

16 **Article – State Finance and Procurement**

17 3–602.1.

18 (a) (1) In this section the following words have the meanings indicated.

19 (2) “High performance building” means a building that:

20 (i) meets or exceeds the current version of the U.S. Green  
21 Building Council’s LEED (Leadership in Energy and Environmental Design) Green  
22 Building Rating System Silver rating; or

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.  
[Brackets] indicate matter deleted from existing law.



1 (ii) achieves at least a comparable numeric rating according to a  
2 nationally recognized, accepted, and appropriate numeric sustainable development  
3 rating system, guideline, or standard approved by the Secretaries of Budget and  
4 Management and General Services.

5 (3) “Major renovation” means the renovation of a building where:

6 (i) the building shell is to be reused for the new construction;

7 (ii) the heating, ventilating, and air conditioning (HVAC),  
8 electrical, and plumbing systems are to be replaced; and

9 (iii) the scope of the renovation is 7,500 square feet or greater.

10 (b) It is the intent of the General Assembly that, to the extent practicable:

11 (1) the State shall employ green building technologies when  
12 constructing or renovating a State building not subject to this section; and

13 (2) high performance buildings shall meet the criteria and standards  
14 established under the “High Efficiency Green Building Program” adopted by the  
15 Maryland Green Building Council.

16 (c) (1) This subsection applies to:

17 (I) capital projects that are funded solely with State funds; **AND**

18 (II) **COMMUNITY COLLEGE CAPITAL PROJECTS THAT**  
19 **RECEIVE STATE FUNDS.**

20 (2) Except as provided in subsections (d) and (e) of this section, if a  
21 capital project includes the construction or major renovation of a building that is 7,500  
22 square feet or greater, the building shall be constructed or renovated to be a high  
23 performance building.

24 (d) The following types of unoccupied buildings are not required to be  
25 constructed or renovated to be high performance buildings:

26 (1) warehouse and storage facilities;

27 (2) garages;

28 (3) maintenance facilities;

29 (4) transmitter buildings;

30 (5) pumping stations; and

1           (6)    other similar types of buildings, as determined by the Department.

2           (e)    (1)    The Department of Budget and Management and the Department  
3 of General Services shall jointly establish a process to allow a unit of State  
4 government to obtain a waiver from complying with subsection (c) of this section.

5           (2)    The waiver process shall:

6                   (i)    include a review by the Maryland Green Building Council  
7 established under § 4–809 of this article, to determine if the use of a high performance  
8 building in a proposed capital project is not practicable; and

9                   (ii)   require the approval of a waiver by the Secretaries of Budget  
10 and Management, General Services, and Transportation.

11           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall apply to  
12 capital projects that have not initiated a Request for Proposal for the selection of an  
13 architectural and engineering consultant on or before the effective date of this Act.

14           SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
15 July 1, 2009.