

# CHAPTER 116

(House Bill 942)

AN ACT concerning

## ~~High Performance Buildings Act~~ Maryland Green Building Council

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

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

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

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

## Article – State Finance and Procurement

### ~~3-602.~~

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

~~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;~~

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

~~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] Except as provided in § 3-602.1 of this SUBTITLE, 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] EXCEPT AS PROVIDED IN § 3-602.1 OF THIS SUBTITLE, IF justification is submitted under subparagraph 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.~~

~~(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~~

~~(ii) the Secretary of Budget and Management must approve the program;~~

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

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

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

### ~~3-602.1.~~

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

~~(B) (1) FOR THE PURPOSES OF THIS SUBSECTION, "MAJOR RENOVATION" MEANS THE RENOVATION OF A BUILDING WHERE:~~

~~(I) THE COST OF THE RENOVATION IS GREATER THAN 50% OF THE BUILDING'S ASSESSED VALUE; AND~~

~~(II) THE SCOPE OF THE RENOVATION IS 5,000 SQUARE FEET OR GREATER.~~

~~(2) EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, IF A CAPITAL PROJECT INCLUDES THE MAJOR RENOVATION OF A BUILDING, THE BUILDING SHALL BE RENOVATED TO BE A HIGH PERFORMANCE BUILDING, AS DEFINED IN § 3-602(D) OF THIS SUBTITLE.~~

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

~~(1) WAREHOUSE AND STORAGE FACILITIES;~~

- ~~(2) GARAGES;~~
- ~~(3) MAINTENANCE FACILITIES;~~
- ~~(4) TRANSMITTER BUILDINGS;~~
- ~~(5) PUMPING STATIONS; AND~~
- ~~(6) OTHER SIMILAR TYPES OF BUILDINGS, AS DETERMINED BY THE DEPARTMENT.~~

**4-809.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(1) EVALUATE CURRENT HIGH PERFORMANCE BUILDING TECHNOLOGIES;

(2) PROVIDE RECOMMENDATIONS CONCERNING THE MOST COST-EFFECTIVE GREEN BUILDING TECHNOLOGIES THAT THE STATE MIGHT CONSIDER REQUIRING IN THE CONSTRUCTION OF STATE FACILITIES, INCLUDING CONSIDERATION OF THE ADDITIONAL COST ASSOCIATED WITH THE VARIOUS TECHNOLOGIES; AND

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

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

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

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

Approved by the Governor, April 24, 2007.