

HOUSE BILL 136

P3, M5, M1
HB 986/18 – HGO & APP

9lr1239
CF 9lr0600

By: **Delegates Hill, Bartlett, Ebersole, Hettleman, Lafferty, R. Lewis, and Moon**
Introduced and read first time: January 21, 2019
Assigned to: Health and Government Operations and Appropriations

A BILL ENTITLED

1 AN ACT concerning

2 **Department of General Services – Energy–Conserving and Bird–Safe Building**
3 **Standards**
4 **(Maryland Sustainable Buildings Act of 2019)**

5 FOR the purpose of requiring the Department of General Services to establish certain
6 standards for State buildings to conserve energy and minimize adverse impacts on
7 birds; requiring each building constructed, acquired, or substantially altered by the
8 Department to meet the standards to the extent practicable; requiring the
9 Department to reduce the lighting of existing public buildings in a certain manner;
10 requiring the Secretary of General Services to adopt certain regulations; and
11 generally relating to the construction, alteration, or acquisition of State buildings.

12 BY repealing and reenacting, without amendments,
13 Article – State Finance and Procurement
14 Section 4–101
15 Annotated Code of Maryland
16 (2015 Replacement Volume and 2018 Supplement)

17 BY adding to
18 Article – State Finance and Procurement
19 Section 4–410
20 Annotated Code of Maryland
21 (2015 Replacement Volume and 2018 Supplement)

22 Preamble

23 WHEREAS, The amount of glass used in new building construction is increasing
24 dramatically in Maryland and worldwide; and

25 WHEREAS, The increase in the use of glass in buildings threatens to undo energy
26 conservation efforts, cost the State money, and contribute to climate change; and

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 WHEREAS, Nearly one-third of the 800 bird species in the United States are
2 endangered, threatened, or in significant decline; and

3 WHEREAS, In the United States alone, an estimated 1,000,000,000 birds die
4 annually from striking buildings, bridges, and other manmade structures, with glass being
5 one of the primary causes of the deaths; and

6 WHEREAS, Birds have a significant impact on the United States economy, as
7 evidenced by U.S. Fish and Wildlife Service estimates indicating that the 47,000,000
8 birdwatchers in the nation contribute \$40,000,000,000 annually to the national economy;
9 and

10 WHEREAS, Maryland is obligated under the Migratory Bird Treaty Act of 1918 to
11 support the conservation intent of the migratory bird conventions by integrating bird
12 conservation principles, measures, and practices into agency activities and by avoiding or
13 minimizing, to the extent practicable, adverse impacts on migratory bird resources when
14 conducting agency actions; and

15 WHEREAS, Adopting building standards to protect birds will reduce energy
16 consumption by approximately 40% or more, making State buildings more sustainable and
17 saving taxpayers money; now, therefore,

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

20 **Article – State Finance and Procurement**

21 4–101.

22 (a) In this title the following words have the meanings indicated.

23 (b) “Department” means the Department of General Services.

24 (c) “Secretary” means the Secretary of General Services.

25 **4–410.**

26 **(A) TO CONSERVE ENERGY AND MINIMIZE ADVERSE IMPACTS ON BIRDS,**
27 **THE DEPARTMENT SHALL ESTABLISH STANDARDS FOR STATE BUILDINGS**
28 **SPECIFYING THAT:**

29 **(1) SUBJECT TO ITEM (2) OF THIS SUBSECTION, GLASS OR**
30 **TRANSPARENT PLEXIGLASS MAY COMPOSE:**

31 **(I) NOT MORE THAN 10% OF THE EXPOSED FACADE MATERIAL**

1 FROM GROUND LEVEL TO 40 FEET ABOVE GROUND LEVEL; AND

2 (II) NOT MORE THAN 40% OF THE EXPOSED FACADE MATERIAL
3 AT A HEIGHT GREATER THAN 40 FEET ABOVE GROUND LEVEL;

4 (2) GLASS OR TRANSPARENT PLEXIGLASS MAY COMPOSE A GREATER
5 PERCENT OF THE EXPOSED FACADE MATERIAL THAN THE PERCENT SPECIFIED IN
6 ITEM (1) OF THIS SUBSECTION IF THE GLASS OR PLEXIGLASS INCLUDES:

7 (I) ELEMENTS THAT PRECLUDE BIRD COLLISIONS WITHOUT
8 COMPLETELY OBSCURING VISION, SUCH AS SECONDARY FACADES, NETTING,
9 SCREENS, SHUTTERS, OR EXTERIOR SHADES;

10 (II) ULTRAVIOLET PATTERNED GLASS CONTAINING
11 ULTRAVIOLET-REFLECTIVE OR CONTRASTING PATTERNS THAT ARE VISIBLE TO
12 BIRDS;

13 (III) PATTERNS THAT ARE VISIBLE FROM THE OUTSIDE AND
14 DESIGNED SO THAT ANY SPACES ARE LESS THAN 4 INCHES WIDE AND LESS THAN 2
15 INCHES HIGH;

16 (IV) MATTE, OPAQUE, ETCHED, STAINED, FROSTED, OR
17 TRANSLUCENT GLASS OR PLEXIGLASS; OR

18 (V) A COMBINATION OF THE MEASURES DESCRIBED IN ITEMS (I)
19 THROUGH (IV) OF THIS ITEM;

20 (3) A BUILDING MAY NOT CONTAIN A TRANSPARENT PASSAGEWAY OR
21 CORNER, OR BE CONFIGURED IN A WAY THAT ALLOWS BIRDS TO SEE THROUGH TWO
22 OR MORE LAYERS OF GLASS TO HABITAT OR SKY;

23 (4) ANY GLASS OR TRANSPARENT PLEXIGLASS IN A HANDRAIL, A
24 PAVILION, A GAZEBO, A BUS SHELTER, AN OVERPASS, OR ANY OTHER AUXILIARY
25 STRUCTURE SHALL USE A MEASURE DESCRIBED IN ITEM (2)(I) THROUGH (V) OF THIS
26 SUBSECTION;

27 (5) ANY GLASS OR TRANSPARENT PLEXIGLASS LOCATED ADJACENT
28 TO AN ATRIUM OR A COURTYARD CONTAINING A WATER FEATURE, PLANTS, OR
29 OTHER MATERIAL ATTRACTIVE TO BIRDS SHALL USE A MEASURE DESCRIBED IN
30 ITEM (2)(I) THROUGH (V) OF THIS SUBSECTION; AND

31 (6) EXCEPT WHERE FULL OPERATION OF BUILDING LIGHTING IS
32 DOCUMENTED AS NECESSARY, INTERIOR AND EXTERIOR LIGHTING SHALL BE

1 APPROPRIATELY SHIELDED AND MINIMIZED FROM MIDNIGHT TO DAWN EACH DAY:

2 (I) FROM MARCH 1 THROUGH MAY 31, BOTH INCLUSIVE; AND

3 (II) FROM AUGUST 1 THROUGH OCTOBER 31, BOTH INCLUSIVE.

4 (B) EACH BUILDING CONSTRUCTED, SUBSTANTIALLY ALTERED, OR
5 ACQUIRED BY THE DEPARTMENT SHALL MEET, TO THE EXTENT PRACTICABLE AS
6 DETERMINED BY THE DEPARTMENT, THE STANDARDS ESTABLISHED UNDER
7 SUBSECTION (A) OF THIS SECTION.

8 (C) THE DEPARTMENT SHALL REDUCE THE LIGHTING OF EXISTING PUBLIC
9 BUILDINGS, TO THE EXTENT PRACTICABLE AS DETERMINED BY THE DEPARTMENT:

10 (1) IN ACCORDANCE WITH SUBSECTION (A)(6) OF THIS SECTION; AND

11 (2) BY USING AUTOMATIC CONTROL TECHNOLOGIES, INCLUDING
12 TIMERS, PHOTOSENSORS, INFRARED DETECTORS, AND MOTION DETECTORS.

13 (D) THE SECRETARY SHALL ADOPT REGULATIONS TO CARRY OUT THE
14 PROVISIONS OF THIS SECTION.

15 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
16 October 1, 2019.