

SENATE BILL 332

P2

71r0451

By: **Senators Frosh and Brochin**

Introduced and read first time: February 1, 2007

Assigned to: Budget and Taxation

A BILL ENTITLED

1 AN ACT concerning

2 **High Performance Buildings Act**

3 FOR the purpose of requiring certain buildings to be high performance buildings;
4 requiring certain buildings that are renovated to be high performance buildings
5 under certain circumstances; exempting certain building types from certain
6 high performance building standards; requiring certain buildings rented by the
7 State to be high performance buildings; providing for the applicability of this
8 Act; defining a term; and generally relating to high performance buildings.

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

31 (ii) the Secretary of Budget and Management must approve the
32 program.

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

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

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

9 **3-602.1.**

10 (A) (1) **EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS**
11 **SUBSECTION, IF A CAPITAL PROJECT INCLUDES THE CONSTRUCTION OF A**
12 **BUILDING THAT IS 5,000 SQUARE FEET OR GREATER, THE BUILDING SHALL BE**
13 **CONSTRUCTED TO BE A HIGH PERFORMANCE BUILDING, AS DEFINED IN**
14 **§ 3-602(D) OF THIS SUBTITLE.**

15 (2) (I) **FOR THE PURPOSES OF THIS PARAGRAPH, “MAJOR**
16 **RENOVATION” MEANS THE RENOVATION OF A BUILDING WHERE:**

17 1. **THE COST OF THE RENOVATION IS GREATER THAN**
18 **50% OF THE BUILDING’S ASSESSED VALUE; AND**

19 2. **THE SCOPE OF THE RENOVATION IS 5,000 SQUARE**
20 **FEET OR GREATER.**

21 (II) **EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS**
22 **SUBSECTION, IF A CAPITAL PROJECT INCLUDES THE MAJOR RENOVATION OF A**
23 **BUILDING, THE BUILDING SHALL BE RENOVATED TO BE A HIGH PERFORMANCE**
24 **BUILDING, AS DEFINED IN § 3-602(D) OF THIS SUBTITLE.**

25 (3) **THE FOLLOWING TYPES OF UNOCCUPIED BUILDINGS ARE NOT**
26 **REQUIRED TO BE CONSTRUCTED OR RENOVATED TO BE HIGH PERFORMANCE**
27 **BUILDINGS:**

28 (I) **WAREHOUSE AND STORAGE FACILITIES;**

- 1 **(II) GARAGES;**
2 **(III) MAINTENANCE FACILITIES;**
3 **(IV) TRANSMITTER BUILDINGS;**
4 **(V) PUMPING STATIONS; AND**
5 **(VI) OTHER SIMILAR TYPES OF BUILDINGS, AS DETERMINED**
6 **BY THE DEPARTMENT.**

7 **(B) ANY BUILDING THAT IS 5,000 SQUARE FEET OR GREATER AND THAT**
8 **IS RENTED WITH STATE FUNDS FOR USE BY UNITS OF STATE GOVERNMENT**
9 **SHALL BE A HIGH PERFORMANCE BUILDING.**

10 SECTION 2. AND BE IT FURTHER ENACTED, That Section 1 of this Act shall
11 apply to capital projects that have not initiated a Request For Proposal for the
12 selection of an architectural and engineering consultant on or before the effective date
13 of this Act.

14 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
15 October 1, 2007.