

SENATE BILL 300

P2

71r1586
CF 71r2041

By: **Senators Brochin, Frosh, Garagiola, Klausmeier, Lenett, Peters, Pugh, Raskin, and Rosapepe**

Introduced and read first time: January 31, 2007

Assigned to: Budget and Taxation

A BILL ENTITLED

1 AN ACT concerning

2 **Proposed Capital Projects – High Performance Buildings**

3 FOR the purpose of requiring certain buildings to be high performance buildings
4 unless a unit of State government obtains a waiver from the Department of
5 Budget and Management; requiring the Department to establish a waiver
6 process on or before a certain date; providing for the minimum requirements of
7 the waiver process; and generally relating to the planning and design of high
8 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 (2006 Replacement Volume and 2006 Supplement)

14 BY adding to
15 Article – State Finance and Procurement
16 Section 3–602.1
17 Annotated Code of Maryland
18 (2006 Replacement Volume and 2006 Supplement)

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

21 **Article – State Finance and Procurement**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 3-602.

2 (d) (1) (i) In this paragraph, “high performance building” means a
3 building that:

4 1. achieves at least a silver rating according to the U.S.
5 Green Building Council’s LEED (Leadership in Energy and Environmental Design)
6 Green Building Rating System as adopted in 2001 or subsequently by the Maryland
7 Green Building Council;

8 2. achieves at least a two globe rating according to the
9 Green Globes Program as adopted by the Green Building Initiative;

10 3. achieves at least a comparable numeric rating
11 according to a nationally recognized, accepted, and appropriate numeric sustainable
12 development rating system, guideline, or standard; or

13 4. meets nationally recognized, consensus-based, and
14 accepted green building guidelines, standards, or systems approved by the State.

15 (ii) 1. **[A] EXCEPT AS PROVIDED IN § 3-602.1 OF THIS**
16 **SUBTITLE, A** unit of State government requesting an appropriation for preliminary
17 planning of a proposed capital project may include in its request a justification for
18 proposing that a building in the project is appropriate for design as a high
19 performance building.

20 2. **[If] EXCEPT AS PROVIDED IN § 3-602.1 OF THIS**
21 **SUBTITLE, IF** justification is submitted under subparagraph 1 of this
22 subparagraph concerning a building in a proposed capital project, the Department
23 shall review whether it is practicable and fiscally prudent to incorporate in the capital
24 project the use of a comprehensive process of design and construction that would
25 result in the building being a high performance building.

26 (2) Before an appropriation may be authorized for preliminary
27 planning of a proposed capital project:

28 (i) the unit of the State government requesting the
29 appropriation shall submit to the Department a program describing, in detail, the
30 scope and purpose of the project; and

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

3 (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
6 shall 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 **3-602.1.**

12 (A) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, IF A
13 CAPITAL PROJECT INCLUDES THE CONSTRUCTION OF A BUILDING THAT IS 7,500
14 SQUARE FEET OR GREATER, THE BUILDING SHALL BE CONSTRUCTED TO BE A
15 HIGH PERFORMANCE BUILDING, AS DEFINED IN § 3-602(D) OF THIS SUBTITLE.

16 (B) IF A CAPITAL PROJECT INCLUDES THE CONSTRUCTION OF A
17 BUILDING THAT IS 7,500 SQUARE FEET OR GREATER, THE BUILDING DOES NOT
18 HAVE TO BE A HIGH PERFORMANCE BUILDING IF THE UNIT OF STATE
19 GOVERNMENT THAT IS REQUESTING AN APPROPRIATION FOR PRELIMINARY
20 PLANNING OF THE PROJECT OBTAINS A WAIVER FROM THE DEPARTMENT IN
21 ACCORDANCE WITH SUBSECTION (C) OF THIS SECTION.

22 (C) (1) ON OR BEFORE DECEMBER 1, 2007, THE DEPARTMENT SHALL
23 ESTABLISH A PROCESS BY WHICH A UNIT OF STATE GOVERNMENT CAN OBTAIN A
24 WAIVER FROM COMPLYING WITH SUBSECTION (A) OF THIS SECTION.

25 (2) THE WAIVER PROCESS, AT A MINIMUM, SHALL INCLUDE:

26 (I) A LIST OF APPROVED BUILDING TYPES THAT ARE NOT
27 REQUIRED TO BE HIGH PERFORMANCE BUILDINGS, INCLUDING:

28 1. SCHOOLS;

29 2. WAREHOUSES; AND

1 **3. GARAGES;**

2 **(II) A STANDARD OF REVIEW BY THE DEPARTMENT TO**
3 **DETERMINE WHETHER THE USE OF A HIGH PERFORMANCE BUILDING IN A**
4 **PROPOSED CAPITAL PROJECT IS PRACTICABLE AND FISCALLY PRUDENT; AND**

5 **(III) A LIMIT ON THE NUMBER OF WAIVERS THAT A UNIT OF**
6 **STATE GOVERNMENT MAY OBTAIN WITHIN A 3-YEAR PERIOD.**

7 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
8 October 1, 2007.