HOUSE BILL 136

By: Delegates Hill, Bartlett, Ebersole, Hettleman, Lafferty, R. Lewis, and Moon, and Terrasa

Introduced and read first time: January 21, 2019
Assigned to: Health and Government Operations and Appropriations

Committee Report: Favorable with amendments
House action: Adopted
Read second time: March 31, 2019

CHAPTER ______

1 AN ACT concerning
2 Department of General Services – Energy-Conserving and Bird-Safe Building Standards
3 (Maryland Sustainable Buildings Act of 2019)

FOR the purpose of requiring the Department of General Services to establish and periodically update certain standards for State buildings to conserve energy and minimize adverse impacts on birds; requiring each State building constructed, acquired, or substantially altered by the Department to meet the standards to the extent practicable and within budgetary constraints; requiring the Department to reduce the lighting of existing public State buildings in a certain manner; requiring the Secretary of General Services to adopt certain regulations; establishing that certain requirements do not apply to certain contracts or projects; defining “State building”; and generally relating to the construction, alteration, or acquisition of State buildings.

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

BY adding to
Article – State Finance and Procurement
Section 4–410

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter deleted from existing law.
Underlining indicates amendments to bill.
Strikeout indicates matter stricken from the bill by amendment or deleted from the law by amendment.
WHEREAS, The amount of glass used in new building construction is increasing dramatically in Maryland and worldwide; and

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

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

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

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

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

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

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

Article – State Finance and Procurement

In this title the following words have the meanings indicated.

“Department” means the Department of General Services.

“Secretary” means the Secretary of General Services.
(A) In this section, “State building” means:

(1) A building acquired through any means by the State for use by a State agency or department;

(2) A building constructed or renovated by or for the State for occupancy by a State agency or department; or

(3) A building acquired, constructed, or renovated for which more than 50% of the money for the acquisition, construction, or renovation came from State funds.

(B) This section does not apply to:

(1) A public work contract of less than $500,000;

(2) A public work contract for which 50% or less of the funds used for the project are State funds; or

(3) A project for which funding is provided in the capital budget as a grant to a nonprofit.

(A) To conserve energy and minimize adverse impacts on birds, the Department shall establish standards for State buildings specifying that:

(1) Subject to item (2) of this subsection, glass or transparent plexiglass may compose:

   (i) Not more than 10% of the exposed facade material from ground level to 40 feet above ground level; and

   (ii) Not more than 40% of the exposed facade material at a height greater than 40 feet above ground level;

(2) Glass or transparent plexiglass may compose a greater percent of the exposed facade material than the percent specified in item (1) of this subsection if the glass or plexiglass includes:

   (i) Elements that preclude bird collisions without completely obscuring vision, such as secondary facades, netting, screens, shutters, or exterior shades;
(II) Ultraviolet-patterned glass containing ultraviolet-reflective or contrasting patterns that are visible to birds;

(III) Patterns that are visible from the outside and designed so that any spaces are less than 4 inches wide and less than 2 inches high;

(IV) Matte, opaque, etched, stained, frosted, or translucent glass or plexiglass; or

(V) A combination of the measures described in items (I) through (IV) of this item;

(3) A building 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;

(4) Any glass or transparent plexiglass in a handrail, a pavilion, a gazebo, a bus shelter, an overpass, or any other auxiliary structure shall use a measure described in item (2)(I) through (V) of this subsection;

(5) Any glass or transparent plexiglass located adjacent to an atrium or a courtyard containing a water feature, plants, or other material attractive to birds shall use a measure described in item (2)(I) through (V) of this subsection; and

(c) (1) The Department shall establish standards for state buildings to conserve energy and minimize adverse impacts on birds that are consistent with Green Building Council LEED Pilot Credit 55 for reducing bird collisions and the American Bird Conservancy Bird-Friendly Design Recommendations.

(2) The Department shall update the standards developed under paragraph (1) of this subsection every 5 years.

(6) (3) The standards developed under this subsection shall specify that, except where full operation of building lighting is documented as necessary, including for public safety or other purposes, interior and exterior lighting shall be appropriately shielded and minimized from midnight to dawn each day:

(I) from March 1 through May 31, both inclusive; and
(II) FROM AUGUST 1 THROUGH OCTOBER 31, BOTH INCLUSIVE.

(E) (D) EACH STATE BUILDING CONSTRUCTED, SUBSTANTIALLY ALTERED, OR ACQUIRED BY THE DEPARTMENT SHALL MEET, TO THE EXTENT PRACTICABLE AND WITHIN BUDGETARY CONSTRAINTS AS DETERMINED BY THE DEPARTMENT, THE STANDARDS ESTABLISHED UNDER SUBSECTION (A) (C) OF THIS SECTION.

(E) (E) THE DEPARTMENT SHALL REDUCE THE LIGHTING OF EXISTING PUBLIC STATE BUILDINGS, TO THE EXTENT PRACTICABLE AND WITHIN BUDGETARY CONSTRAINTS AS DETERMINED BY THE DEPARTMENT:

(1) IN ACCORDANCE WITH SUBSECTION (A)(E) (C)(3) OF THIS SECTION; AND

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

(F) (F) THE SECRETARY SHALL ADOPT REGULATIONS TO CARRY OUT THE PROVISIONS OF THIS SECTION.

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

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.