

HOUSE BILL 5

P1, M3

9lr0390

(PRE-FILED)

By: **Delegate Cardin**

Requested: July 3, 2008

Introduced and read first time: January 14, 2009

Assigned to: Economic Matters and Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **State Government – Operation of State Building Cooling Systems**

3 FOR the purpose of requiring that certain State building cooling systems be regulated
4 to maintain an inside air temperature that is no colder than a certain minimum
5 temperature when the cooling system is in operation; requiring that certain
6 State building cooling systems, during certain periods on certain level 1 and
7 level 2 load reduction days, be regulated to maintain inside air temperatures
8 that are no colder than certain minimum temperatures when the cooling system
9 is in operation; requiring the Maryland Energy Administration to adopt
10 regulations on or before a certain date to establish procedures and criteria for
11 designating level 1 and level 2 load reduction days; providing that the
12 regulations may not become effective before a certain date; requiring the
13 Department of General Services, after each fiscal year, to calculate certain
14 savings in energy costs realized by the State as a result of certain load reduction
15 measures; requiring the Department of General Services to submit a certain
16 report regarding certain savings in energy costs to the Governor and General
17 Assembly on or before a certain date each year; requiring the Governor to make
18 a General Fund appropriation of a certain amount to a certain fund for each
19 fiscal year, beginning with a certain fiscal year; altering the definitions of level
20 1 and level 2 load reduction days to authorize the Maryland Energy
21 Administration to designate level 1 and level 2 load reduction days; providing
22 for a delayed effective date for certain provisions of this Act; defining certain
23 terms; and generally relating to the operation of cooling systems in State
24 buildings.

25 BY adding to

26 Article – State Government

27 Section 10–1301 through 10–1305 to be under the new subtitle “Subtitle 13.

28 Operation of Building Cooling Systems”

29 Annotated Code of Maryland

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (2004 Replacement Volume and 2008 Supplement)

2 BY repealing and reenacting, with amendments,
3 Article – State Government
4 Section 10–1301
5 Annotated Code of Maryland
6 (2004 Replacement Volume and 2008 Supplement)
7 (As enacted by Section 1 of this Act)

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

10 **Article – State Government**

11 **SUBTITLE 13. OPERATION OF BUILDING COOLING SYSTEMS.**

12 **10–1301.**

13 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
14 INDICATED.

15 (B) “AIR QUALITY INDEX” HAS THE MEANING STATED IN 40 C.F.R. §
16 58.50.

17 (C) “BALTIMORE AIR QUALITY INDEX” MEANS THE AIR QUALITY INDEX
18 FOR THE METROPOLITAN STATISTICAL AREA THAT INCLUDES BALTIMORE
19 CITY.

20 (D) “BALTIMORE AIR QUALITY INDEX FORECAST” MEANS THE
21 FORECASTED BALTIMORE AIR QUALITY INDEX FOR A PARTICULAR DAY AS OF
22 12:00 NOON ON THE PRECEDING DAY.

23 (E) “LEVEL 1 LOAD REDUCTION DAY” MEANS A WORKDAY FOR WHICH
24 THE BALTIMORE AIR QUALITY INDEX FORECAST INDICATES A POLLUTANT
25 LEVEL OF 101 TO 150.

26 (F) “LEVEL 2 LOAD REDUCTION DAY” MEANS A WORKDAY FOR WHICH
27 THE BALTIMORE AIR QUALITY INDEX FORECAST INDICATES A POLLUTANT
28 LEVEL OF 151 OR HIGHER.

29 (G) “METROPOLITAN STATISTICAL AREA” HAS THE MEANING STATED
30 IN 40 C.F.R. PART 58.

31 (H) “STATE BUILDING” MEANS A BUILDING THAT IS OWNED BY THE
32 STATE.

1 **(I) "WORKDAY" MEANS ANY DAY THAT IS NOT A SATURDAY, SUNDAY,**
2 **OR STATE HOLIDAY.**

3 **10-1302.**

4 **(A) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, IF A**
5 **STATE BUILDING'S COOLING SYSTEM IS IN OPERATION, THE COOLING SYSTEM**
6 **SHALL BE REGULATED TO MAINTAIN AN INSIDE AIR TEMPERATURE THAT IS NO**
7 **COLDER THAN 78 DEGREES FAHRENHEIT.**

8 **(B) (1) ON A LEVEL 1 LOAD REDUCTION DAY, IF A STATE BUILDING'S**
9 **COOLING SYSTEM IS IN OPERATION, THE COOLING SYSTEM SHALL BE**
10 **REGULATED FROM 8:00 A.M. TO 8:00 P.M. TO MAINTAIN AN INSIDE AIR**
11 **TEMPERATURE THAT IS NO COLDER THAN 80 DEGREES FAHRENHEIT.**

12 **(2) ON A LEVEL 2 LOAD REDUCTION DAY, IF A STATE BUILDING'S**
13 **COOLING SYSTEM IS IN OPERATION, THE COOLING SYSTEM SHALL BE**
14 **REGULATED FROM 8:00 A.M. TO 8:00 P.M. TO MAINTAIN AN INSIDE AIR**
15 **TEMPERATURE THAT IS NO COLDER THAN 82 DEGREES FAHRENHEIT.**

16 **10-1303.**

17 **(A) (1) ON OR BEFORE JANUARY 1, 2011, THE MARYLAND ENERGY**
18 **ADMINISTRATION, IN CONSULTATION WITH THE PUBLIC SERVICE COMMISSION**
19 **AND THE DEPARTMENT OF THE ENVIRONMENT, SHALL ADOPT REGULATIONS TO**
20 **ESTABLISH PROCEDURES AND CRITERIA FOR DESIGNATING LEVEL 1 AND LEVEL**
21 **2 LOAD REDUCTION DAYS.**

22 **(2) CRITERIA FOR DESIGNATING LEVEL 1 AND LEVEL 2 LOAD**
23 **REDUCTION DAYS MAY INCLUDE:**

24 **(I) FORECASTED ELECTRICITY LOADS FOR THE MARYLAND**
25 **REGION;**

26 **(II) LOCAL AND REGIONAL AIR QUALITY FORECASTS; AND**

27 **(III) ANY OTHER RELEVANT CRITERIA.**

28 **(B) THE REGULATIONS ADOPTED UNDER THIS SECTION MAY NOT**
29 **BECOME EFFECTIVE UNTIL JANUARY 1, 2011.**

30 **10-1304.**

1 (A) (1) AFTER EACH FISCAL YEAR, BEGINNING WITH FISCAL YEAR
2 **2010, THE DEPARTMENT OF GENERAL SERVICES, IN CONSULTATION WITH THE**
3 **MARYLAND ENERGY ADMINISTRATION, SHALL CALCULATE THE ESTIMATED**
4 **TOTAL SAVINGS IN ENERGY COSTS REALIZED BY THE STATE FOR THE FISCAL**
5 **YEAR AS A RESULT OF THE ELECTRICITY LOAD REDUCTION MEASURES**
6 **REQUIRED BY § 10-1302(B) OF THIS SUBTITLE.**

7 (2) IN CALCULATING THE ESTIMATED SAVINGS IN ENERGY COSTS
8 UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE DEPARTMENT OF GENERAL
9 SERVICES SHALL DETERMINE THE DIFFERENCE BETWEEN:

10 (I) THE ESTIMATED ACTUAL ENERGY COSTS TO THE STATE
11 OF OPERATING STATE BUILDING COOLING SYSTEMS BETWEEN 8:00 A.M. AND
12 8:00 P.M. ON EACH LEVEL 1 AND LEVEL 2 LOAD REDUCTION DAY; AND

13 (II) THE ESTIMATED ENERGY COSTS THE STATE WOULD
14 HAVE INCURRED IF STATE BUILDING COOLING SYSTEMS WERE OPERATED TO
15 MAINTAIN AN AIR TEMPERATURE OF 78 DEGREES FAHRENHEIT BETWEEN 8:00
16 A.M. AND 8:00 P.M. ON LEVEL 1 AND LEVEL 2 LOAD REDUCTION DAYS.

17 (B) (1) ON OR BEFORE OCTOBER 1, 2010, AND EACH YEAR
18 THEREAFTER, THE DEPARTMENT OF GENERAL SERVICES SHALL REPORT TO
19 THE GOVERNOR AND, IN ACCORDANCE WITH § 2-1246 OF THE STATE
20 GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY ON THE SAVINGS IN ENERGY
21 COSTS REALIZED BY THE STATE FOR THE PRIOR FISCAL YEAR AS A RESULT OF
22 THE ELECTRICITY LOAD REDUCTION MEASURES REQUIRED BY § 10-1302(B) OF
23 THIS SUBTITLE.

24 (2) THE REPORT SHALL:

25 (I) INDICATE THE NUMBER OF DAYS IN THE PRIOR FISCAL
26 YEAR THAT WERE:

27 1. LEVEL 1 LOAD REDUCTION DAYS; AND

28 2. LEVEL 2 LOAD REDUCTION DAYS;

29 (II) INCLUDE THE ESTIMATE OF TOTAL SAVINGS IN ENERGY
30 COSTS FOR THE PRIOR FISCAL YEAR, AS CALCULATED UNDER SUBSECTION (A)
31 OF THIS SECTION; AND

32 (III) INCLUDE A DESCRIPTION OF THE METHOD USED TO
33 ESTIMATE ENERGY COSTS.

1 **10-1305.**

2 (A) BEGINNING WITH FISCAL YEAR 2012, THE GOVERNOR SHALL
3 INCLUDE IN THE ANNUAL BUDGET BILL A GENERAL FUND APPROPRIATION TO
4 THE MARYLAND STRATEGIC ENERGY INVESTMENT FUND IN THE AMOUNT
5 PROVIDED IN SUBSECTION (B) OF THIS SECTION.

6 (B) THE AMOUNT OF THE APPROPRIATION SHALL BE EQUAL TO THE
7 STATE'S ESTIMATED TOTAL SAVINGS IN ENERGY COSTS FOR THE FISCAL YEAR 2
8 YEARS BEFORE THE FISCAL YEAR FOR WHICH THE APPROPRIATION IS MADE, AS
9 REPORTED BY THE DEPARTMENT OF GENERAL SERVICES UNDER § 10-1304 OF
10 THIS SUBTITLE.

11 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland
12 read as follows:

13 **Article - State Government**

14 10-1301.

15 (a) In this subtitle the following words have the meanings indicated.

16 (b) ["Air quality index" has the meaning stated in 40 C.F.R. § 58.50.

17 (c) "Baltimore air quality index" means the air quality index for the
18 Metropolitan Statistical Area that includes Baltimore City.

19 (d) "Baltimore air quality index forecast" means the forecasted Baltimore air
20 quality index for a particular day as forecasted at 12:00 noon on the preceding day.

21 (e) "Level 1 load reduction day" means a workday [for which the Baltimore
22 air quality index forecast indicates a pollutant level of 101 to 150] **THAT THE**
23 **MARYLAND ENERGY ADMINISTRATION DESIGNATES AS A LEVEL 1 LOAD**
24 **REDUCTION DAY UNDER THIS SUBTITLE.**

25 [(f)] (C) "Level 2 load reduction day" means a workday [for which the
26 Baltimore air quality index forecast indicates a pollutant level of 151 or higher] **THAT**
27 **THE MARYLAND ENERGY ADMINISTRATION DESIGNATES AS A LEVEL 2 LOAD**
28 **REDUCTION DAY UNDER THIS SUBTITLE.**

29 [(g)] "Metropolitan Statistical Area" has the meaning stated in 40 C.F.R. Part
30 58.

31 (h)] (D) "State building" means a building that is owned by the State.

1 [(i)] (E) “Workday” means any day that is not a Saturday, Sunday, or State
2 holiday.

3 SECTION 3. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall
4 take effect January 1, 2011.

5 SECTION 4. AND BE IT FURTHER ENACTED, That, except as provided in
6 Section 3 of this Act, this Act shall take effect July 1, 2009.