

---

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 Zirk**~~in~~ **Zirkin, Leopold, Benson, Bromwell, Donoghue, Elliott, Frank, Goldwater, Mandel, and Weldon**

Introduced and read first time: January 21, 2005

Assigned to: Health and Government Operations and Appropriations

---

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 25, 2005

---

## CHAPTER \_\_\_\_\_

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; requiring the Department to conduct a certain  
 8 review if a certain justification is submitted; defining a certain term; and  
 9 generally relating to the planning and design of high performance buildings in  
 10 proposed capital projects.

11 BY repealing and reenacting, with amendments,  
 12 Article - State Finance and Procurement  
 13 Section 3-602(d)  
 14 Annotated Code of Maryland  
 15 (2001 Replacement Volume and 2004 Supplement)

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

## Article - State Finance and Procurement

3-602.

(d) (1) (I) IN THIS ~~SUBSECTION PARAGRAPH~~, "HIGH PERFORMANCE BUILDING" MEANS A BUILDING THAT ~~ACHIEVES AT LEAST~~:

(H) 1. ACHIEVES AT LEAST A SILVER RATING ACCORDING TO THE U.S. GREEN BUILDING COUNCIL'S LEED (LEADERSHIP IN ENERGY AND ENVIRONMENTAL DESIGN) GREEN BUILDING RATING SYSTEM AS ADOPTED IN 2001 OR SUBSEQUENTLY BY THE MARYLAND GREEN BUILDING COUNCIL; OR

2. ACHIEVES AT LEAST A TWO GLOBE RATING ACCORDING TO THE GREEN GLOBES PROGRAM AS ADOPTED BY THE GREEN BUILDING INITIATIVE;

(H) 3. ACHIEVES AT LEAST A COMPARABLE NUMERIC RATING ACCORDING TO A NATIONALLY RECOGNIZED, ACCEPTED, AND APPROPRIATE NUMERIC SUSTAINABLE DEVELOPMENT RATING SYSTEM, GUIDELINE, OR STANDARD; OR

4. MEETS NATIONALLY RECOGNIZED, CONSENSUS-BASED, AND ACCEPTED GREEN BUILDING GUIDELINES, STANDARDS, OR SYSTEMS APPROVED BY THE STATE.

(II) 1. A UNIT OF STATE GOVERNMENT REQUESTING AN APPROPRIATION FOR PRELIMINARY PLANNING OF A PROPOSED CAPITAL PROJECT MAY INCLUDE IN ITS REQUEST A JUSTIFICATION FOR PROPOSING THAT A BUILDING IN THE PROJECT IS APPROPRIATE FOR DESIGN AS A HIGH PERFORMANCE BUILDING.

2. IF JUSTIFICATION IS SUBMITTED UNDER SUBSUBPARAGRAPH 1 OF THIS SUBPARAGRAPH CONCERNING A BUILDING IN A PROPOSED CAPITAL PROJECT, THE DEPARTMENT SHALL REVIEW WHETHER IT IS PRACTICABLE AND FISCALLY PRUDENT TO INCORPORATE IN THE CAPITAL PROJECT THE USE OF A COMPREHENSIVE PROCESS OF DESIGN AND CONSTRUCTION THAT WOULD RESULT IN THE BUILDING BEING A HIGH PERFORMANCE BUILDING.

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

(i) the unit of the State government requesting the appropriation shall submit to the Department a program describing, in detail, {

+ the scope and purpose of the project; and

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

1 (ii) the Secretary of Budget and Management must approve the  
2 program.

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

5 (i) the unit of State government requesting the appropriation shall  
6 submit to the Departments of Budget and Management and General Services a  
7 detailed design program, which shall include all information required by the  
8 Departments; and

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

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