

SENATE BILL 655

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CF HB 1636

By: **Senator Hettleman**

Introduced and read first time: February 3, 2020

Assigned to: Education, Health, and Environmental Affairs

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 6, 2020

CHAPTER _____

1 AN ACT concerning

2 **Capital Projects – High Performance and Green Buildings –**
3 **~~Community Colleges and Public Schools – Repeal of Requirements and~~**
4 **Guidelines Alterations**
5 **(Green Building Restoration Act)**

6 FOR the purpose of ~~repealing the requirement that the construction or renovation of certain~~
7 ~~community college buildings be done in a manner that makes the buildings high~~
8 ~~performance buildings; repealing the requirement that the Department of Budget~~
9 ~~and Management and the Department of General Services establish a process to~~
10 ~~allow a community college to obtain a waiver from the high performance buildings~~
11 ~~requirement~~ altering the application of certain high performance building
12 requirements to apply to capital projects for which a certain amount of funding for
13 certain aspects of the project is from State funds; repealing a requirement that the
14 Maryland Green Building Council develop guidelines for new public school buildings
15 to achieve a certain rating without requiring an independent certification that the
16 buildings have achieved the required standards; requiring the Maryland Green
17 Building Council to ensure that certain State buildings, public schools, and
18 community colleges meet certain high performance building requirements;
19 prohibiting the use of certain guidelines for a new public school building to meet
20 certain high performance building requirements; and generally relating to high
21 performance building requirements and green building guidelines.

22 BY repealing and reenacting, without amendments,

23 Article – Education

24 Section 5–312

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 (2018 Replacement Volume and 2019 Supplement)

3 BY repealing and reenacting, with amendments,
4 Article – State Finance and Procurement
5 Section 3–602.1(c) ~~and (e)~~ and 4–809(f)
6 Annotated Code of Maryland
7 (2015 Replacement Volume and 2019 Supplement)

8 BY repealing and reenacting, without amendments,
9 Article – State Finance and Procurement
10 Section 3–602.1(a) and (e) and 4–809(a)
11 Annotated Code of Maryland
12 (2015 Replacement Volume and 2019 Supplement)

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

15 **Article – Education**

16 5–312.

17 (a) In this section, “high performance building” has the meaning stated in §
18 3–602.1 of the State Finance and Procurement Article.

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

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

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

27 (2) The waiver process shall:

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

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

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

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

3 **Article – State Finance and Procurement**

4 3–602.1.

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

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

7 (i) meets or exceeds the current version of the U.S. Green Building
8 Council’s LEED (Leadership in Energy and Environmental Design) Green Building Rating
9 System Silver rating;

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

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

18 (3) “Major renovation” means the renovation of a building where:

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

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

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

23 (c) (1) This subsection applies to~~§~~:

24 (i)~~§~~ capital projects ~~that are funded solely with~~ **FOR WHICH MORE**
25 **THAN 50% OF THE FUNDING FOR THE ACQUISITION, CONSTRUCTION, OR**
26 **RENOVATION OF THE PROJECT IS FROM** State funds~~§~~; and

27 (ii) community college capital projects that receive State funds~~§~~.

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

(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 ~~for 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.

(a) There is a Maryland Green Building Council.

(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;

(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~~;~~ and

~~(6) develop guidelines for new public school buildings to achieve the equivalent of 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 a comparable rating system or building code as authorized in § 3-602.1 of this article without requiring an independent certification that the buildings have achieved the required standards]~~

ENSURE THAT STATE BUILDINGS, PUBLIC SCHOOLS, AND COMMUNITY COLLEGES THAT ARE REQUIRED TO MEET THE HIGH PERFORMANCE BUILDING REQUIREMENTS UNDER § 3-602.1 OF THIS ARTICLE OR § 5-312 OF THE EDUCATION ARTICLE MEET THOSE REQUIREMENTS.

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

6 SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
7 July 1, 2020.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.