

# SENATE BILL 228

P1, F1

(PRE-FILED)

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CF HB 86

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By: **Senator Hettleman**

Requested: October 30, 2020

Introduced and read first time: January 13, 2021

Assigned to: Education, Health, and Environmental Affairs

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## A BILL ENTITLED

1 AN ACT concerning

2 **Capital Projects – High Performance and Green Buildings – Alterations**  
3 **(Green Building Restoration Act)**

4 FOR the purpose of altering the definition of “high performance building” to include certain  
5 schools and public safety buildings; altering the application of certain high  
6 performance building requirements to apply to capital projects for which a certain  
7 amount of funding for certain aspects of the project is from State funds; repealing a  
8 requirement that the Maryland Green Building Council develop guidelines for new  
9 public school buildings to achieve a certain rating without requiring an independent  
10 certification that the buildings have achieved the required standards; requiring the  
11 Maryland Green Building Council to ensure that certain State buildings, public  
12 schools, and community colleges meet certain high performance building  
13 requirements; prohibiting the use of certain guidelines for a new public school  
14 building to meet certain high performance building requirements; making stylistic  
15 changes; and generally relating to high performance building requirements and  
16 green building guidelines.

17 BY repealing and reenacting, without amendments,  
18 Article – Education  
19 Section 5–312  
20 Annotated Code of Maryland  
21 (2018 Replacement Volume and 2020 Supplement)

22 BY repealing and reenacting, with amendments,  
23 Article – State Finance and Procurement  
24 Section 3–602.1(a) and (c) and 4–809(f)  
25 Annotated Code of Maryland  
26 (2015 Replacement Volume and 2020 Supplement)

27 BY repealing and reenacting, without amendments,

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Article – State Finance and Procurement  
2 Section 3–602.1(e) and 4–809(a)  
3 Annotated Code of Maryland  
4 (2015 Replacement Volume and 2020 Supplement)

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

7 **Article – Education**

8 5–312.

9 (a) In this section, “high performance building” has the meaning stated in §  
10 3–602.1 of the State Finance and Procurement Article.

11 (b) This section applies to the construction of new schools that have not initiated  
12 a Request For Proposal for the selection of an architectural and engineering consultant on  
13 or before July 1, 2009.

14 (c) Except as provided in subsection (d) of this section, a new school that receives  
15 State public school construction funds shall be constructed to be a high performance  
16 building.

17 (d) (1) The Interagency Commission shall establish a process to allow a school  
18 system to obtain a waiver from complying with subsection (c) of this section.

19 (2) The waiver process shall:

20 (i) Include a review by the Interagency Commission to determine if  
21 the construction of a high performance building is not practicable; and

22 (ii) Require the approval of a waiver by the Interagency Commission.

23 (e) For fiscal years 2010 through 2014 only, the State shall pay 50% of the local  
24 share of the extra costs, identified and approved by the Interagency Commission, that are  
25 incurred in constructing a new school to meet the high performance building requirements  
26 of this section.

27 (f) The Interagency Commission shall adopt regulations to implement the  
28 requirements of this section.

29 **Article – State Finance and Procurement**

30 3–602.1.

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

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

2 (i) [meets or exceeds] **ACHIEVES AT LEAST A SILVER RATING**  
3 **ACCORDING TO** the [current] **MOST RECENT** version of the U.S. Green Building Council’s  
4 **LEED (Leadership in Energy and Environmental Design) Green Building Rating System**  
5 **[Silver rating];**

6 (II) **IS A SCHOOL OR PUBLIC SAFETY BUILDING THAT:**

7 **1. ACHIEVES AT LEAST A CERTIFIED RATING**  
8 **ACCORDING TO THE MOST RECENT VERSION OF THE U.S. GREEN BUILDING**  
9 **COUNCIL’S LEED GREEN BUILDING RATING SYSTEM; AND**

10 **2. IS LOCATED IN AN AREA THAT IS:**

11 **A. SPARSELY DEVELOPED; AND**

12 **B. NOT SERVED BY QUALITY PUBLIC TRANSPORTATION;**

13 [(ii)] (III) achieves at least a comparable numeric rating according  
14 to a nationally recognized, accepted, and appropriate numeric sustainable development  
15 rating system, guideline, or standard approved by the Secretaries of Budget and  
16 Management and General Services; or

17 [(iii)] (IV) complies with a nationally recognized and accepted green  
18 building code, guideline, or standard reviewed and recommended by the Maryland Green  
19 Building Council and approved by the Secretaries of Budget and Management and General  
20 Services.

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

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

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

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

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

27 (i) capital projects [that are funded solely with] **FOR WHICH MORE**  
28 **THAN 25% OF THE FUNDING FOR THE ACQUISITION, CONSTRUCTION, OR**  
29 **RENOVATION OF THE PROJECT IS FROM** State funds; and

30 (ii) community college capital projects that receive State funds.

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

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

7           (2)     The waiver process shall:

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

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

13 4–809.

14           (a)     There is a Maryland Green Building Council.

15           (f)     The Maryland Green Building Council shall:

16                   (1)     evaluate current high performance building technologies;

17                   (2)     provide recommendations concerning the most cost-effective green  
18 building technologies that the State might consider requiring in the construction of State  
19 facilities, including consideration of the additional cost associated with the various  
20 technologies;

21                   (3)     provide recommendations concerning how to expand green building in  
22 the State;

23                   (4)     develop a list of building types for which green building technologies  
24 should not be applied, taking into consideration the operational aspects of facilities  
25 evaluated, and the utility of a waiver process where appropriate;

26                   (5)     establish a process for receiving public input; and

27                   (6)     [develop guidelines for new public school buildings to achieve the  
28 equivalent of the current version of the U.S. Green Building Council’s LEED (Leadership  
29 in Energy and Environmental Design) Green Building Rating System Silver rating or a  
30 comparable rating system or building code as authorized in § 3–602.1 of this article without  
31 requiring an independent certification that the buildings have achieved the required  
32 standards] **ENSURE THAT STATE BUILDINGS, PUBLIC SCHOOLS, AND COMMUNITY**  
33 **COLLEGES THAT ARE REQUIRED TO MEET THE HIGH PERFORMANCE BUILDING**

1 **REQUIREMENTS UNDER § 3-602.1 OF THIS ARTICLE OR § 5-312 OF THE EDUCATION**  
2 **ARTICLE MEET THOSE REQUIREMENTS.**

3       SECTION 2. AND BE IT FURTHER ENACTED, That any guidelines developed  
4 before July 1, 2021, by the Maryland Green Building Council to implement § 4-809(f)(6) of  
5 the State Finance and Procurement Article may not be used for a new public school building  
6 to meet the high performance building requirements under § 5-312 of the Education Article  
7 or § 3-602.1 of the State Finance and Procurement Article.

8       SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July  
9 1, 2021.