

BILL: Senate Bill 330
TITLE: State-Funded Construction and Major Renovation Projects -
Solar Panels - Requirement
DATE: January 21, 2021
POSITION: OPPOSE
COMMITTEE: Education, Health, and Environmental Affairs Committee
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The Maryland Association of Boards of Education (MABE) opposes Senate Bill 330 to the extent the new construction requirements would apply to school buildings.

For MABE and Maryland's 24 local school boards, the mission to provide all of Maryland's students with high performing school facilities conducive to learning is a top priority. The Maryland Constitution requires that the State provide a "thorough and efficient" system of public education; and MABE believes that this includes the duty to equitably provide safe, high quality school facilities in which all students can learn.

In the 2020 session, MABE's top school facility funding and policy priorities were the passage of the Built to Learn Act and a capital budget that included a State funding level of at least \$400 million for school construction and renovation projects for FY 2021 to provide the State's share of approved projects to build, renovate, and improve schools. While the capital budget goals were largely achieved, the Built to Learn Act passed but remains to be put into effect due to the contingency on the final passage of the Blueprint for Maryland's Future Act. In this context, MABE is not supporting other major reforms to the school construction program beyond those already included in the Built to Learn Act, which should go into effect during the 2021 session.

Specific objections to Senate Bill 330 arise in the new language proposed under Section 3-602.2 which does not align with existing school construction law or regulations regarding the definitions and thresholds for new construction and major renovations, roof replacements, or determinations of whether to design and construct a school roof to accommodate solar panels. In this light, numerous highly technical administrative, regulatory, and legal challenges are raised by this legislation. As one local school system has opined, "This legislation is an unfunded mandate and does not align with sound engineering principals, widely accepted life-cycle economic costing methodologies, or best practices within energy management and building maintenance."

MABE assures the legislature that Maryland has long placed emphasis on building and renovating schools which are energy efficient and utilize principles of sustainable design. In 2004, the Public School Construction Program was directed by the General Assembly to "develop design guidelines and provide financial incentives, such as supplemental design funds or additional construction funding, for school construction projects that use innovative building techniques or include energy conservation, sustainable building, or green architecture design features."

Since then, school construction projects must be designed "in a manner which will minimize the initial construction cost to the State and the consumption of energy resources used in the operation and maintenance of the building."

In addition, school systems must conduct a life cycle cost analysis regarding energy conservation which requires submission of four alternative mechanical systems at the design development phase; one of which must use a geothermal ground source heating and cooling system.

In 2008, the General Assembly enacted the High Performance Buildings Act, which required new or renovated state buildings and new school facilities to satisfy the following standards:

- The building must meet or exceed the U.S. Green Building Council's Leadership in Energy and Environmental Design (LEED) criteria for a silver rating; or
- The building must achieve a comparable numeric rating according to a nationally recognized, accepted, and appropriate standard approved by the Department of Budget and Management and the Department of General Services.

MABE also supported Senate Bill 245, enacted in 2013, as a reasonable addition to the array of energy efficient and sustainable design standards applying to the construction and renovation of Maryland's public schools. This legislation required regulations to ensure that the design development documents submitted by local boards of education to the Interagency Committee on School Construction (IAC) for the construction or major renovation of a public school building include an evaluation of the use of solar technology, including photovoltaic or solar water heating, based on life-cycle costs. If an evaluation determines that solar technology is not appropriate for a specific school construction or major renovation project, the local board must submit a report explaining why it is not appropriate.

In addition, the State has created a solar energy grant program in statute, under §5-318 of the Education Article, to promote the use of solar energy systems to generate electricity in public school buildings. In these ways, Maryland has adopted statutory and regulatory efforts intended to advance the pursuit of energy efficient school facilities.

Maryland has an outstanding public school construction program that has achieved a remarkable degree of equity and excellence across the diverse landscape of Maryland's 24 local school systems. And yet, MABE recognizes that continuous improvements must be promoted and pursued in order to incorporate new best practices and optimize what are always limited, and therefore inadequate, State and local resources.

However, MABE is opposed to the one-size-fits-all approach taken by Senate Bill 330 to mandate a uniform mandate to maximize the capacity of every school roof for solar panel installation. Imposing this unfunded and uniform construction standard would be very disruptive and costly for local school systems, and local governments as major contributors of school construction funding. In this context, before enacting such legislation MABE urges much more dialogue among the Maryland Stadium Authority, Public School Construction Program, Maryland Association of Counties, and local school systems, including our excellent professional staff responsible for administering school construction and renovation projects.

For these reasons, MABE requests an unfavorable report on Senate Bill 330.