

HOUSE BILL 43

P3, M5, M1
HB 236/21 – HGO & APP

(PRE-FILED)

2lr0577

By: **Delegate Hill**

Requested: September 27, 2021

Introduced and read first time: January 12, 2022

Assigned to: Health and Government Operations and Appropriations

Committee Report: Favorable

House action: Adopted

Read second time: February 22, 2022

CHAPTER _____

1 AN ACT concerning

2 **Department of General Services – Energy-Conserving Standards**
3 **(Maryland Sustainable Buildings Act of 2022)**

4 FOR the purpose of requiring the Department of General Services to establish and
5 periodically update standards for State buildings to conserve energy and minimize
6 adverse impacts on birds; requiring the Maryland Green Building Council to include
7 the standards in any requirements that the Council establishes for participation in
8 a higher performance building program in the State; defining “State building”; and
9 generally relating to the construction, alteration, or acquisition of State buildings.

10 BY repealing and reenacting, without amendments,
11 Article – State Finance and Procurement
12 Section 4-101
13 Annotated Code of Maryland
14 (2021 Replacement Volume)

15 BY adding to
16 Article – State Finance and Procurement
17 Section 4-410.1
18 Annotated Code of Maryland
19 (2021 Replacement Volume)

20 Preamble

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 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**

29 **(3) A PROJECT FOR WHICH FUNDING IS PROVIDED IN THE CAPITAL**

1 BUDGET AS A GRANT TO A NONPROFIT ORGANIZATION.

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

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

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

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

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

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

20 (5) THE DEPARTMENT SHALL CONSIDER THE PHYSICAL HEALTH AND
21 MENTAL HEALTH OF BUILDING OCCUPANTS WHEN DEVELOPING OR UPDATING
22 STANDARDS UNDER PARAGRAPH (1) OF THIS SUBSECTION.

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

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

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

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

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

5 **(G) THE SECRETARY SHALL ADOPT REGULATIONS TO CARRY OUT THE**
 6 **PROVISIONS OF THIS SECTION.**

7 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
 8 October 1, 2022.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.