

HOUSE BILL 23

P2, M3

8lr0517

(PRE-FILED)

By: **Delegate Manno**

Requested: August 21, 2007

Introduced and read first time: January 9, 2008

Assigned to: Health and Government Operations and Appropriations

A BILL ENTITLED

1 AN ACT concerning

2 **Maryland Green Buildings Standards Act of 2008**

3 FOR the purpose of requiring certain buildings to be high performance buildings
4 under certain circumstances; requiring the Department of Budget and
5 Management to conduct a certain analysis of the costs and benefits of requiring
6 certain buildings to be high performance buildings; requiring the Department to
7 waive certain high performance building requirements under certain
8 circumstances; requiring the Board of Public Works to adopt regulations to
9 increase by a certain amount the State's share of public school construction
10 funding for certain renovations of a public school as a high performance
11 building; and generally relating to certain requirements for certain capital
12 projects to be constructed as high performance buildings.

13 BY repealing and reenacting, with amendments,
14 Article – State Finance and Procurement
15 Section 3–602(d)
16 Annotated Code of Maryland
17 (2006 Replacement Volume and 2007 Supplement)

18 BY adding to
19 Article – State Finance and Procurement
20 Section 3–602.1
21 Annotated Code of Maryland
22 (2006 Replacement Volume and 2007 Supplement)

23 BY repealing and reenacting, without amendments,
24 Article – Education
25 Section 5–301(a), (b)(1), and (d)(1)
26 Annotated Code of Maryland
27 (2006 Replacement Volume and 2007 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 BY repealing and reenacting, with amendments,
2 Article – Education
3 Section 5–301(d)(3)
4 Annotated Code of Maryland
5 (2006 Replacement Volume and 2007 Supplement)

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

8 **Article – State Finance and Procurement**

9 3–602.

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

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

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

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

21 4. meets nationally recognized, consensus–based, and
22 accepted green building guidelines, standards, or systems approved by the State.

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

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

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

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

4 (ii) the Secretary of Budget and Management must approve the
5 program.

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

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

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

14 **3-602.1.**

15 (A) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, THE
16 FOLLOWING CAPITAL PROJECTS SHALL BE CONSTRUCTED TO BE HIGH
17 PERFORMANCE BUILDINGS AS DEFINED IN § 3-602(D) OF THIS SUBTITLE:

18 (1) NEW CONSTRUCTION OF A BUILDING THAT IS PROJECTED TO
19 COST \$5,000,000 OR MORE, OF WHICH \$2,000,000 OR MORE IS TO BE PROVIDED
20 BY THE STATE;

21 (2) RENOVATION OF A BUILDING THAT IS PROJECTED TO COST
22 \$2,000,000 OR MORE, OF WHICH \$2,000,000 OR MORE IS TO BE PROVIDED BY
23 THE STATE; AND

24 (3) RENOVATION OF A PUBLIC SCHOOL FACILITY THAT IS
25 PROJECTED TO COST \$2,000,000 OR MORE, OF WHICH \$2,000,000 OR MORE IS
26 TO BE PROVIDED BY THE STATE.

27 (B) (1) THE DEPARTMENT SHALL CONDUCT AN ANALYSIS OF A
28 CAPITAL PROJECT THAT IS SUBJECT TO THE REQUIREMENTS OF SUBSECTION
29 (A) OF THIS SECTION TO DETERMINE WHETHER THE COST OF COMPLIANCE
30 WITH SUBSECTION (A) OF THIS SECTION SIGNIFICANTLY OUTWEIGHS THE
31 BENEFITS OF COMPLIANCE.

32 (2) IF THE DEPARTMENT FINDS THAT THE COST OF COMPLIANCE
33 WITH THE REQUIREMENTS OF SUBSECTION (A) OF THIS SECTION

1 SIGNIFICANTLY OUTWEIGHS THE BENEFITS OF COMPLIANCE, THE
2 DEPARTMENT SHALL WAIVE THE REQUIREMENTS SET FORTH IN SUBSECTION
3 (A) OF THIS SECTION.

4 **Article – Education**

5 5–301.

6 (a) In this subtitle, “Interagency Committee” means the Interagency
7 Committee on School Construction established under § 5–302 of this subtitle.

8 (b) (1) For the purposes of this section other than subsection (c), the
9 Board of Public Works shall define by regulation what constitutes an eligible and
10 ineligible public school construction or capital improvement cost.

11 (d) (1) The Board of Public Works may adopt regulations for the
12 administration of the programs provided for in this section.

13 (3) The regulations adopted by the Board of Public Works shall
14 contain provisions:

15 (i) Establishing a State and local cost–share formula for each
16 county that identifies the factors used in establishing the formulas;

17 (ii) Requiring local education agencies to adopt educational
18 facilities master plans and annual capital improvement programs;

19 (iii) Providing a method for establishing a maximum State
20 construction allocation for each project approved for State funding;

21 (iv) Referencing the policies stated in § 5–7B–07 of the State
22 Finance and Procurement Article;

23 (v) Requiring local school systems to adopt procedures
24 consistent with the minority business enterprise policies of the State as required
25 under the Code of Maryland Regulations;

26 (vi) Establishing a process for the appeal of decisions by the
27 Interagency Committee to the Board of Public Works;

28 (vii) Requiring local education agencies to adopt, implement, and
29 periodically update comprehensive maintenance plans; [and]

30 (viii) Authorizing the Board of Public Works to withhold State
31 public school construction funds from a local education agency that fails to comply
32 with the requirements of item (vii) of this paragraph; **AND**

1 **(IX) INCREASING BY 2% THE STATE'S SHARE OF FUNDING**
2 **UNDER THE FORMULA ESTABLISHED UNDER ITEM (I) OF THIS PARAGRAPH FOR**
3 **RENOVATION OF A PUBLIC SCHOOL AS A HIGH PERFORMANCE BUILDING UNDER**
4 **§ 3-602.1 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.**

5 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
6 October 1, 2008.