

HOUSE BILL 1636

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CF SB 655

By: **Delegate Forbes**

Introduced and read first time: February 24, 2020

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Capital Projects – High Performance and Green Buildings – Alterations**
3 **(Green Building Restoration Act)**

4 FOR the purpose of altering the application of certain high performance building
5 requirements to apply to capital projects for which a certain amount of funding for
6 certain aspects of the project is from State funds; repealing a requirement that the
7 Maryland Green Building Council develop guidelines for new public school buildings
8 to achieve a certain rating without requiring an independent certification that the
9 buildings have achieved the required standards; requiring the Maryland Green
10 Building Council to ensure that certain State buildings, public schools, and
11 community colleges meet certain high performance building requirements;
12 prohibiting the use of certain guidelines for a new public school building to meet
13 certain high performance building requirements; and generally relating to high
14 performance building requirements and green building guidelines.

15 BY repealing and reenacting, without amendments,
16 Article – Education
17 Section 5–312
18 Annotated Code of Maryland
19 (2018 Replacement Volume and 2019 Supplement)

20 BY repealing and reenacting, without amendments,
21 Article – State Finance and Procurement
22 Section 3–602.1(a) and (e) and 4–809(a)
23 Annotated Code of Maryland
24 (2015 Replacement Volume and 2019 Supplement)

25 BY repealing and reenacting, with amendments,
26 Article – State Finance and Procurement
27 Section 3–602.1(c) and 4–809(f)
28 Annotated Code of Maryland

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



(2015 Replacement Volume and 2019 Supplement)

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

Article – Education

5–312.

(a) In this section, “high performance building” has the meaning stated in § 3–602.1 of the State Finance and Procurement Article.

(b) This section applies to the construction of new schools that have not initiated a Request For Proposal for the selection of an architectural and engineering consultant on or before July 1, 2009.

(c) Except as provided in subsection (d) of this section, a new school that receives State public school construction funds shall be constructed to be a high performance building.

(d) (1) The Interagency Commission shall establish a process to allow a school system to obtain a waiver from complying with subsection (c) of this section.

(2) The waiver process shall:

(i) Include a review by the Interagency Commission to determine if the construction of a high performance building is not practicable; and

(ii) Require the approval of a waiver by the Interagency Commission.

(e) For fiscal years 2010 through 2014 only, the State shall pay 50% of the local share of the extra costs, identified and approved by the Interagency Commission, that are incurred in constructing a new school to meet the high performance building requirements of this section.

(f) The Interagency Commission shall adopt regulations to implement the requirements of this section.

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:

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

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

8 (iii) complies with a nationally recognized and accepted green
9 building code, guideline, or standard reviewed and recommended by the Maryland Green
10 Building Council and approved by the Secretaries of Budget and Management and General
11 Services.

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

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

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

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

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

18 (i) capital projects [that are funded solely with] **FOR WHICH MORE**
19 **THAN 50% OF THE FUNDING FOR THE ACQUISITION, CONSTRUCTION, OR**
20 **RENOVATION OF THE PROJECT IS FROM** State funds; and

21 (ii) community college capital projects that receive State funds.

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

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

28 (2) The waiver process shall:

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

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

1 4–809.

2 (a) There is a Maryland Green Building Council.

3 (f) The Maryland Green Building Council shall:

4 (1) evaluate current high performance building technologies;

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

9 (3) provide recommendations concerning how to expand green building in
10 the State;

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

14 (5) establish a process for receiving public input; and

15 (6) [develop guidelines for new public school buildings to achieve the
16 equivalent of the current version of the U.S. Green Building Council’s LEED (Leadership
17 in Energy and Environmental Design) Green Building Rating System Silver rating or a
18 comparable rating system or building code as authorized in § 3–602.1 of this article without
19 requiring an independent certification that the buildings have achieved the required
20 standards] **ENSURE THAT STATE BUILDINGS, PUBLIC SCHOOLS, AND COMMUNITY
21 COLLEGES THAT ARE REQUIRED TO MEET THE HIGH PERFORMANCE BUILDING
22 REQUIREMENTS UNDER § 3–602.1 OF THIS ARTICLE OR § 5–312 OF THE EDUCATION
23 ARTICLE MEET THOSE REQUIREMENTS.**

24 SECTION 2. AND BE IT FURTHER ENACTED, That any guidelines developed
25 before July 1, 2020, by the Maryland Green Building Council to implement § 4–809(f)(6) of
26 the State Finance and Procurement Article may not be used for a new public school building
27 to meet the high performance building requirements under § 5–312 of the Education Article
28 or § 3–602.1 of the State Finance and Procurement Article.

29 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July
30 1, 2020.