

# HOUSE BILL 1266

P2, M3

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By: **Delegate Hucker**

Introduced and read first time: February 13, 2009

Assigned to: Health and Government Operations and Appropriations

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## A BILL ENTITLED

1 AN ACT concerning

2 **High Performance Buildings and Energy Performance Standards –**  
3 **Exceptions – Repeal**

4 FOR the purpose of repealing certain exceptions to the requirement that certain State  
5 capital projects be constructed or renovated to be high performance buildings;  
6 repealing a certain exception to energy performance standards and analyses  
7 required for State buildings; establishing certain deadlines by which the  
8 Department of Transportation is required to perform a certain energy analysis  
9 and develop a certain energy plan for certain buildings; requiring the  
10 Department of General Services and the Maryland Energy Administration to  
11 include by a certain date the energy consumption for certain buildings in  
12 determining compliance with energy performance standards; and generally  
13 relating to environmental and energy standards for State buildings.

14 BY repealing and reenacting, with amendments,  
15 Article – State Finance and Procurement  
16 Section 3–602.1 and 4–806  
17 Annotated Code of Maryland  
18 (2006 Replacement Volume and 2008 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**

22 3–602.1.

23 (a) (1) In this section the following words have the meanings indicated.

24 (2) “High performance building” means a building that:

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



(i) meets or exceeds the current version of the U.S. Green Building Council's LEED (Leadership in Energy and Environmental Design) Green Building Rating System Silver rating; or

(ii) achieves at least a comparable numeric rating according to a nationally recognized, accepted, and appropriate numeric sustainable development rating system, guideline, or standard approved by the Secretaries of Budget and Management and General Services.

(3) "Major renovation" means the renovation of a building where:

(i) the building shell is to be reused for the new construction;

(ii) the heating, ventilating, and air conditioning (HVAC), electrical, and plumbing systems are to be replaced; and

(iii) the scope of the renovation is 7,500 square feet or greater.

(b) It is the intent of the General Assembly that, to the extent practicable:

(1) the State shall employ green building technologies when constructing or renovating a State building not subject to this section; and

(2) high performance buildings shall meet the criteria and standards established under the "High Efficiency Green Building Program" adopted by the Maryland Green Building Council.

(c) (1) This subsection applies to capital projects that are funded solely with State funds.

(2) Except as provided in [subsections (d) and (e)] **SUBSECTION (D)** of this section, if a capital project includes the construction or major renovation of a building that is 7,500 square feet or greater, the building shall be constructed or renovated to be a high performance building.

(d) [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.

(e)] (1) The Department of Budget and Management and the Department of General Services shall jointly establish a process to allow a unit of State government to obtain a waiver from complying with subsection (c) of this section.

(2) The waiver process shall:

(i) include a review by the Maryland Green Building Council established under § 4–809 of this article, to determine if the use of a high performance building in a proposed capital project is not practicable; and

(ii) require the approval of a waiver by the Secretaries of Budget and Management, General Services, and Transportation.

4–806.

(a) So that it can audit and evaluate competing design proposals, the Department, in cooperation with the Maryland Energy Administration, shall set standards for energy performance indices.

(b) As experience develops on the energy performance achieved in State buildings, the energy performance indices will serve as a measure of building performance with respect to energy consumption.

(c) (1) The Department, in cooperation with the Maryland Energy Administration, shall set energy performance standards that require the average energy consumption in State buildings be reduced from the level in 2005 as follows:

[(1)] (I) 5% by 2009; and

[(2)] (II) 10% by 2010.

**(2) IN DETERMINING COMPLIANCE WITH THE ENERGY PERFORMANCE STANDARDS UNDER THIS SUBSECTION, THE DEPARTMENT AND THE MARYLAND ENERGY ADMINISTRATION SHALL:**

**(I) UNTIL 2013, ONLY INCLUDE:**

**1. THE HEADQUARTERS OF THE DEPARTMENT OF TRANSPORTATION; AND**

**2. THE ADMINISTRATIVE OFFICES OF THE MODAL ADMINISTRATIONS OF THE DEPARTMENT OF TRANSPORTATION; AND**

1                   **(II) BY 2013, INCLUDE ALL BUILDINGS UNDER THE**  
2 **JURISDICTION OF THE DEPARTMENT OF TRANSPORTATION.**

3           (d)   (1)   (i)   [Except as provided in subsection (f) of this section]  
4 **SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION**, by December 31, 2007, each  
5 State agency shall conduct an analysis on each of the buildings under its jurisdiction  
6 of its gas and electric consumption and the cost of this consumption under the  
7 direction of the Maryland Energy Administration and in coordination with the  
8 Department of General Services.

9                   (ii)   The analysis required in subparagraph (i) of this paragraph  
10 shall include an examination of methods to achieve energy and costs savings,  
11 including:

- 12                               1.   the installation of more efficient lighting systems,  
13 including relamping;
- 14                               2.   the installation of more efficient heating and cooling  
15 systems;
- 16                               3.   the installation of water conservation devices;
- 17                               4.   weatherization; and
- 18                               5.   modification of lighting, heating, and cooling practices  
19 such as turning off lights when not in use and better thermostatic controls.

20           (2)   (i)   [By] **SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION**,  
21 **BY** July 1, 2008, each State agency shall upgrade its energy conservation plan  
22 developed in consultation with the Maryland Energy Administration and the  
23 Department of General Services to achieve the energy performance standards set  
24 under subsection (c) of this section.

25                   (ii)   The plan required under subparagraph (i) of this paragraph  
26 shall include provisions for the training of State personnel, including management and  
27 maintenance personnel, in conservation practices that reduce the consumption of  
28 energy and assist the agency in achieving the standards set under subsection (c) of  
29 this section.

30                   (iii)   In the development and implementation of the provisions of  
31 subparagraph (ii) of this paragraph, each agency shall consider alternative financing  
32 opportunities in shared savings and performance contracting as administered by the  
33 Maryland Energy Administration and include an analysis of the payback and cost  
34 advantage to the State of shared savings and performance contracting.

35                   **(3) THE DEPARTMENT OF TRANSPORTATION, FOR BUILDINGS**  
36 **UNDER ITS JURISDICTION, SHALL:**

1                   **(I) CONDUCT THE CONSUMPTION ANALYSIS REQUIRED**  
2                   **UNDER PARAGRAPH (1) OF THIS SUBSECTION BY DECEMBER 31, 2010; AND**

3                   **(II) UPGRADE ITS ENERGY CONSERVATION PLAN AS**  
4                   **REQUIRED UNDER PARAGRAPH (2) OF THIS SUBSECTION BY JULY 1, 2011.**

5           (e)   (1)   All plans developed in accordance with subsection (d) of this  
6           section shall be filed with the Maryland Energy Administration.

7           (2)   The Maryland Energy Administration, in coordination with the  
8           Department of General Services, shall review and analyze these plans and submit to  
9           the Governor the plans and proposals to implement the plans.

10          [(f)   (1)   Except as provided in paragraph (2) of this subsection, this section  
11          does not apply to a building under the jurisdiction of the Department of  
12          Transportation.

13          (2)   The Department of Transportation shall comply with the  
14          requirements of this section for any office building under its jurisdiction, if the  
15          building contains:

16                   (i)   the Department's headquarters; or

17                   (ii)   the administrative offices of a Modal Administration in the  
18          Department of Transportation.]

19          SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
20          October 1, 2009.