

# SENATE BILL 234

P2  
HB 541/09 – APP

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By: **Senators Robey, Forehand, Frosh, Garagiola, Gladden, Harrington, Kelley, King, Lenett, Madaleno, Peters, Raskin, Rosapepe, and Zirkin**  
Introduced and read first time: January 22, 2010  
Assigned to: Budget and Taxation

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## A BILL ENTITLED

1 AN ACT concerning

2 **High Performance Buildings Act – Applicable to Community College Capital**  
3 **Projects**

4 FOR the purpose of making the High Performance Buildings Act applicable to  
5 community college capital projects that receive State funds; authorizing a  
6 community college to apply for a waiver from certain high performance building  
7 requirements under a certain waiver process established by the Department of  
8 Budget and Management and the Department of General Services; making this  
9 Act applicable to certain capital projects that have not initiated a certain  
10 Request for Proposal on or before a certain date; making a technical correction;  
11 and generally relating to the construction of high performance buildings at  
12 community colleges.

13 BY repealing and reenacting, with amendments,  
14 Article – State Finance and Procurement  
15 Section 3–602.1  
16 Annotated Code of Maryland  
17 (2006 Replacement Volume and 2009 Supplement)

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

20 **Article – State Finance and Procurement**

21 3–602.1.

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

23 (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.



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

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

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

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

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

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

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

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

16 (2) high performance buildings shall meet the criteria and standards  
17 established under the "High [Efficiency] **PERFORMANCE** Green Building Program"  
18 adopted by the Maryland Green Building Council.

19 (c) (1) This subsection applies to:

20 (I) capital projects that are funded solely with State funds; **AND**

21 (II) **COMMUNITY COLLEGE CAPITAL PROJECTS THAT**  
22 **RECEIVE STATE FUNDS.**

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

27 (d) The following types of unoccupied buildings are not required to be  
28 constructed or renovated to be high performance buildings:

29 (1) warehouse and storage facilities;

30 (2) garages;

31 (3) maintenance facilities;

- 1           (4)   transmitter buildings;
- 2           (5)   pumping stations; and
- 3           (6)   other similar types of buildings, as determined by the Department.

4           (e)   (1)   The Department of Budget and Management and the Department  
5 of General Services shall jointly establish a process to allow a unit of State  
6 government **OR A COMMUNITY COLLEGE** to obtain a waiver from complying with  
7 subsection (c) of this section.

8           (2)   The waiver process shall:

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

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

14           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall apply to  
15 capital projects that have not initiated a Request for Proposal for the selection of an  
16 architectural and engineering consultant on or before July 1, 2011.

17           SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
18 July 1, 2010.