

# HOUSE BILL 136

P3, M5, M1  
HB 986/18 – HGO & APP

9lr1239  
CF SB 314

---

By: **Delegates Hill, Bartlett, Ebersole, Hettleman, Lafferty, R. Lewis, ~~and Moon~~  
Moon, and Terrasa**

Introduced and read first time: January 21, 2019

Assigned to: Health and Government Operations and Appropriations

---

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 31, 2019

---

## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Department of General Services – Energy–Conserving and Bird–Safe Building**  
3 **Standards**  
4 **(Maryland Sustainable Buildings Act of 2019)**

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

15 BY repealing and reenacting, without amendments,  
16 Article – State Finance and Procurement  
17 Section 4–101  
18 Annotated Code of Maryland  
19 (2015 Replacement Volume and 2018 Supplement)

20 BY adding to  
21 Article – State Finance and Procurement  
22 Section 4–410

---

### 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 Annotated Code of Maryland  
2 (2015 Replacement Volume and 2018 Supplement)

3 Preamble

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

6 WHEREAS, The increase in the use of glass in buildings threatens to undo energy  
7 conservation efforts, cost the State money, and contribute to climate change; and

8 WHEREAS, Nearly one-third of the 800 bird species in the United States are  
9 endangered, threatened, or in significant decline; and

10 WHEREAS, In the United States alone, an estimated 1,000,000,000 birds die  
11 annually from striking buildings, bridges, and other manmade structures, with glass being  
12 one of the primary causes of the deaths; and

13 WHEREAS, Birds have a significant impact on the United States economy, as  
14 evidenced by U.S. Fish and Wildlife Service estimates indicating that the 47,000,000  
15 birdwatchers in the nation contribute \$40,000,000,000 annually to the national economy;  
16 and

17 WHEREAS, Maryland is obligated under the Migratory Bird Treaty Act of 1918 to  
18 support the conservation intent of the migratory bird conventions by integrating bird  
19 conservation principles, measures, and practices into agency activities and by avoiding or  
20 minimizing, to the extent practicable, adverse impacts on migratory bird resources when  
21 conducting agency actions; and

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

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

27 **Article – State Finance and Procurement**

28 4–101.

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

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

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

32 **4–410.**

1 (A) IN THIS SECTION, "STATE BUILDING" MEANS:

2 (1) A BUILDING ACQUIRED THROUGH ANY MEANS BY THE STATE FOR  
3 USE BY A STATE AGENCY OR DEPARTMENT;

4 (2) A BUILDING CONSTRUCTED OR RENOVATED BY OR FOR THE STATE  
5 FOR OCCUPANCY BY A STATE AGENCY OR DEPARTMENT; OR

6 (3) A BUILDING ACQUIRED, CONSTRUCTED, OR RENOVATED FOR  
7 WHICH MORE THAN 50% OF THE MONEY FOR THE ACQUISITION, CONSTRUCTION, OR  
8 RENOVATION CAME FROM STATE FUNDS.

9 (B) THIS SECTION DOES NOT APPLY TO:

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

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

13 (3) A PROJECT FOR WHICH FUNDING IS PROVIDED IN THE CAPITAL  
14 BUDGET AS A GRANT TO A NONPROFIT.

15 ~~(A) TO CONSERVE ENERGY AND MINIMIZE ADVERSE IMPACTS ON BIRDS,~~  
16 ~~THE DEPARTMENT SHALL ESTABLISH STANDARDS FOR STATE BUILDINGS~~  
17 ~~SPECIFYING THAT:~~

18 ~~(1) SUBJECT TO ITEM (2) OF THIS SUBSECTION, GLASS OR~~  
19 ~~TRANSPARENT PLEXIGLASS MAY COMPOSE:~~

20 ~~(I) NOT MORE THAN 10% OF THE EXPOSED FACADE MATERIAL~~  
21 ~~FROM GROUND LEVEL TO 40 FEET ABOVE GROUND LEVEL; AND~~

22 ~~(II) NOT MORE THAN 40% OF THE EXPOSED FACADE MATERIAL~~  
23 ~~AT A HEIGHT GREATER THAN 40 FEET ABOVE GROUND LEVEL;~~

24 ~~(2) GLASS OR TRANSPARENT PLEXIGLASS MAY COMPOSE A GREATER~~  
25 ~~PERCENT OF THE EXPOSED FACADE MATERIAL THAN THE PERCENT SPECIFIED IN~~  
26 ~~ITEM (1) OF THIS SUBSECTION IF THE GLASS OR PLEXIGLASS INCLUDES:~~

27 ~~(I) ELEMENTS THAT PRECLUDE BIRD COLLISIONS WITHOUT~~  
28 ~~COMPLETELY OBSCURING VISION, SUCH AS SECONDARY FACADES, NETTING,~~  
29 ~~SCREENS, SHUTTERS, OR EXTERIOR SHADES;~~

~~(H) ULTRAVIOLET PATTERNED GLASS CONTAINING  
ULTRAVIOLET REFLECTIVE OR CONTRASTING PATTERNS THAT ARE VISIBLE TO  
BIRDS;~~

~~(HH) PATTERNS THAT ARE VISIBLE FROM THE OUTSIDE AND  
DESIGNED SO THAT ANY SPACES ARE LESS THAN 4 INCHES WIDE AND LESS THAN 2  
INCHES HIGH;~~

~~(IV) MATTE, OPAQUE, ETCHED, STAINED, FROSTED, OR  
TRANSLUCENT GLASS OR PLEXIGLASS; OR~~

~~(V) A COMBINATION OF THE MEASURES DESCRIBED IN ITEMS (I)  
THROUGH (IV) OF THIS ITEM;~~

~~(3) A BUILDING MAY NOT CONTAIN A TRANSPARENT PASSAGEWAY OR  
CORNER, OR BE CONFIGURED IN A WAY THAT ALLOWS BIRDS TO SEE THROUGH TWO  
OR MORE LAYERS OF GLASS TO HABITAT OR SKY;~~

~~(4) ANY GLASS OR TRANSPARENT PLEXIGLASS IN A HANDRAIL, A  
PAVILION, A GAZEBO, A BUS SHELTER, AN OVERPASS, OR ANY OTHER AUXILIARY  
STRUCTURE SHALL USE A MEASURE DESCRIBED IN ITEM (2)(I) THROUGH (V) OF THIS  
SUBSECTION;~~

~~(5) ANY GLASS OR TRANSPARENT PLEXIGLASS LOCATED ADJACENT  
TO AN ATRIUM OR A COURTYARD CONTAINING A WATER FEATURE, PLANTS, OR  
OTHER MATERIAL ATTRACTIVE TO BIRDS SHALL USE A MEASURE DESCRIBED IN  
ITEM (2)(I) THROUGH (V) OF THIS SUBSECTION; AND~~

(C) (1) THE DEPARTMENT SHALL ESTABLISH STANDARDS FOR STATE  
BUILDINGS TO CONSERVE ENERGY AND MINIMIZE ADVERSE IMPACTS ON BIRDS  
THAT ARE CONSISTENT WITH GREEN BUILDING COUNCIL LEED PILOT CREDIT 55  
FOR REDUCING BIRD COLLISIONS AND THE AMERICAN BIRD CONSERVANCY  
BIRD-FRIENDLY DESIGN RECOMMENDATIONS.

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

~~(6)~~ (3) THE STANDARDS DEVELOPED UNDER THIS SUBSECTION  
SHALL SPECIFY THAT, EXCEPT WHERE FULL OPERATION OF BUILDING LIGHTING IS  
DOCUMENTED AS NECESSARY, INCLUDING FOR PUBLIC SAFETY OR OTHER  
PURPOSES, INTERIOR AND EXTERIOR LIGHTING SHALL BE APPROPRIATELY  
SHIELDED AND MINIMIZED FROM MIDNIGHT TO DAWN EACH DAY:

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

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

2 ~~(D)~~ (D) EACH STATE BUILDING CONSTRUCTED, SUBSTANTIALLY  
3 ALTERED, OR ACQUIRED BY THE ~~DEPARTMENT~~ STATE SHALL MEET, TO THE EXTENT  
4 PRACTICABLE AND WITHIN BUDGETARY CONSTRAINTS AS DETERMINED BY THE  
5 DEPARTMENT, THE STANDARDS ESTABLISHED UNDER SUBSECTION ~~(A)~~ (C) OF THIS  
6 SECTION.

7 ~~(E)~~ (E) THE DEPARTMENT SHALL REDUCE THE LIGHTING OF EXISTING  
8 ~~PUBLIC STATE~~ BUILDINGS, TO THE EXTENT PRACTICABLE AND WITHIN BUDGETARY  
9 CONSTRAINTS AS DETERMINED BY THE DEPARTMENT:

10 (1) IN ACCORDANCE WITH SUBSECTION ~~(A)(6)~~ (C)(3) OF THIS  
11 SECTION; AND

12 (2) BY USING AUTOMATIC CONTROL TECHNOLOGIES, INCLUDING  
13 TIMERS, PHOTOSENSORS, INFRARED DETECTORS, AND MOTION DETECTORS.

14 ~~(F)~~ (F) THE SECRETARY SHALL ADOPT REGULATIONS TO CARRY OUT THE  
15 PROVISIONS OF THIS SECTION.

16 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
17 October 1, 2019.

Approved:

\_\_\_\_\_  
Governor.

\_\_\_\_\_  
Speaker of the House of Delegates.

\_\_\_\_\_  
President of the Senate.