

HOUSE BILL 192

P3, M5, M1
HB 136/19 – HGO & APP

0lr0565
CF SB 299

By: **Delegates Hill, Bagnall, Carr, Charkoudian, Cullison, Ebersole, Feldmark, Fraser-Hidalgo, Guyton, Healey, Lehman, R. Lewis, Lierman, Palakovich Carr, Reznik, Stein, Stewart, ~~and Terrasa~~ Terrasa, Bhandari, Johnson, Kelly, Kerr, Pena-Melnyk, and K. Young**

Introduced and read first time: January 16, 2020

Assigned to: Health and Government Operations and Appropriations

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 7, 2020

CHAPTER _____

1 AN ACT concerning

2 **Department of General Services – Energy-Conserving Standards**
3 **(Maryland Sustainable Buildings Act of 2020)**

4 FOR the purpose of requiring the Department of General Services to establish and
5 periodically update certain standards for State buildings to conserve energy and
6 minimize adverse impacts on birds; requiring each State building constructed,
7 acquired, or substantially altered by the State to meet the standards to the extent
8 practicable and within budgetary constraints; requiring the Department to reduce
9 the lighting of existing State buildings in a certain manner; requiring the Maryland
10 Green Building Council to include certain standards in any requirements that the
11 Council establishes for participation in a certain program; requiring the Secretary of
12 General Services to adopt certain regulations; establishing that certain
13 requirements do not apply to certain contracts or projects; defining “State building”;
14 and generally relating to the construction, alteration, or acquisition of State
15 buildings.

16 BY repealing and reenacting, without amendments,
17 Article – State Finance and Procurement
18 Section 4–101
19 Annotated Code of Maryland
20 (2015 Replacement Volume and 2019 Supplement)

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 BY adding to
2 Article – State Finance and Procurement
3 Section 4–410.1
4 Annotated Code of Maryland
5 (2015 Replacement Volume and 2019 Supplement)

6 Preamble

7 WHEREAS, The amount of glass used in new building construction is increasing
8 dramatically in Maryland and worldwide; and

9 WHEREAS, The increase in the use of glass in buildings threatens to undo energy
10 conservation efforts, cost the State money, and contribute to climate change and
11 biodiversity loss; and

12 WHEREAS, Adopting building standards to protect birds will reduce energy
13 consumption ~~by approximately 40% or more~~, making State buildings more sustainable and
14 saving taxpayers money; now, therefore,

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

17 **Article – State Finance and Procurement**

18 4–101.

19 (a) In this title the following words have the meanings indicated.

20 (b) “Department” means the Department of General Services.

21 (c) “Secretary” means the Secretary of General Services.

22 **4–410.1.**

23 **(A) IN THIS SECTION, “STATE BUILDING” MEANS:**

24 **(1) A BUILDING ACQUIRED THROUGH ANY MEANS BY THE STATE FOR**
25 **USE BY A STATE AGENCY OR DEPARTMENT;**

26 **(2) A BUILDING CONSTRUCTED OR RENOVATED BY OR FOR THE STATE**
27 **FOR OCCUPANCY BY A STATE AGENCY OR DEPARTMENT; OR**

28 **(3) A BUILDING ACQUIRED, CONSTRUCTED, OR RENOVATED FOR**
29 **WHICH MORE THAN 50% OF THE MONEY FOR THE ACQUISITION, CONSTRUCTION, OR**
30 **RENOVATION CAME FROM STATE FUNDS.**

1 (B) THIS SECTION DOES NOT APPLY TO:

2 (1) A PUBLIC WORK CONTRACT OF LESS THAN \$500,000;

3 (2) A PUBLIC WORK CONTRACT FOR WHICH 50% OR LESS OF THE
4 FUNDS USED FOR THE PROJECT ARE STATE FUNDS; OR

5 (3) A PROJECT FOR WHICH FUNDING IS PROVIDED IN THE CAPITAL
6 BUDGET AS A GRANT TO A NONPROFIT ORGANIZATION.

7 (C) (1) ~~THE~~ EXCEPT AS PROVIDED IN PARAGRAPH (4) OF THIS
8 SUBSECTION, THE DEPARTMENT SHALL ESTABLISH STANDARDS FOR STATE
9 BUILDINGS TO CONSERVE ENERGY AND MINIMIZE ADVERSE IMPACTS ON BIRDS
10 THAT ARE CONSISTENT WITH U.S. GREEN BUILDING COUNCIL LEED PILOT
11 CREDIT 55 FOR REDUCING BIRD COLLISIONS AND THE AMERICAN BIRD
12 CONSERVANCY BIRD-FRIENDLY DESIGN RECOMMENDATIONS.

13 (2) THE DEPARTMENT SHALL UPDATE THE STANDARDS DEVELOPED
14 UNDER PARAGRAPH (1) OF THIS SUBSECTION EVERY 5 YEARS.

15 (3) THE STANDARDS DEVELOPED UNDER THIS SUBSECTION SHALL
16 SPECIFY THAT, EXCEPT WHERE FULL OPERATION OF BUILDING LIGHTING IS
17 DOCUMENTED AS NECESSARY, INCLUDING FOR PUBLIC SAFETY OR OTHER
18 PURPOSES, INTERIOR AND EXTERIOR LIGHTING SHALL BE APPROPRIATELY
19 SHIELDED AND MINIMIZED FROM MIDNIGHT TO DAWN EACH DAY:

20 (I) FROM MARCH 1 THROUGH MAY 31, BOTH INCLUSIVE; AND

21 (II) FROM AUGUST 1 THROUGH OCTOBER 31, BOTH INCLUSIVE.

22 (4) THE STANDARDS ESTABLISHED UNDER PARAGRAPH (1) OF THIS
23 SUBSECTION MAY NOT INCLUDE A REQUIREMENT FOR BIRD COLLISION
24 MONITORING.

25 (D) EACH STATE BUILDING CONSTRUCTED, SUBSTANTIALLY ALTERED, OR
26 ACQUIRED BY THE STATE SHALL MEET, TO THE EXTENT PRACTICABLE AND WITHIN
27 BUDGETARY CONSTRAINTS AS DETERMINED BY THE DEPARTMENT, THE STANDARDS
28 ESTABLISHED UNDER SUBSECTION (C) OF THIS SECTION.

29 (E) THE DEPARTMENT SHALL REDUCE THE LIGHTING OF EXISTING STATE
30 BUILDINGS, TO THE EXTENT PRACTICABLE AND WITHIN BUDGETARY CONSTRAINTS
31 AS DETERMINED BY THE DEPARTMENT:

32 (1) IN ACCORDANCE WITH SUBSECTION (C)(3) OF THIS SECTION; AND

1 **(2) BY USING AUTOMATIC CONTROL TECHNOLOGIES, INCLUDING**
2 **WHICH MAY INCLUDE TIMERS, PHOTOSENSORS, INFRARED DETECTORS, AND**
3 **MOTION DETECTORS.**

4 **(F) THE MARYLAND GREEN BUILDING COUNCIL SHALL INCLUDE THE**
5 **STANDARDS ESTABLISHED UNDER THIS SECTION IN ANY REQUIREMENTS THAT THE**
6 **COUNCIL ESTABLISHES FOR PARTICIPATION IN A HIGHER PERFORMANCE BUILDING**
7 **PROGRAM IN THE STATE.**

8 ~~**(F)**~~ **(G) THE SECRETARY SHALL ADOPT REGULATIONS TO CARRY OUT THE**
9 **PROVISIONS OF THIS SECTION.**

10 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
11 October 1, 2020.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.