

# SENATE BILL 686

P2, F2, M3

9lr2998  
CF HB 541

By: **Senators Robey, Forehand, Frosh, Garagiola, Harrington, King, Klausmeier, Kramer, Lenett, Madaleno, Peters, Raskin, ~~and Rosapepe~~ Rosapepe, DeGrange, Greenip, Jones, and Stoltzfus**

Introduced and read first time: February 6, 2009

Assigned to: Budget and Taxation

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 27, 2009

## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **High Performance Buildings Act – ~~Applicable~~ Modifications and**  
3 **Applicability to Community College Capital Projects**

4 FOR the purpose of altering the definition of “high performance building” for purposes  
5 of certain requirements for certain capital projects; making the High  
6 Performance Buildings Act applicable to community college capital projects that  
7 receive State funds; altering a certain waiver process; making this Act  
8 applicable to certain capital projects that have not initiated a certain Request  
9 for Proposal on or before a certain date; altering the intent of the General  
10 Assembly relating to criteria and standards that high performance buildings  
11 must meet; and generally relating to the construction of high performance  
12 buildings ~~at community colleges~~.

13 BY repealing and reenacting, with amendments,  
14 Article – State Finance and Procurement  
15 Section 3–602.1  
16 Annotated Code of Maryland  
17 (2006 Replacement Volume and 2008 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**

---

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike-out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



3-602.1.

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

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

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

(ii) ~~achieves at least a comparable~~ **MEETS OR EXCEEDS A CERTAIN** numeric rating according to a nationally recognized, accepted, and appropriate numeric sustainable development rating system, guideline, or standard **AS** approved by the Secretaries of Budget and Management and General Services.

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

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

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

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

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

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

(2) high performance buildings shall meet ~~the~~ criteria and standards ~~established under the “High Efficiency Green Building Program” adopted by the Maryland Green Building Council.~~ **THAT FACILITATE THE GOALS OF THE MARYLAND GREEN BUILDING COUNCIL.**

(c) (1) This subsection applies to:

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

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

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

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

- (1) warehouse and storage facilities;
- (2) garages;
- (3) maintenance facilities;
- (4) transmitter buildings;
- (5) pumping stations; and
- (6) other similar types of buildings, as determined by the Department.

(e) (1) The Department of Budget and Management and the Department of General Services shall jointly establish a process to allow a unit of State government **OR A LOCAL JURISDICTION RECEIVING STATE FUNDS UNDER SUBSECTION (C)(1)(II) OF THIS SECTION** to obtain a waiver from complying with subsection (c) of this section.

(2) The waiver process shall:

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

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

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall apply to capital projects that have not initiated a Request for Proposal for the selection of an architectural and engineering consultant on or before ~~the effective date of this Act~~ July 1, 2010.

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