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By: **Delegates Morhaim, Barve, Boteler, Boutin, Bronrott, Burns, Busch, Cardin, V. Clagett, Cluster, Costa, Cryor, D. Davis, DeBoy, Feldman, Frush, Hammen, Haynes, Hubbard, Hurson, Kach, Kullen, Lee, McDonough, McHale, McIntosh, Moe, Murray, Nathan-Pulliam, Oaks, Pendergrass, Ross, Rudolph, Smigiel, Sophocleus, F. Turner, V. Turner, and Zirkin**

Introduced and read first time: January 21, 2005  
Assigned to: Health and Government Operations and Appropriations

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A BILL ENTITLED

1 AN ACT concerning

2 **Proposed Capital Projects - Planning - High Performance Buildings**

3 FOR the purpose of requiring a unit of State government requesting an appropriation  
4 for the preliminary planning of a proposed capital project to include in its  
5 program submission to the Department of Budget and Management a  
6 justification for proposing that the building is not appropriate for design as a  
7 high performance building; defining a certain term; and generally relating to the  
8 planning and design of high performance buildings in proposed capital projects.

9 BY repealing and reenacting, with amendments,  
10 Article - State Finance and Procurement  
11 Section 3-602(d)  
12 Annotated Code of Maryland  
13 (2001 Replacement Volume and 2004 Supplement)

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

16 **Article - State Finance and Procurement**

17 3-602.

18 (d) (1) IN THIS SUBSECTION, "HIGH PERFORMANCE BUILDING" MEANS A  
19 BUILDING THAT ACHIEVES AT LEAST:

20 (I) A SILVER RATING ACCORDING TO THE U.S. GREEN BUILDING  
21 COUNCIL'S LEED (LEADERSHIP IN ENERGY AND ENVIRONMENTAL DESIGN) GREEN  
22 BUILDING RATING SYSTEM AS ADOPTED IN 2001 BY THE MARYLAND GREEN  
23 BUILDING COUNCIL; OR

1 (II) A COMPARABLE NUMERIC RATING ACCORDING TO A  
2 NATIONALLY RECOGNIZED, ACCEPTED, AND APPROPRIATE NUMERIC SUSTAINABLE  
3 DEVELOPMENT RATING SYSTEM, GUIDELINE, OR STANDARD.

4 [(1)] (2) Before an appropriation may be authorized for preliminary  
5 planning of a proposed capital project:

6 (i) the unit of the State government requesting the appropriation  
7 shall submit to the Department a program describing, in detail[,]:

8 1. the scope and purpose of the project; and

9 2. THE JUSTIFICATION FOR PROPOSING THAT A BUILDING  
10 IN THE PROJECT IS NOT APPROPRIATE FOR DESIGN AS A HIGH PERFORMANCE  
11 BUILDING; AND

12 (ii) the Secretary of Budget and Management must approve the  
13 program.

14 [(2)] (3) Before an appropriation may be authorized for construction of a  
15 proposed capital project:

16 (i) the unit of State government requesting the appropriation shall  
17 submit to the Departments of Budget and Management and General Services a  
18 detailed design program, which shall include all information required by the  
19 Departments; and

20 (ii) both the Secretary of Budget and Management and the  
21 Secretary of General Services must approve the detailed design program.

22 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
23 October 1, 2005.