

HOUSE BILL 1040

P2

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CF SB 215

By: **Delegates Bronrott, Barkley, Barnes, Barve, Beidle, Bobo, Carr, Dumais, Frick, Frush, Gaines, Gutierrez, Guzzone, Hammen, Haynes, Hecht, Hixson, Hubbard, Hucker, Jones, Kaiser, Krysiak, Lafferty, Lee, Manno, McIntosh, Mizeur, Montgomery, Morhaim, Niemann, Ramirez, Reznik, Rice, Ross, Stein, and Taylor**

Introduced and read first time: February 15, 2010

Assigned to: Health and Government Operations and Appropriations

A BILL ENTITLED

1 AN ACT concerning

2 **High Performance Buildings Act – Applicability to Recipients of State Aid**

3 FOR the purpose of making the High Performance Buildings Act applicable to certain
4 capital projects that are funded, to a certain extent, by a grant of State aid to
5 certain grantees; defining certain terms; altering, in a certain definition, the
6 amount of a certain contribution, grant, or subsidy; and generally relating to the
7 construction of high performance buildings by certain grantees that receive
8 certain State aid.

9 BY repealing and reenacting, with amendments,
10 Article – State Finance and Procurement
11 Section 3–602.1 and 7–406(a)(5)
12 Annotated Code of Maryland
13 (2006 Replacement Volume and 2009 Supplement)

14 BY repealing and reenacting, without amendments,
15 Article – State Finance and Procurement
16 Section 7–406(a)(3)
17 Annotated Code of Maryland
18 (2006 Replacement Volume and 2009 Supplement)

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

21 **Article – State Finance and Procurement**

22 3–602.1.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

2 (2) “GRANTEE” HAS THE MEANING STATED IN § 7-406 OF THIS
3 ARTICLE.

4 [(2)] (3) “High performance building” means a building that:

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

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

12 [(3)] (4) “Major renovation” means the renovation of a building
13 where:

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

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

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

18 (5) “STATE AID” HAS THE MEANING STATED IN § 7-406 OF THIS
19 ARTICLE.

20 (b) It is the intent of the General Assembly that, to the extent practicable:

21 (1) the State shall employ green building technologies when
22 constructing or renovating a State building not subject to this section; and

23 (2) high performance buildings shall meet the criteria and standards
24 established under the “High Efficiency Green Building Program” adopted by the
25 Maryland Green Building Council.

26 (c) (1) This subsection applies to capital projects:

27 (I) that are funded solely with State funds; OR

28 (II) THAT ARE FUNDED SOLELY OR PARTLY BY A GRANT OF
29 STATE AID TO A GRANTEE AS FOLLOWS:

1 **1. ON OR AFTER JULY 1, 2011, A CAPITAL PROJECT**
2 **FOR WHICH STATE AID TO THE GRANTEE COMPRISES 50% OR MORE OF THE**
3 **MONEY ALLOCATED FOR THE CAPITAL PROJECT;**

4 **2. ON OR AFTER JULY 1, 2012, A CAPITAL PROJECT**
5 **FOR WHICH STATE AID TO THE GRANTEE COMPRISES 25% OR MORE OF THE**
6 **MONEY ALLOCATED FOR THE CAPITAL PROJECT; AND**

7 **3. ON OR AFTER JULY 1, 2013, A CAPITAL PROJECT**
8 **FOR WHICH STATE AID TO THE GRANTEE COMPRISES ANY PORTION OF THE**
9 **MONEY ALLOCATED FOR THE CAPITAL PROJECT.**

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

14 (d) The following types of unoccupied buildings are not required to be
15 constructed or renovated to be high performance buildings:

16 (1) warehouse and storage facilities;

17 (2) garages;

18 (3) maintenance facilities;

19 (4) transmitter buildings;

20 (5) pumping stations; and

21 (6) other similar types of buildings, as determined by the Department.

22 (e) (1) The Department of Budget and Management and the Department
23 of General Services shall jointly establish a process to allow a unit of State
24 government to obtain a waiver from complying with subsection (c) of this section.

25 (2) The waiver process shall:

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

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

31 7-406.

1 (a) (3) (i) “Grantee” means a for profit or nonprofit entity or
2 association that receives State aid during a fiscal year.

3 (ii) “Grantee” does not include a unit of State or local
4 government.

5 (5) (i) “State aid” means a contribution, grant, or subsidy of
6 **[\$50,000] \$100,000** or more provided through the State operating or capital budget or
7 by the action of a unit of State government from State funds appropriated to that unit.

8 (ii) “State aid” does not include reimbursements to providers
9 participating in a State program.

10 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
11 October 1, 2010.