

## Chapter 589

(House Bill 207)

AN ACT concerning

### **State Capital Projects – High Performance Buildings – Maryland Green Building Council**

FOR the purpose of altering the definition of a “high performance building” as it applies to certain provisions of law relating to State capital projects; requiring the Maryland Green Building Council to establish a process for receiving public input; and generally relating to State capital projects for the construction and renovation of high performance buildings and the Maryland Green Building Council.

BY repealing and reenacting, with amendments,  
 Article – State Finance and Procurement  
 Section 3–602.1 and 4–809(f)  
 Annotated Code of Maryland  
 (2009 Replacement Volume and 2013 Supplement)

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

#### **Article – State Finance and Procurement**

3–602.1.

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

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

(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; **OR**

**(III) COMPLIES WITH A NATIONALLY RECOGNIZED AND ACCEPTED GREEN BUILDING CODE, GUIDELINE, OR STANDARD REVIEWED AND RECOMMENDED BY THE MARYLAND GREEN BUILDING COUNCIL AND**

**APPROVED BY THE ~~SECRETARY~~ SECRETARIES OF BUDGET AND MANAGEMENT  
AND ~~THE SECRETARY OF~~ 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 Performance Green Building Program” adopted by the Maryland Green Building Council.
- (c) (1) This subsection applies to:
- (i) capital projects that are funded solely with State funds; and
  - (ii) community college capital projects that receive State funds.
- (2) Except as provided in subsections (d) and (e) 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 or a community college 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.

4-809.

(f) The Maryland Green Building Council shall:

(1) evaluate current high performance building technologies;

(2) provide recommendations concerning the most cost-effective green building technologies that the State might consider requiring in the construction of State facilities, including consideration of the additional cost associated with the various technologies;

(3) provide recommendations concerning how to expand green building in the State; [and]

(4) develop a list of building types for which green building technologies should not be applied, taking into consideration the operational aspects of facilities evaluated, and the utility of a waiver process where appropriate; AND

**(5) ESTABLISH A PROCESS FOR RECEIVING PUBLIC INPUT.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2014.

**Approved by the Governor, May 15, 2014.**