

HOUSE BILL 236

P3, M5, M1
HB 192/20 – HGO & APP

(PRE-FILED)

1lr0614

By: **Delegates Hill, Feldmark, Ebersole, Kerr, Johnson, Terrasa, R. Lewis, and Bagnall**

Requested: September 22, 2020

Introduced and read first time: January 13, 2021

Assigned to: Health and Government Operations and Appropriations

A BILL ENTITLED

1 AN ACT concerning

2 **Department of General Services – Energy-Conserving Standards**
3 **(Maryland Sustainable Buildings Act of 2021)**

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 2020 Supplement)

21 BY adding to
22 Article – State Finance and Procurement
23 Section 4-410.1
24 Annotated Code of Maryland
25 (2015 Replacement Volume and 2020 Supplement)

26 Preamble

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

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

6 WHEREAS, Adopting building standards to protect birds will reduce energy
7 consumption, making State buildings more sustainable and saving taxpayers money; now,
8 therefore,

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

11 **Article – State Finance and Procurement**

12 4–101.

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

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

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

16 **4–410.1.**

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

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

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

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

25 **(B) THIS SECTION DOES NOT APPLY TO:**

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

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

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

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

9 **(2) THE DEPARTMENT SHALL UPDATE THE STANDARDS DEVELOPED**
10 **UNDER PARAGRAPH (1) OF THIS SUBSECTION EVERY 5 YEARS.**

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

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

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

18 **(4) THE STANDARDS ESTABLISHED UNDER PARAGRAPH (1) OF THIS**
19 **SUBSECTION MAY NOT INCLUDE A REQUIREMENT FOR BIRD COLLISION**
20 **MONITORING.**

21 **(D) EACH STATE BUILDING CONSTRUCTED, SUBSTANTIALLY ALTERED, OR**
22 **ACQUIRED BY THE STATE SHALL MEET, TO THE EXTENT PRACTICABLE AND WITHIN**
23 **BUDGETARY CONSTRAINTS AS DETERMINED BY THE DEPARTMENT, THE STANDARDS**
24 **ESTABLISHED UNDER SUBSECTION (C) OF THIS SECTION.**

25 **(E) THE DEPARTMENT SHALL REDUCE THE LIGHTING OF EXISTING STATE**
26 **BUILDINGS, TO THE EXTENT PRACTICABLE AND WITHIN BUDGETARY CONSTRAINTS**
27 **AS DETERMINED BY THE DEPARTMENT:**

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

29 **(2) BY USING AUTOMATIC CONTROL TECHNOLOGIES, WHICH MAY**
30 **INCLUDE TIMERS, PHOTOSENSORS, INFRARED DETECTORS, AND MOTION**
31 **DETECTORS.**

32 **(F) THE MARYLAND GREEN BUILDING COUNCIL SHALL INCLUDE THE**
33 **STANDARDS ESTABLISHED UNDER THIS SECTION IN ANY REQUIREMENTS THAT THE**

1 COUNCIL ESTABLISHES FOR PARTICIPATION IN A HIGHER PERFORMANCE BUILDING
2 PROGRAM IN THE STATE.

3 (G) THE SECRETARY SHALL ADOPT REGULATIONS TO CARRY OUT THE
4 PROVISIONS OF THIS SECTION.

5 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
6 October 1, 2021.