

SENATE BILL 332

P2

71r0451

By: **Senators Frosh and Brochin**

Introduced and read first time: February 1, 2007

Assigned to: Budget and Taxation

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: April 2, 2007

CHAPTER _____

1 AN ACT concerning

2 **High Performance Buildings Act**
3 **Maryland Green Building Council**

4 FOR the purpose of ~~requiring certain buildings to be high performance buildings;~~
5 ~~requiring certain buildings that are renovated to be high performance buildings~~
6 ~~under certain circumstances; exempting certain building types from certain~~
7 ~~high performance building standards; requiring certain buildings rented by the~~
8 ~~State to be high performance buildings; providing for the applicability of this~~
9 ~~Act; defining a term; and generally relating to high performance buildings~~
10 establishing the Maryland Green Building Council in the Department of
11 General Services; providing for the membership and terms of the Council;
12 prohibiting certain members of the Council from receiving compensation for
13 serving on the Council; authorizing certain members of the Council to receive
14 reimbursement for certain expenses; requiring the Governor to appoint the
15 chair; providing that the Council may act with an affirmative vote of a certain
16 number of members; requiring the Department of General Services to provide
17 certain staff support to the Council; requiring certain other agencies and units
18 of State government to furnish assistance to the Council under certain
19 circumstances; providing for duties of the Council to be accomplished on or
20 before a certain date; requiring a certain report by the Council; and generally
21 relating to the Maryland Green Building Council.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 ~~BY repealing and reenacting, with amendments,~~
 2 ~~Article – State Finance and Procurement~~
 3 ~~Section 3-602(d)~~
 4 ~~Annotated Code of Maryland~~
 5 ~~(2006 Replacement Volume and 2006 Supplement)~~

6 BY adding to
 7 Article – State Finance and Procurement
 8 Section ~~3-602.1~~ 4-809
 9 Annotated Code of Maryland
 10 (2006 Replacement Volume and 2006 Supplement)

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

13 **Article – State Finance and Procurement**

14 ~~3-602.~~

15 ~~(d) (1) (i) In this paragraph, “high performance building” means a~~
 16 ~~building that:~~

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

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

23 ~~3. achieves at least a comparable numeric rating~~
 24 ~~according to a nationally recognized, accepted, and appropriate numeric sustainable~~
 25 ~~development rating system, guideline, or standard; or~~

26 ~~4. meets nationally recognized, consensus based, and~~
 27 ~~accepted green building guidelines, standards, or systems approved by the State.~~

28 ~~(ii) 1. [A] EXCEPT AS PROVIDED IN § 3-602.1 OF THIS~~
 29 ~~SUBTITLE, A unit of State government requesting an appropriation for preliminary~~
 30 ~~planning of a proposed capital project may include in its request a justification for~~

1 ~~proposing that a building in the project is appropriate for design as a high~~
2 ~~performance building.~~

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

9 ~~(2) Before an appropriation may be authorized for preliminary~~
10 ~~planning of a proposed capital project:~~

11 ~~(i) the unit of the State government requesting the~~
12 ~~appropriation shall submit to the Department a program describing, in detail, the~~
13 ~~scope and purpose of the project; and~~

14 ~~(ii) the Secretary of Budget and Management must approve the~~
15 ~~program.~~

16 ~~(3) Before an appropriation may be authorized for construction of a~~
17 ~~proposed capital project:~~

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

22 ~~(ii) both the Secretary of Budget and Management and the~~
23 ~~Secretary of General Services must approve the detailed design program.~~

24 ~~**3-602.1.**~~

25 ~~(A) (1) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS~~
26 ~~SUBSECTION, IF A CAPITAL PROJECT INCLUDES THE CONSTRUCTION OF A~~
27 ~~BUILDING THAT IS 5,000 SQUARE FEET OR GREATER, THE BUILDING SHALL BE~~
28 ~~CONSTRUCTED TO BE A HIGH PERFORMANCE BUILDING, AS DEFINED IN~~
29 ~~§ 3-602(D) OF THIS SUBTITLE.~~

1 ~~(2) (i) FOR THE PURPOSES OF THIS PARAGRAPH, "MAJOR~~
2 ~~RENOVATION" MEANS THE RENOVATION OF A BUILDING WHERE:~~

3 ~~1. THE COST OF THE RENOVATION IS GREATER THAN~~
4 ~~50% OF THE BUILDING'S ASSESSED VALUE; AND~~

5 ~~2. THE SCOPE OF THE RENOVATION IS 5,000 SQUARE~~
6 ~~FEET OR GREATER.~~

7 ~~(ii) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS~~
8 ~~SUBSECTION, IF A CAPITAL PROJECT INCLUDES THE MAJOR RENOVATION OF A~~
9 ~~BUILDING, THE BUILDING SHALL BE RENOVATED TO BE A HIGH PERFORMANCE~~
10 ~~BUILDING, AS DEFINED IN § 3-602(D) OF THIS SUBTITLE.~~

11 ~~(3) THE FOLLOWING TYPES OF UNOCCUPIED BUILDINGS ARE NOT~~
12 ~~REQUIRED TO BE CONSTRUCTED OR RENOVATED TO BE HIGH PERFORMANCE~~
13 ~~BUILDINGS:~~

14 ~~(i) WAREHOUSE AND STORAGE FACILITIES;~~

15 ~~(ii) GARAGES;~~

16 ~~(iii) MAINTENANCE FACILITIES;~~

17 ~~(iv) TRANSMITTER BUILDINGS;~~

18 ~~(v) PUMPING STATIONS; AND~~

19 ~~(vi) OTHER SIMILAR TYPES OF BUILDINGS, AS DETERMINED~~
20 ~~BY THE DEPARTMENT.~~

21 ~~(b) ANY BUILDING THAT IS 5,000 SQUARE FEET OR GREATER AND THAT~~
22 ~~IS RENTED WITH STATE FUNDS FOR USE BY UNITS OF STATE GOVERNMENT~~
23 ~~SHALL BE A HIGH PERFORMANCE BUILDING.~~

24 4-809.

25 (A) THERE IS A MARYLAND GREEN BUILDING COUNCIL.

1 **(B) THE COUNCIL SHALL INCLUDE:**

2 **(1) THE SECRETARY OF GENERAL SERVICES, OR THE**
3 **SECRETARY'S DESIGNEE;**

4 **(2) THE SECRETARY OF BUDGET AND MANAGEMENT, OR THE**
5 **SECRETARY'S DESIGNEE;**

6 **(3) THE SECRETARY OF THE ENVIRONMENT, OR THE**
7 **SECRETARY'S DESIGNEE;**

8 **(4) THE SECRETARY OF HOUSING AND COMMUNITY**
9 **DEVELOPMENT, OR THE SECRETARY'S DESIGNEE;**

10 **(5) THE SECRETARY OF NATURAL RESOURCES, OR THE**
11 **SECRETARY'S DESIGNEE;**

12 **(6) THE SECRETARY OF PLANNING, OR THE SECRETARY'S**
13 **DESIGNEE;**

14 **(7) THE SECRETARY OF TRANSPORTATION, OR THE SECRETARY'S**
15 **DESIGNEE;**

16 **(8) THE DIRECTOR OF THE MARYLAND ENERGY**
17 **ADMINISTRATION, OR THE DIRECTOR'S DESIGNEE;**

18 **(9) THE DIRECTOR OF THE INTERAGENCY COMMITTEE ON**
19 **PUBLIC SCHOOL CONSTRUCTION, OR THE DIRECTOR'S DESIGNEE;**

20 **(10) THE CHANCELLOR OF THE UNIVERSITY SYSTEM OF**
21 **MARYLAND, OR THE CHANCELLOR'S DESIGNEE; AND**

22 **(11) SIX MEMBERS APPOINTED BY THE GOVERNOR TO REPRESENT**
23 **ENVIRONMENTAL, BUSINESS, AND CITIZEN INTERESTS, ONE OF WHOM HAS**
24 **EXPERTISE IN ENERGY CONSERVATION OR GREEN BUILDING DESIGN**
25 **STANDARDS.**

26 **(C) (1) THE TERM OF A MEMBER APPOINTED BY THE GOVERNOR IS 2**
27 **YEARS.**

1 **(2) THE TERMS OF APPOINTED MEMBERS ARE STAGGERED.**

2 **(3) AT THE END OF A TERM, A MEMBER CONTINUES TO SERVE**
3 **UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES.**

4 **(4) A MEMBER WHO IS APPOINTED AFTER A TERM HAS BEGUN**
5 **SERVES ONLY FOR THE REMAINDER OF THAT TERM AND UNTIL A SUCCESSOR IS**
6 **APPOINTED AND QUALIFIES.**

7 **(5) THE GOVERNOR MAY REMOVE AN APPOINTED MEMBER FOR**
8 **INCOMPETENCE, MISCONDUCT, OR FAILURE TO PERFORM THE DUTIES OF THE**
9 **POSITION.**

10 **(6) A MEMBER APPOINTED BY THE GOVERNOR MAY NOT RECEIVE**
11 **COMPENSATION, BUT IS ENTITLED TO REIMBURSEMENT FOR EXPENSES UNDER**
12 **THE STANDARD STATE TRAVEL REGULATIONS, AS PROVIDED IN THE STATE**
13 **BUDGET.**

14 **(D) (1) THE GOVERNOR SHALL APPOINT A CHAIR FROM AMONG THE**
15 **COUNCIL MEMBERS.**

16 **(2) THE COUNCIL MAY ACT WITH AN AFFIRMATIVE VOTE OF NINE**
17 **MEMBERS.**

18 **(E) STAFF SUPPORT TO THE COUNCIL SHALL BE PROVIDED BY THE**
19 **DEPARTMENT OF GENERAL SERVICES, WITH ASSISTANCE AS NECESSARY TO BE**
20 **FURNISHED BY OTHER INVOLVED AGENCIES AND UNITS OF STATE**
21 **GOVERNMENT.**

22 **(F) ON OR BEFORE SEPTEMBER 30, 2007, THE MARYLAND GREEN**
23 **BUILDING COUNCIL SHALL:**

24 **(1) EVALUATE CURRENT HIGH PERFORMANCE BUILDING**
25 **TECHNOLOGIES;**

26 **(2) PROVIDE RECOMMENDATIONS CONCERNING THE MOST**
27 **COST-EFFECTIVE GREEN BUILDING TECHNOLOGIES THAT THE STATE MIGHT**
28 **CONSIDER REQUIRING IN THE CONSTRUCTION OF STATE FACILITIES,**

1 INCLUDING CONSIDERATION OF THE ADDITIONAL COST ASSOCIATED WITH THE
2 VARIOUS TECHNOLOGIES; AND

3 (3) DEVELOP A LIST OF BUILDING TYPES FOR WHICH GREEN
4 BUILDING TECHNOLOGIES SHOULD NOT BE APPLIED, TAKING INTO
5 CONSIDERATION THE OPERATIONAL ASPECTS OF FACILITIES EVALUATED, AND
6 THE UTILITY OF A WAIVER PROCESS WHERE APPROPRIATE.

7 (G) ON OR BEFORE NOVEMBER 1, 2007, AND EVERY YEAR THEREAFTER,
8 THE COUNCIL SHALL REPORT TO THE GOVERNOR AND THE GENERAL
9 ASSEMBLY, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT
10 ARTICLE, AS TO RECOMMENDATIONS FOR THE IMPLEMENTATION PLAN FOR A
11 STATE HIGHER PERFORMANCE BUILDING PROGRAM AND ANY PROGRESS THAT
12 HAS BEEN MADE DURING THE PRECEDING YEAR.

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

17 SECTION ~~2.~~ 2. AND BE IT FURTHER ENACTED, That this Act shall take
18 effect ~~October~~ June 1, 2007.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.