

HOUSE BILL 236

P3, M5, M1
HB 192/20 – HGO & APP

(PRE-FILED)

1lr0614

By: **Delegates Hill, Feldmark, Ebersole, Kerr, Johnson, Terrasa, R. Lewis, and Bagnall**

Requested: September 22, 2020

Introduced and read first time: January 13, 2021

Assigned to: Health and Government Operations and Appropriations

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 5, 2021

CHAPTER _____

1 AN ACT concerning

2 **Department of General Services – Energy-Conserving Standards**
3 **(Maryland Sustainable Buildings Act of 2021)**

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

16 BY repealing and reenacting, without amendments,
17 Article – State Finance and Procurement
18 Section 4–101
19 Annotated Code of Maryland
20 (2015 Replacement Volume and 2020 Supplement)

21 BY adding to

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.



Article – State Finance and Procurement
Section 4–410.1
Annotated Code of Maryland
(2015 Replacement Volume and 2020 Supplement)

Preamble

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

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

WHEREAS, Adopting building standards to protect birds will reduce energy consumption, making State buildings more sustainable and saving taxpayers money; now, therefore,

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

Article – State Finance and Procurement

4–101.

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

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

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

4–410.1.

(A) IN THIS SECTION, “STATE BUILDING” MEANS:

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

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

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

(B) THIS SECTION DOES NOT APPLY TO:

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

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

4 **(3) A PROJECT FOR WHICH FUNDING IS PROVIDED IN THE CAPITAL**
5 **BUDGET AS A GRANT TO A NONPROFIT ORGANIZATION.**

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

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

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

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

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

21 **(4) THE STANDARDS ESTABLISHED UNDER PARAGRAPH (1) OF THIS**
22 **SUBSECTION MAY NOT INCLUDE A REQUIREMENT FOR BIRD COLLISION**
23 **MONITORING.**

24 **(5) THE DEPARTMENT SHALL CONSIDER THE PHYSICAL HEALTH AND**
25 **MENTAL HEALTH OF BUILDING OCCUPANTS WHEN DEVELOPING OR UPDATING**
26 **STANDARDS UNDER PARAGRAPH (1) OF THIS SUBSECTION.**

27 **(D) EACH STATE BUILDING CONSTRUCTED, SUBSTANTIALLY ALTERED, OR**
28 **ACQUIRED BY THE STATE SHALL MEET, TO THE EXTENT PRACTICABLE AND WITHIN**
29 **BUDGETARY CONSTRAINTS AS DETERMINED BY THE DEPARTMENT, THE STANDARDS**
30 **ESTABLISHED UNDER SUBSECTION (C) OF THIS SECTION.**

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

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

(2) BY USING AUTOMATIC CONTROL TECHNOLOGIES, WHICH MAY INCLUDE TIMERS, PHOTSENSORS, INFRARED DETECTORS, AND MOTION DETECTORS.

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

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

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2021.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.