

Department of Legislative Services
Maryland General Assembly
2018 Session

FISCAL AND POLICY NOTE
First Reader

Senate Bill 1009 (Senators Guzzone and Conway)
Education, Health, and Environmental Affairs

Department of General Services – Bird-Safe Building Standards
(Maryland Bird-Safe Buildings Act of 2018)

This bill requires the Department of General Services (DGS) to establish standards for State buildings to minimize adverse impacts on birds. Each building constructed, substantially altered, or acquired by DGS must meet the new standards to the extent practicable. DGS must also reduce the lighting of existing public buildings, as specified by the bill. The Secretary of General Services must adopt regulations to carry out the bill.

Fiscal Summary

State Effect: General fund expenditures increase by \$30,000 only in FY 2019 to develop standards and regulations to implement the bill. General fund (and/or general obligation bond) expenditures likely also increase, potentially significantly, to construct new buildings and reduce lighting in existing buildings. A reliable estimate is not feasible, as discussed below. State utility costs may decrease minimally.

Local Effect: None.

Small Business Effect: None.

Analysis

Bill Summary: The bill includes multiple specifications regarding the types of glass that may be used in State buildings and related facilities. Buildings may not contain a transparent passageway or corner, or be configured in a way that allows birds to see through two or more layers of glass to habitat or sky.

Except where full operation of building lighting is documented as necessary, interior and exterior lighting must be appropriately shielded and minimized from midnight to dawn during specified times of the year. Existing public buildings must accomplish this, to the extent practicable, by using automatic control technologies, including timers, photo-sensors, infrared detectors, and motion detectors.

Current Law: There are no provisions in State law to minimize the adverse impacts of State buildings on birds.

However, Chapter 124 of 2008 requires most new or renovated State buildings to be constructed as high-performance buildings, subject to waiver processes established by the Department of Budget and Management (DBM) and DGS.

Chapter 124 defines a high-performance building as one that:

- meets or exceeds the U.S. Green Building Council's Leadership in Energy and Environmental Design (LEED) criteria for a silver rating; or
- achieves a comparable numeric rating according to a nationally recognized, accepted, and appropriate standard approved by DBM and DGS. Based on a unanimous recommendation from the Maryland Green Building Council, in 2017, DGS and DBM approved the use of the Green Globes rating system developed by the Green Building Initiative as an alternative to LEED Silver.

Only new or renovated State buildings that are at least 7,500 square feet and are built or renovated entirely with State funds are subject to the high-performance requirement. Additionally, building renovations must include the replacement of heating, ventilation, air conditioning, electrical, and plumbing systems and must retain the building shell. Unoccupied buildings are exempt from the high-performance mandate, including warehouses, garages, maintenance facilities, transmitter buildings, and pumping stations.

State Fiscal Effect:

Glass in State Buildings

DGS advises that it constructs, substantially alters, or acquires between one and three buildings each year. However, developing appropriate guidelines and regulations that reflect the bill's standards for window glass in new buildings requires the assistance of an architectural/engineering consultant for six months, at a cost of approximately \$30,000 in general funds. Otherwise, DGS can implement the bill's requirements with respect to window glass with existing resources.

However, DGS also advises that the bill's requirements conflict with the State's requirements related to high-performance buildings and, therefore, have the potential to significantly increase the cost of construction and/or maintenance of new buildings. In general, green building standards like LEED and Green Globes place a high premium on the use of natural light to minimize the need for artificial light. To the extent that the bill reduces the amount of glass allowed on a building's exterior, it requires the State to use other costly strategies to comply with both the green building requirements and the bill (such as frosted or etched glass or increased use of shutters and netting).

Lighting in State Buildings

DGS advises that the bill's requirements to lower lighting levels in State buildings applies to about 4,000 current State buildings, only about 20 of which, by its estimation, have the automatic control technologies mentioned in the bill. As DGS is supposed to reduce the lighting "to the extent practicable, as determined by the Department," a reliable estimate of the cost of this provision is not feasible. If DGS determines it can only reduce lighting in buildings that currently have the technology, there is no fiscal effect (except potential reductions in State utility bills). However, if DGS determines that many more buildings require the technology, the cost of installing it in a large number of buildings could be significant.

Additional Information

Prior Introductions: None.

Cross File: HB 986 (Delegate Lam, *et al.*) - Health and Government Operations and Appropriations.

Information Source(s): Department of General Services; Department of Legislative Services

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md/ljm

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