

Chapter 527

(Senate Bill 234)

AN ACT concerning

High Performance Buildings Act – Applicable to Community College Capital Projects

FOR the purpose of making the High Performance Buildings Act applicable to community college capital projects that receive State funds; authorizing a community college to apply for a waiver from certain high performance building requirements under a certain waiver process established by the Department of Budget and Management and the Department of General Services; making this Act applicable to certain capital projects that have not initiated a certain Request for Proposal on or before a certain date; making a technical correction; and generally relating to the construction of high performance buildings at community colleges.

BY repealing and reenacting, with amendments,
Article – State Finance and Procurement
Section 3–602.1
Annotated Code of Maryland
(2006 Replacement Volume and 2009 Supplement)

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

Article – State Finance and Procurement

3–602.1.

- (a) (1) In this section the following words have the meanings indicated.
- (2) “High performance building” means a building that:
 - (i) meets or exceeds 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
 - (ii) achieves at least a comparable numeric rating according to a nationally recognized, accepted, and appropriate numeric sustainable development rating system, guideline, or standard approved by the Secretaries of Budget and Management and General Services.

- (3) “Major renovation” means the renovation of a building where:
- (i) the building shell is to be reused for the new construction;
 - (ii) the heating, ventilating, and air conditioning (HVAC), electrical, and plumbing systems are to be replaced; and
 - (iii) the scope of the renovation is 7,500 square feet or greater.
- (b) It is the intent of the General Assembly that, to the extent practicable:
- (1) the State shall employ green building technologies when constructing or renovating a State building not subject to this section; and
 - (2) high performance buildings shall meet the criteria and standards established under the “High [Efficiency] **PERFORMANCE** Green Building Program” adopted by the Maryland Green Building Council.
- (c) (1) This subsection applies to:
- (I) capital projects that are funded solely with State funds; **AND**
 - (II) **COMMUNITY COLLEGE CAPITAL PROJECTS THAT RECEIVE STATE FUNDS.**
- (2) Except as provided in subsections (d) and (e) of this section, if a capital project includes the construction or major renovation of a building that is 7,500 square feet or greater, the building shall be constructed or renovated to be a high performance building.
- (d) The following types of unoccupied buildings are not required to be constructed or renovated to be high performance buildings:
- (1) warehouse and storage facilities;
 - (2) garages;
 - (3) maintenance facilities;
 - (4) transmitter buildings;
 - (5) pumping stations; and
 - (6) other similar types of buildings, as determined by the Department.

(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 **OR 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.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall apply to capital projects that have not initiated a Request for Proposal for the selection of an architectural and engineering consultant on or before July 1, 2011.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2010.

Approved by the Governor, May 20, 2010.