

# HOUSE BILL 1370

P2, L6

0lr3306  
CF SB 592

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By: **Delegate Forbes**

Introduced and read first time: February 7, 2020

Assigned to: Health and Government Operations and Appropriations

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## A BILL ENTITLED

1 AN ACT concerning

2 **State-Funded Construction and Major Renovation Projects – Solar Panels –**  
3 **Requirement**

4 FOR the purpose of requiring the State, for certain construction projects and major  
5 renovation projects proposed after a certain date, to require that the project be  
6 designed, engineered, and constructed in a manner that allows the roof to withstand  
7 the weight of solar panels; requiring certain construction projects and major  
8 renovation projects to include the placement of the maximum number of solar panels  
9 for which the project was designed; requiring the Maryland Green Building Council  
10 to provide certain recommendations; stating the intent of the General Assembly;  
11 providing for the application of certain provisions of this Act; defining certain terms;  
12 and generally relating to State-funded construction and major renovation projects.

13 BY renumbering

14 Article – State Finance and Procurement  
15 Section 3–602.2  
16 to be Section 3–602.3  
17 Annotated Code of Maryland  
18 (2015 Replacement Volume and 2019 Supplement)

19 BY adding to

20 Article – State Finance and Procurement  
21 Section 3–602.2  
22 Annotated Code of Maryland  
23 (2015 Replacement Volume and 2019 Supplement)

24 BY repealing and reenacting, with amendments,

25 Article – State Finance and Procurement  
26 Section 4–809(f)  
27 Annotated Code of Maryland  
28 (2015 Replacement Volume and 2019 Supplement)

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
2 That Section(s) 3–602.2 of Article – State Finance and Procurement of the Annotated Code  
3 of Maryland be renumbered to be Section(s) 3–602.3.

4 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read  
5 as follows:

6 **Article – State Finance and Procurement**

7 **3–602.2.**

8 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS  
9 INDICATED.

10 (2) “CONSTRUCTION PROJECT” MEANS THE CONSTRUCTION OF A  
11 NEW BUILDING THAT IS PROPOSED TO HAVE A ROOF EXPANSE OF 4,000 OR MORE  
12 SQUARE FEET.

13 (3) (I) “MAJOR RENOVATION PROJECT” MEANS THE RENOVATION  
14 OF AN EXISTING BUILDING WHERE:

15 1. THE BUILDING IS TO BE RECONSTRUCTED AND  
16 REUSED AFTER THE RENOVATION;

17 2. THE HEATING, VENTILATION, AND AIR  
18 CONDITIONING, ELECTRICAL, AND PLUMBING SYSTEMS ARE TO BE REPLACED; AND

19 3. THE RECONSTRUCTED BUILDING WILL HAVE A ROOF  
20 EXPANSE OF 4,000 OR MORE SQUARE FEET.

21 (II) “MAJOR RENOVATION PROJECT” DOES NOT INCLUDE A  
22 ROOF REPLACEMENT WHERE THE ROOF REPLACEMENT IS THE ONLY OR PRIMARY  
23 OBJECTIVE OF THE PROJECT.

24 (4) (I) “OBSTRUCTION” INCLUDES AN ACCESS HATCH AND  
25 ROOF–MOUNTED INFRASTRUCTURE DESIGNED FOR:

26 1. HEATING;

27 2. VENTILATION;

28 3. AIR CONDITIONING; OR

1                                   4.     PLUMBING.

2                                   (II)   “OBSTRUCTION” DOES NOT INCLUDE PIPING OR  
3 ELECTRICAL CONDUIT IF SOLAR PANELS CAN BE MOUNTED ABOVE THE PIPING OR  
4 ELECTRICAL CONDUIT.

5                                   (5)   “PUBLIC ENTITY” MEANS A UNIT OF STATE GOVERNMENT OR A  
6 POLITICAL SUBDIVISION OF THE STATE.

7                                   (6)   “ROOF EXPANSE” MEANS THE FLAT SURFACE AREA OF THE ROOF,  
8 MINUS ANY OBSTRUCTIONS.

9                                   (B)   (1)   EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION,  
10 THIS SECTION APPLIES ONLY TO A CONSTRUCTION PROJECT OR MAJOR  
11 RENOVATION PROJECT THAT RECEIVES STATE FUNDS PERFORMED BY:

12                                   (I)    A PUBLIC ENTITY; OR

13                                   (II)   A NONPUBLIC ENTITY IN ACCORDANCE WITH ITS DUTIES  
14 UNDER A PUBLIC-PRIVATE PARTNERSHIP AGREEMENT WITH A PUBLIC ENTITY.

15                                   (2)   THIS SECTION DOES NOT APPLY TO A CONSTRUCTION PROJECT  
16 OR MAJOR RENOVATION PROJECT THAT RECEIVES STATE FUNDS AS THE RESULT OF:

17                                   (I)    AN AWARD OF A GRANT UNDER A MISCELLANEOUS GRANT  
18 PROGRAM;

19                                   (II)   A LOCAL HOUSE OF DELEGATES INITIATIVE; OR

20                                   (III)  A LOCAL SENATE INITIATIVE.

21                                   (C)   (1)   (I)    FOR EACH CONSTRUCTION PROJECT OR MAJOR  
22 RENOVATION PROJECT PROPOSED AFTER DECEMBER 31, 2020, THE STATE SHALL  
23 REQUIRE THAT THE PROJECT BE DESIGNED, ENGINEERED, AND CONSTRUCTED IN A  
24 MANNER THAT ALLOWS THE ROOF TO WITHSTAND THE WEIGHT OF SOLAR PANELS.

25                                   (II)   IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT THE  
26 DESIGN OF A CONSTRUCTION PROJECT OR MAJOR RENOVATION PROJECT MAXIMIZE  
27 THE NUMBER AND EFFICIENCY OF SOLAR PANELS THAT MAY BE PLACED ON THE  
28 ROOF.

29                                   (2)   A CONSTRUCTION PROJECT OR MAJOR RENOVATION PROJECT  
30 DESIGNED, ENGINEERED, AND CONSTRUCTED TO WHICH SUBSECTION (C)(1) OF

1 THIS SECTION APPLIES SHALL INCLUDE THE PLACEMENT OF THE MAXIMUM  
2 NUMBER OF SOLAR PANELS FOR WHICH THE CONSTRUCTION PROJECT OR MAJOR  
3 RENOVATION PROJECT WAS DESIGNED.

4 4-809.

5 (f) The Maryland Green Building Council shall:

6 (1) evaluate current high performance building technologies;

7 (2) provide recommendations concerning the most cost-effective green  
8 building technologies that the State might consider requiring in the construction of State  
9 facilities, including consideration of the additional cost associated with the various  
10 technologies;

11 (3) provide recommendations concerning how to expand green building in  
12 the State;

13 (4) develop a list of building types for which green building technologies  
14 should not be applied, taking into consideration the operational aspects of facilities  
15 evaluated, and the utility of a waiver process where appropriate;

16 (5) establish a process for receiving public input; [and]

17 (6) develop guidelines for new public school buildings to achieve the  
18 equivalent of the current version of the U.S. Green Building Council's LEED (Leadership  
19 in Energy and Environmental Design) Green Building Rating System Silver rating or a  
20 comparable rating system or building code as authorized in § 3-602.1 of this article without  
21 requiring an independent certification that the buildings have achieved the required  
22 standards; AND

23 **(7) PROVIDE RECOMMENDATIONS FOR DESIGN CONSIDERATIONS**  
24 **CONSISTENT WITH THE STATEMENT OF INTENT IN § 3-602.2 OF THIS ARTICLE.**

25 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
26 October 1, 2020.