

SENATE BILL 234

P2
HB 541/09 – APP

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CF HB 1044

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

Committee Report: Favorable

Senate action: Adopted

Read second time: March 16, 2010

CHAPTER _____

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**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike-out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 3-602.1.

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

3 (2) "High performance building" means a building that:

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

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

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

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

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

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

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

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

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

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

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

24 **(II) COMMUNITY COLLEGE CAPITAL PROJECTS THAT**
25 **RECEIVE STATE FUNDS.**

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

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

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

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

11 (2) The waiver process shall:

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

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

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

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

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.