

Senate Bill 158

By: Senators Whitehead, Sr. of the 24th, Chapman of the 3rd, Grant of the 25th, Seabaugh of the 28th, Chance of the 16th and others

AS PASSED SENATE

A BILL TO BE ENTITLED

AN ACT

1 To amend Title 50 of the Official Code of Georgia Annotated, relating to state government,
 2 so as to provide for the comprehensive revision of provisions regarding state property; to
 3 provide for consolidation and effective management of the rental of administrative space and
 4 the acquisition, use, and disposition of real property by the state and state authorities; to
 5 repeal Article 2 of Chapter 5 of Title 50 of the Official Code of Georgia Annotated, the
 6 "State Space Management Act of 1976"; to provide for the transfer of powers, duties, and
 7 responsibilities of the commissioner of administrative services and the Department of
 8 Administrative Services regarding space management to the State Properties Commission;
 9 to change certain provisions relating to projects, composition, administrative assignment,
 10 powers, and duties of the Georgia Building Authority; to repeal Article 6 of Chapter 9 of
 11 Title 50 of the Official Code of Georgia Annotated, relating to inventory of state buildings;
 12 to change certain provisions regarding the composition, powers, duties, authority, and
 13 administrative assignment of the State Properties Commission; to provide for the transfer to
 14 the State Properties Commission of certain assets, contracts, leases, agreements, obligations,
 15 funds, and personnel of the commissioner of administrative services and the Department of
 16 Administrative Services; to provide for a state property officer and the powers, duties, and
 17 authority of such officer; to provide for powers, duties, and authority of the State Properties
 18 Commission with respect to inventory and management of administrative space; to provide
 19 for duties and responsibilities of state entities with respect to information compilation
 20 regarding state facilities; to amend Title 34 of the Official Code of Georgia Annotated,
 21 relating to labor and industrial relations, so as to repeal certain provisions regarding the lease
 22 of property; to amend Code Section 50-16-43 of the Official Code of Georgia Annotated,
 23 relating to leasing of state owned lands, so as to change a cross-reference; to provide for
 24 related matters; to provide an effective date; to repeal conflicting laws; and for other
 25 purposes.

26 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

1 ~~(F) Space in buildings located on and used in direct support of any part of the system~~
 2 ~~of state parks and historic sites under the jurisdiction of the Department of Natural~~
 3 ~~Resources;~~

4 ~~(G) Space in buildings used in direct support of the construction and maintenance of~~
 5 ~~the state highway system, i.e., maintenance barns, equipment sheds, and district offices,~~
 6 ~~under the jurisdiction of the Department of Transportation;~~

7 ~~(H) Space in buildings located on and used in direct support of any penal institution~~
 8 ~~under the jurisdiction of the Department of Corrections;~~

9 ~~(I) Space in buildings located on and used in direct support of any state patrol post~~
 10 ~~under the jurisdiction of the Department of Public Safety;~~

11 ~~(J) Space in buildings located on and used in direct support of any farmer's market~~
 12 ~~under the jurisdiction of the Department of Agriculture;~~

13 ~~(K) Space in buildings located on and used in direct support of any hospital,~~
 14 ~~rehabilitation center, school for persons with disabilities, or other mental or physical~~
 15 ~~health care institution under the jurisdiction of the Department of Human Resources;~~

16 ~~(L) Space in buildings located on and used in direct support of any forestry unit under~~
 17 ~~the jurisdiction of the State Forestry Commission;~~

18 ~~(M) Space in buildings located on and used in direct support of vocational education~~
 19 ~~schools, schools for the deaf, or the educational television network under the~~
 20 ~~jurisdiction of the State Board of Education;~~

21 ~~(N) Space in buildings located on and used in direct support of any welcome center or~~
 22 ~~rest station under the jurisdiction of the Tourist Division of the Department of~~
 23 ~~Economic Development;~~

24 ~~(O) Space in buildings located on and used in direct support of armories or other~~
 25 ~~military installations under the jurisdiction of the Department of Defense; or~~

26 ~~(P) Any real properties under the jurisdiction of the State Properties Commission.~~

27 ~~(2) 'Commissioner' means the commissioner of administrative services.~~

28 ~~(3) 'Department' means the Department of Administrative Services.~~

29 ~~(4) 'State agency' means any department, division, board, bureau, commission, or other~~
 30 ~~agency within the state government, by whatever name designated.~~

31 ~~50-5-32.~~

32 ~~(a) The department is given the authority and charged with the duty of managing the~~
 33 ~~utilization of administrative space by all state agencies in a manner that is the most cost~~
 34 ~~efficient and operationally effective and which provides decentralization of state~~
 35 ~~government. Such management shall include the authority to assign and reassign~~
 36 ~~administrative space to state agencies based on the needs of the agencies as determined by~~

1 standards for administrative space utilization promulgated by the commissioner pursuant
2 to Code Section 50-5-33 and shall include the obligation to advise the Office of Planning
3 and Budget and state agencies and departments of cost-effective, decentralized alternatives.

4 (b) ~~The management of the utilization of administrative space by the department shall~~
5 ~~include entering into any necessary agreements to rent or lease administrative space,~~
6 ~~whether existing or to be constructed and shall include administrative space rented or~~
7 ~~leased by a state agency from the Georgia Building Authority or from any other public or~~
8 ~~private person, firm, or corporation. When it becomes necessary to rent or lease~~
9 ~~administrative space, the space shall be rented or leased by the department and assigned~~
10 ~~to the state agency or agencies requiring the space.~~

11 (c) ~~If the department reassigns all or any portion of any administrative space which is~~
12 ~~leased or rented by one state agency to another state agency, the state agency to which the~~
13 ~~administrative space is reassigned shall pay to the department rental charges, as determined~~
14 ~~by the department, for the utilization of the space; and the department shall, in turn, use the~~
15 ~~rental charges so paid for the purpose of paying or partially paying, as the case may be, the~~
16 ~~rent or lease payments due the lessor of the administrative space in accordance with the~~
17 ~~terms of the lease or rent contract existing at the time of the reassignment of the~~
18 ~~administrative space. Any such payments to a lessor by the department shall be on behalf~~
19 ~~of the state agency which is the lessee of the administrative space reassigned as provided~~
20 ~~herein.~~

21 (d) ~~The management of the utilization of administrative space given to the department by~~
22 ~~this article shall not be construed to impair the obligation of any contract executed before~~
23 ~~July 1, 1976, between any state agency and the Georgia Building Authority or between any~~
24 ~~state agency and any other public or private person, firm, or corporation; and the powers~~
25 ~~given to the department by this article shall not be implemented or carried out in such a~~
26 ~~manner as to impair the obligation of any such contract.~~

27 50-5-33:

28 (a) ~~The commissioner is authorized and directed to develop and promulgate standards~~
29 ~~governing the utilization of administrative space by all state agencies which require~~
30 ~~emphasis on cost effectiveness and decentralization. The standards shall be uniformly~~
31 ~~applied to all state agencies except as otherwise provided by subsection (b) of this Code~~
32 ~~section; but the standards shall recognize and provide for different types of administrative~~
33 ~~space required by the various state agencies and the different types of administrative space~~
34 ~~that may be required by a single state agency.~~

35 (b) ~~The department shall be authorized to reassign administrative space to the various state~~
36 ~~agencies in order to bring the utilization of administrative space into conformity with the~~

1 ~~standards promulgated under subsection (a) of this Code section. Any additional~~
2 ~~administrative space required by a state agency shall be approved by and obtained through~~
3 ~~the department. The commissioner shall be authorized to grant exceptions to the standards~~
4 ~~governing the utilization of administrative space when the reassignment of such space~~
5 ~~would involve unnecessary expenses or the disruption of services being provided by a state~~
6 ~~agency. The commissioner shall adopt and promulgate rules and regulations governing the~~
7 ~~granting of such exceptions, and the rules and regulations shall be uniformly applied by the~~
8 ~~commissioner to all state agencies requesting an exception to the standards.~~

9 ~~50-5-34.~~

10 ~~Any state agency requiring any administrative space shall apply therefor to the department~~
11 ~~on forms prescribed by the department for such purpose, and the department shall assign~~
12 ~~the space to the agency in conformity with the standards governing the utilization of~~
13 ~~administrative space promulgated pursuant to Code Section 50-5-33 and requirement of~~
14 ~~cost effectiveness and decentralization.~~

15 ~~50-5-35.~~

16 ~~For purposes of cost effectiveness and decentralization, the following factors, among other~~
17 ~~factors, shall be considered:~~

18 ~~(1) Dual location of programs within a city should be considered in order to take~~
19 ~~advantage of possible economies of scale and as a matter of convenience to the general~~
20 ~~public; or~~

21 ~~(2) When all factors are reasonably equivalent, preferences will be given to location of~~
22 ~~state government programs and facilities in those counties which are determined by the~~
23 ~~Department of Community Affairs to be the most economically depressed, such term~~
24 ~~shall mean those 80 counties of the state designated as 'less developed' under the Job Tax~~
25 ~~Credit Program.~~

26 ~~50-5-36.~~

27 ~~The commissioner is authorized and directed to promulgate rules and regulations governing~~
28 ~~budgetary requirements for administrative space utilized by state agencies whereby the~~
29 ~~agencies shall be accountable in the budgetary process for administrative space assigned~~
30 ~~to and utilized by them. The budgetary requirements may provide for the payment of rent~~
31 ~~to the department by state agencies or may otherwise provide procedures for the assessment~~
32 ~~of rent charges for administrative space utilized by state agencies or any combination of~~
33 ~~the foregoing.~~

1 ~~50-5-37.~~

2 ~~In addition to the standards and rules and regulations specifically provided for by this~~
 3 ~~article, the commissioner is authorized to adopt such other rules and regulations as may be~~
 4 ~~required to carry out this article efficiently and effectively.~~

5 ~~50-5-38.~~

6 ~~The commissioner shall be authorized to employ such personnel as may be necessary to~~
 7 ~~carry out this article effectively.~~

8 ~~50-5-39.~~

9 ~~This article shall be liberally construed so as to effectuate the purposes and the intent of the~~
 10 ~~General Assembly."~~

11 **SECTION 2.**

12 Said title is further amended by striking paragraph (4) of Code Section 50-9-2, relating to
 13 definitions with respect to the Georgia Building Authority, and inserting in its place a new
 14 paragraph (4) to read as follows:

15 "(4) 'Project' means and includes one or a combination of two or more of the following:
 16 buildings and facilities intended for use as offices and related uses and all structures,
 17 including electric, gas, steam, and water utilities and facilities of every kind and character
 18 deemed by the authority necessary or convenient for the efficient operation of any
 19 department, board, commission, or agency of the state. Without limiting the foregoing
 20 and without further determination of necessity or convenience, the word 'project' also
 21 means and includes ~~child care and child development centers~~; public parks and public
 22 parking facilities adjacent to the state capitol other than the facilities within or connected
 23 to state owned or state leased buildings; a parking facility on the 'Old Incinerator' site
 24 acquired in 1983 by the State of Georgia from the City of Atlanta in Fulton County,
 25 Georgia; an executive mansion and buildings, structures, and facilities of every kind and
 26 character for use in conjunction with the mansion regardless of whether the buildings,
 27 structures, and facilities are physically connected with such mansion; and a Department
 28 of Transportation laboratory and buildings, structures, and facilities of every kind and
 29 character for use in conjunction with the laboratory, regardless of whether the buildings,
 30 structures, and facilities are physically connected with the laboratory, provided that the
 31 buildings, structures, and facilities are built and constructed on property owned by the
 32 Department of Transportation at Forest Park, Georgia."

SECTION 5.

Said title is further amended by striking Code Section 50-9-5, relating to the general powers of the Georgia Building Authority, and inserting in its place a new Code Section 50-9-5 to read as follows:

"50-9-5.

The authority shall have the powers:

(1) To have a seal and alter the same at pleasure;

(2) To acquire by purchase, lease, or otherwise and to hold, lease, and dispose of real and personal property of every kind and character for its corporate purposes;

(3) To acquire in its own name by purchase, on such terms and conditions and in such manner as it may deem proper, or by condemnation, in accordance with any and all laws applicable to the condemnation of property for public use, real property or rights of easements therein or franchises necessary or convenient for its corporate purposes and to use the same so long as its corporate existence shall continue and to lease or make contracts with respect to the use of or disposal of the same in any manner it deems to the best advantage of the authority, the authority being under no obligation to accept and pay for any property condemned under this chapter except from the funds provided under the authority of this chapter; and in any proceedings to condemn, such orders may be made by the court having jurisdiction of the action or proceeding as may be just to the authority and to the owners of the property to be condemned. No property shall be acquired under this chapter upon which any lien or other encumbrance exists unless at the time such property is so acquired a sufficient sum of money is deposited in trust to pay and redeem the fair value of the lien or encumbrance; and if the authority shall deem it expedient to construct any project on lands which are a part of the real estate holdings of the state, the Governor is authorized to execute for and on behalf of the state a lease of the lands to the authority for such parcel or parcels as shall be needed for a period not to exceed 50 years. If the authority shall deem it expedient to construct any project on any other lands the title to which shall then be in the state, the Governor is authorized to convey, for and in behalf of the state, title to such lands to the authority;

(4) To appoint and select officers, agents, and employees, including engineering, architectural, and construction experts, fiscal agents, and attorneys, and fix their compensation and to serve as financial adviser and agent to other state authorities;

(5) To make contracts and leases and to execute all instruments necessary or convenient, including contracts for construction of projects and leases of projects or contracts with respect to the use of projects which it causes to be erected or acquired; and any and all political subdivisions, departments, institutions, or agencies of the state are authorized to enter into contracts, leases, or agreements with the authority upon such terms and for such

1 purposes as they deem advisable. Without limiting the generality of the above, authority
 2 is specifically granted to any department, board, commission, agency, or appellate court
 3 of the state to enter into contracts and lease agreements for the use or concerning the use
 4 of any structure, building, or facilities or a combination of any two or more structures,
 5 buildings, or facilities of the authority for a term not exceeding 50 years; and any
 6 department, board, commission, or agency of the state may obligate itself to pay an
 7 agreed sum for the use of the property so leased and also to obligate itself as part of the
 8 lease contract to pay the cost of maintaining, repairing, and operating the property leased
 9 from the authority;

10 (6) To construct, erect, acquire, own, repair, remodel, maintain, add to, extend, improve,
 11 equip, operate, and manage projects, as defined in Code Section 50-9-2, to be located on
 12 property owned by or leased by the authority, the cost of any such project to be paid in
 13 whole or in part from the proceeds of revenue bonds of the authority or from such
 14 proceeds and any grant from the United States or any agency or instrumentality thereof;

15 (7) To accept loans or grants of money or materials or property of any kind from the
 16 United States or any agency or instrumentality thereof upon such terms and conditions
 17 as the United States or the agency or instrumentality may impose;

18 (8) To borrow money for any of its corporate purposes and to issue negotiable revenue
 19 bonds payable solely from funds pledged for that purpose and to provide for the payment
 20 of the same and for the rights of the holders thereof;

21 ~~(9) To operate and cause to be operated railroad excursions between and in the vicinity~~
 22 ~~of stated places of public interest, provided that a right of use has been obtained by the~~
 23 ~~authority before private property is used in such purpose; to make contracts with all~~
 24 ~~public and private individuals and entities for the purpose thereof; to purchase, rent, lease,~~
 25 ~~sell, and otherwise acquire and dispose of personal property and real property for such~~
 26 ~~purposes; to apply for licenses, permissions, regulatory approvals, and the like; and to do~~
 27 ~~all other things necessary or convenient to carry out such power;~~

28 ~~(9.1) To operate and cause to be operated one or more child care or child development~~
 29 ~~centers; to make contracts with public and private individuals and entities for the~~
 30 ~~operation of such center or centers; to purchase, rent, lease, sell, or otherwise acquire and~~
 31 ~~dispose of personal and real property for the operation of such center or centers; and to~~
 32 ~~apply for and obtain all such licenses, permissions, regulatory approvals, and similar~~
 33 ~~matters for the operation of such center or centers;~~

34 ~~(10)~~(9) To exercise any power usually possessed by private corporations performing
 35 similar functions, which is not in conflict with the Constitution and laws of this state; and
 36 ~~(11)~~(10) To do all things necessary or convenient to carry out the powers expressly given
 37 in this chapter."

1 (3) The name of the building manager or, in the case of a state building which is leased
 2 to a tenant who is responsible for the operation of the building, the tenant or the tenant's
 3 building manager;

4 (4) The square footage of the building;

5 (5) Information as to whether such building is currently in use by the state entity or is
 6 being leased to a private tenant by such state entity;

7 (6) The nature of the use of the building at the time inventory is made;

8 (7) Estimation of the building's fair market value or replacement value at the time
 9 inventory is made, and if the building is leased to a private tenant who is responsible for
 10 the operation of the building, an estimation of the fair market value of the building at the
 11 time the lease agreement was executed;

12 (8) Information on major building components, such as electrical, mechanical, structural,
 13 roof, elevators, escalators, underground storage tanks, emergency generators, boilers, and
 14 life safety systems, and their estimated expected life;

15 (9) Information on the age of the building and its historic significance, if any;

16 (10) Information on the accessibility of the building and grounds;

17 (11) Information on energy consumption and utility connections and usage; and

18 (12) Other information required by the authority, the chairperson of the State Institutions
 19 and Property Committee of the Georgia House of Representatives, or the chairperson of
 20 the Finance and Public Utilities Committee of the Georgia Senate."

21 **SECTION 7.**

22 Said title is further amended by adding a new paragraph immediately following paragraph
 23 (1) of Code Section 50-16-31, relating to the definitions regarding the State Properties Code,
 24 to be designated paragraph (1.1), to read as follows:

25 "(1.1) 'Administrative space' means any space, whether existing or to be constructed, that
 26 is required by a state entity for office, storage, or special purposes. In order to be
 27 required, the space must be necessary for and utilized in either:

28 (A) The performance of the duties that the state entity is obligated by law to perform;
 29 or

30 (B) The delivery of the services that the state entity is authorized or required by law
 31 to provide."

32 **SECTION 8.**

33 Said title is further amended by adding a new paragraph immediately following paragraph
 34 (3) of Code Section 50-16-31, relating to the definitions regarding the State Properties Code,
 35 to be designated paragraph (3.1), to read as follows:

1 "(3.1) 'Entities' or 'entity' means any and all constitutional offices, as well as all
 2 authorities, departments, divisions, boards, bureaus, commissions, agencies,
 3 instrumentalities, or institutions of the state."

4 SECTION 9.

5 Said title is further amended by striking Code Section 50-16-32, relating to creation,
 6 membership, and organization of the State Properties Commission, and inserting in its place
 7 a new Code Section 50-16-32, to read as follows:

8 "50-16-32.

9 (a) There is created within the executive branch of state government a public body which
 10 shall be known as the State Properties Commission and which shall consist of ~~ten~~ seven
 11 members and be composed of the Governor; the Secretary of State; the state accounting
 12 officer; one citizen appointed by the Governor for terms ending on April 1 in each
 13 odd-numbered year; the director of the Office of Treasury and Fiscal Services; ~~the state~~
 14 ~~auditor; three citizens~~ one citizen appointed by the Speaker of the House of Representatives
 15 for terms ending on April 1 in each odd-numbered year; and ~~three citizens~~ one citizen
 16 appointed by the Lieutenant Governor for terms ending on April 1 in each odd-numbered
 17 year. The term of office of the appointed members of the commission is continued until
 18 their successors are duly appointed and qualified. The Lieutenant Governor may serve as
 19 an appointed citizen member.

20 (b) The Governor shall be the chairperson of the commission, the ~~state auditor~~ state
 21 accounting officer shall be its vice chairperson, and the Secretary of State shall be its
 22 secretary. ~~Six~~ Four members of the commission shall constitute a quorum. No vacancy on
 23 the commission shall impair the right of the quorum to exercise the powers and perform
 24 the duties of the commission. With the sole exception of acquisitions of real property,
 25 which acquisitions shall require ~~six~~ four affirmative votes of the membership of the
 26 commission present and voting at any meeting, the business, powers, and duties of the
 27 commission may be transacted, exercised, and performed by a majority vote of the
 28 commission members present and voting at a meeting when more than a quorum is present
 29 and voting or by a majority vote of a quorum when only a quorum is present and voting at
 30 a meeting. An abstention in voting shall be considered as that member not being present
 31 and not voting in the matter on which the vote is taken. No person may be appointed,
 32 elected, or serve on the commission who is a member of the legislative or judicial branch
 33 of government. In the event any ex officio member is determined to be in either the
 34 legislative or judicial branch of government, the General Assembly declares that it would
 35 have passed this article without such ex officio position on the commission and would have
 36 reduced the quorum and vote required of the commission on all actions accordingly.

1 (c) Meetings shall be held on the call of the ~~chairman~~ chairperson, ~~vice-chairman~~ vice
2 chairperson, or two commission members whenever necessary to the performance of the
3 duties of the commission. Minutes or transcripts shall be kept of all meetings of the
4 commission and in the minutes or transcripts there shall be kept a record of the vote of each
5 commission member on all questions, acquisitions, transactions, and all other matters
6 coming before the commission. The secretary shall give or cause to be given to each
7 commission member, not less than three days prior to the meeting, written notice of the
8 date, time, and place of each meeting of the commission.

9 (d) The commission shall adopt a seal for its use and may adopt bylaws for its internal
10 government and procedures.

11 (e) Members of the commission who are also state officials shall receive only their
12 traveling and other actual expenses incurred in the performance of their official duties as
13 commission members. Citizen members shall receive the same expense allowance per day
14 as that received by a member of the General Assembly for each day any such member of
15 the commission is in attendance at a meeting or carrying out official duties of the
16 commission inside or outside the state, plus reimbursement for actual transportation costs
17 while traveling by public carrier or the legal mileage rate for the use of a personal
18 automobile inside or outside the state while attending meetings or carrying out their official
19 duties as members of the commission.

20 (f) The commission shall receive all assets of and the commission shall be responsible for
21 any contracts, leases, agreements, or other obligations of the Department of Administrative
22 Services under the former provisions of Article 2 of Chapter 5 of this title, the 'State Space
23 Management Act of 1976.' The commission is substituted as a party to any such contract,
24 agreement, lease, or other obligation and the same responsibilities respecting such matters
25 as if it had been the original party and is entitled to all prerogatives, benefits, and rights of
26 enforcement by the commissioner of administrative services and Department of
27 Administrative Services. Appropriations and other funds of the Department of
28 Administrative Services encumbered, required, or held for functions transferred to the
29 commission shall be transferred to the commission as provided for in Code Section
30 45-12-90, relating to disposition of appropriations for duties, purposes, and objects which
31 have been transferred. Personnel, equipment, and facilities previously employed by the
32 Department of Administrative Services for such transferred functions shall likewise be
33 transferred to the commission. Upon the effective date of this Code section, all personnel
34 positions authorized by the Department of Administrative Services in fiscal year 2006 for
35 such functions shall be transferred to the commission, and all employees of the department
36 whose positions are transferred by the Department of Administrative Services to the

1 commission shall become employees of the commission in the unclassified service as
 2 defined by Code Section 45-20-6."

3 **SECTION 10.**

4 Said title is further amended by striking Code Section 50-16-33, relating to assignment of the
 5 State Properties Commission to the Department of Administrative Services, and inserting in
 6 its place a new Code Section 50-16-33 to read as follows:

7 "50-16-33.

8 ~~The State Properties Commission is assigned to the Department of Administrative Services~~
 9 ~~for administrative purposes only as prescribed in Code Section 50-4-3 Reserved."~~

10 **SECTION 11.**

11 Said title is further amended the striking paragraph (17) of Code Section 50-16-34, relating
 12 to the providing or performing of acquisition related services to or for state agencies, state
 13 authorities, and other instrumentalities of the state, and inserting in its place a new paragraph
 14 (17) of Code Section 50-16-34 to read as follows:

15 "(17) Provide or perform acquisition related services to or for ~~state agencies, state~~
 16 ~~authorities, and other instrumentalities of the state~~ all state entities."

17 **SECTION 12.**

18 Said title is further amended by striking subsection (a) of Code Section 50-16-35, relating
 19 to the employment of personnel by the State Properties Commission and the authority and
 20 duties of the executive director, and inserting in its place a new subsection (a) to read as
 21 follows:

22 "(a)(1) The Governor shall appoint a state property officer who shall serve as the
 23 executive director of the commission. The state property officer shall:

24 (A) Advise the Governor on opportunities to achieve the goal of state-wide real
 25 property management;

26 (B) Develop policies and procedures for state-wide real property management;

27 (C) Maintain a state-wide real property management system that has consolidated real
 28 property, building, and lease information for state entities;

29 (D) Develop and maintain a centralized repository of comprehensive space needs for
 30 all state entities including up-to-date space and resource utilization, anticipated needs,
 31 and recommended options;

32 (E) With the advice and counsel of state entities, board members, and industry groups,
 33 provide state-wide policy leadership, recommending legislative, policy, and other

1 similar changes and coordinating master planning to guide and organize capital asset
 2 management;

3 (F) As needed, secure portfolio management expertise to accomplish the desired policy
 4 outcomes;

5 (G) Seek the cooperation of all state entities to increase the effectiveness of the
 6 portfolio management approach; and

7 (H) Provide assistance to all entities in achieving space and real property reporting
 8 requirements, in accordance with state law, in the acquisition and disposition of real
 9 property and leases, and in evaluating compliance and operational practices.

10 (2) The commission is authorized to employ ~~an executive director~~ and such other
 11 employees, on either a full-time or part-time basis, as may be necessary to discharge the
 12 duties of the commission. The executive director shall supervise and conduct the
 13 activities of the commission under the commission's direction. Unless the commission
 14 or ~~chairman~~ chairperson otherwise directs, the executive director may execute and attest
 15 on behalf of the commission any instrument in furtherance of an activity authorized by
 16 the commission. Unless the commission, ~~chairman~~ chairperson, or secretary otherwise
 17 instructs, the executive director may report the minutes of the commission, keep and affix
 18 its seal, attest its instruments, and keep and certify its records."

19 SECTION 13.

20 Said title is further amended by striking Code Section 50-16-38, relating to the acquisition
 21 by all state agencies of real property through the State Properties Commission, the procedure
 22 for handling acquisition requests, and funds for acquisitions, and inserting in its place a new
 23 Code Section 50-16-38, to read as follows:

24 "50-16-38.

25 (a) Except for all acquisitions of real property by the Department of Transportation and
 26 the Board of Regents of the University System of Georgia, and except for the Department
 27 of Natural Resources acquiring by gift parcels of real property, not exceeding three acres
 28 each, to be used for the construction and operation thereon of boat-launching ramps, and
 29 except for acquisitions of real property by the Department of Technical and Adult
 30 Education in connection with student live work projects funded through moneys generated
 31 as a result of the sale of such projects, donations, or student supply fees, and except for
 32 acquisitions of real property by the commission resulting from transfers of custody and
 33 control of real property to the commission by executive order of the Governor or by Act
 34 or resolution of the General Assembly, and except as otherwise provided by law, and
 35 except as otherwise required by the nature of the transaction conveying real property to the
 36 state or any entity thereof:

1 (1) All all state agencies entities shall acquire real property through the commission; and

2 (2) The title to all real property acquired shall be in the name of the state; but the
 3 conveyance shall have written or printed in the upper right-hand corner of the initial page
 4 thereof the name of the state entity for which acquired who is the custodian thereof.

5 (b) The commission is authorized to establish, and amend when the commission deems it
 6 necessary, a procedure to facilitate the handling by the commission of requests for
 7 acquisition of real property.

8 (c) The state agency entity requesting acquisition of real property shall provide all of the
 9 funds necessary to acquire the real property."

10 SECTION 14.

11 Said title is further amended by striking Code Section 50-16-41, relating to rental agreements
 12 without competitive bidding authorized and limitations, and inserting in its place a new Code
 13 Section 50-16-41, to read as follows:

14 "50-16-41.

15 (a) Notwithstanding any provisions and requirements of law to the contrary and
 16 particularly notwithstanding the requirements of Code Section 50-16-39, the commission
 17 is authorized to negotiate, prepare, and enter into in its own name rental agreements
 18 whereby a part of the property is rented, without public competitive bidding, to a person
 19 for a length of time not to exceed one year and for adequate monetary consideration (in no
 20 instance to be less than a rate of \$250.00 per year), which shall be determined by the
 21 commission, and pursuant to such terms and conditions as the commission shall determine
 22 to be in the best interest of the state. The same property or any part thereof shall not be the
 23 subject matter of more than one such rental agreement to the same person unless the
 24 commission shall determine that there are extenuating circumstances present which would
 25 make additional one-year rental agreements beneficial to the state; provided, however, the
 26 same property or any part thereof shall not after April 24, 1975, be the subject matter of
 27 more than a total of three such one-year rental agreements to the same person.

28 (b) The commission is given the authority and charged with the duty of managing the
 29 utilization of administrative space by all state entities in a manner that is the most cost
 30 efficient and operationally effective and which provides decentralization of state
 31 government. Such management shall include the authority to assign and reassign
 32 administrative space to state entities based on the needs of the entities as determined by
 33 standards for administrative space utilization promulgated by the commission pursuant to
 34 subsection (g) of this Code section and shall include the obligation to advise the Office of
 35 Planning and Budget and state entities of cost-effective, decentralized alternatives.

1 (c) The management of the utilization of administrative space by the commission shall
2 include entering into any necessary agreements to rent or lease administrative space,
3 whether existing or to be constructed, and shall include administrative space rented or
4 leased by a state entity from the Georgia Building Authority or from any other public or
5 private person, firm, or corporation. When it becomes necessary to rent or lease
6 administrative space, the space shall be rented or leased by the commission and assigned
7 to the state entity or entities requiring the space.

8 (d) If the commission reassigns all or any portion of any administrative space which is
9 leased or rented by one state entity to another state entity, the state entity to which the
10 administrative space is reassigned shall pay to the commission rental charges, as
11 determined by the commission, for the utilization of the space; and the commission shall,
12 in turn, use the rental charges so paid for the purpose of paying or partially paying, as the
13 case may be, the rent or lease payments due the lessor of the administrative space in
14 accordance with the terms of the lease or rent contract existing at the time of the
15 reassignment of the administrative space. Any such payments to a lessor by the
16 commission shall be on behalf of the state entity which is the lessee of the administrative
17 space reassigned as provided in this Code section.

18 (e) The management of the utilization of administrative space given to the commission by
19 this Code section shall not be construed to impair the obligation of any contract executed
20 before July 1, 1976, between any state entity and the Georgia Building Authority or
21 between any state entity and any other public or private person, firm, or corporation; and
22 the powers given to the commission by this Code section shall not be implemented or
23 carried out in such a manner as to impair the obligation of any such contract.

24 (f) The commission is authorized and directed to develop and promulgate standards
25 governing the utilization of administrative space by all state entities which require
26 emphasis on cost effectiveness and decentralization. The standards shall be uniformly
27 applied to all state entities except as otherwise provided by subsection (g) of this Code
28 section, but the standards shall recognize and provide for different types of administrative
29 space required by the various state entities and the different types of administrative space
30 that may be required by a single state entity.

31 (g) The commission shall be authorized to reassign administrative space to the various
32 state entities in order to bring the utilization of administrative space into conformity with
33 the standards promulgated under subsection (f) of this Code section. Any additional
34 administrative space required by a state entity shall be approved by and obtained through
35 the commission. The commission shall be authorized to grant exceptions to the standards
36 governing the utilization of administrative space when the reassignment of such space
37 would involve unnecessary expenses or the disruption of services being provided by a state

1 entity. The commission shall adopt and promulgate rules and regulations governing the
 2 granting of such exceptions, and the rules and regulations shall be uniformly applied by the
 3 commission to all state entities requesting an exception to the standards.

4 (h) For purposes of cost effectiveness and decentralization, the following factors, among
 5 other factors, shall be considered:

6 (1) Dual location of programs within a city should be considered in order to take
 7 advantage of possible economies of scale and as a matter of convenience to the general
 8 public; or

9 (2) When all factors are reasonably equivalent, preferences will be given to location of
 10 state government programs and facilities in those counties which are determined by the
 11 Department of Community Affairs to be the most economically depressed, meaning those
 12 71 tier 1 counties of the state designated as least developed under paragraph (2) of Code
 13 Section 48-7-40.

14 (i) The commission is authorized and directed to promulgate rules and regulations
 15 governing budgetary requirements for administrative space utilized by state entities in
 16 cooperation with the Office of Planning and Budget whereby the entities shall be
 17 accountable in the budgetary process for administrative space assigned to and utilized by
 18 them. The budgetary requirements may provide for the payment of rent to the commission
 19 by state entities or may otherwise provide procedures for the assessment of rent charges for
 20 administrative space utilized by state entities or any combination of the foregoing.

21 (j) In addition to the standards and rules and regulations specifically provided for by this
 22 Code section, the commission is authorized to adopt such other rules and regulations as
 23 may be required to carry out this Code section efficiently and effectively."

24 SECTION 15.

25 Said title is further amended by striking Part 1 of Article 6 of Chapter 16, relating to
 26 inventory of real property, and inserting in its place a new Part 1 to read as follows:

27 "Part 1

28 50-16-120.

29 As used in ~~Code Section 50-16-121~~ this part, the term:

30 (1) 'Entities' or 'entity' means any and all constitutional offices, as well as all authorities,
 31 departments, divisions, boards, bureaus, commissions, agencies, instrumentalities, or
 32 institutions of the state.

33 ~~(1)~~(2) 'Real property' means any improved or unimproved real property owned by the
 34 state and under the jurisdiction of any state official, department, board, bureau,

1 ~~commission, or other state agency, except public road, street, and highway rights of way~~
 2 ~~owned by the Department of Transportation. The words 'real property' also mean real~~
 3 ~~property owned by the following public corporations: the Georgia Building Authority,~~
 4 ~~the Georgia Building Authority (Hospital), the Georgia Building Authority (Markets), the~~
 5 ~~Georgia Building Authority (Penal), the Georgia Education Authority (University), the~~
 6 ~~Georgia Ports Authority, the Jekyll Island—State Park Authority, the Stone Mountain~~
 7 ~~Memorial Association, and the Board of Regents of the University System of Georgia~~
 8 entity.

9 ~~(2) 'Department' means any state official, department, board, bureau, commission, or~~
 10 ~~other state agency having real property under its jurisdiction.~~

11 ~~(3) 'Public corporation' means the public authorities listed in paragraph (1) of this Code~~
 12 ~~section, the Stone Mountain Memorial Association, and the Board of Regents of the~~
 13 ~~University System of Georgia.~~

14 (3) 'State' means the State of Georgia and any of its offices, agencies, authorities,
 15 departments, commissions, boards, divisions, instrumentalities, and institutions but does
 16 not include counties, municipalities, school districts, other units of local government,
 17 hospital authorities, or housing and other local authorities.

18 (4) 'State facility' means a building owned by the state or under the custody or control of
 19 the state or insured by the program of self-insurance established under Code Sections
 20 50-16-8 through 50-16-11.

21 (5) 'State lease' means a lease or rental agreement entered into by a state entity for a
 22 definite period of time for the use by a state entity of real property or facilities or a lease
 23 of state real property or state facilities by a state entity for use by another party.

24 50-16-121.

25 (a) ~~All departments and public corporations~~ state entities are directed to maintain at all
 26 times a complete current inventory of real property under their jurisdiction. The inventory
 27 shall be accomplished by the completion of a form, substantially as follows, for each parcel
 28 of real property held by such departments and public corporations:

29 REAL PROPERTY INVENTORY

30 Date: _____

31 (Date form completed)

32 (1) State Entity ~~Department~~: _____

33 (Board, bureau, commission, department, official, or other agency)

34 (2) Grantor: _____

- 1 (Exactly as it appears on instrument)
- 2 (3) Grantee: _____
- 3 (Exactly as it appears on instrument)
- 4 (4) Date of instrument: _____
- 5 (5) Acreage: _____
- 6 (6) Records, office of the clerk, Superior Court _____ County (a) Deed Book
- 7 _____ Folio _____ (b) Plat or Map Book _____ Folio _____
- 8 (7) Location of property: County _____ City _____ Street address, if
- 9 applicable, and if not, brief directions to property _____
- 10 (8) Type of instrument: (a) Warranty deed (), (b) Quitclaim deed (), (c) Eminent
- 11 domain, deed executed (), (d) Trustee's deed (), (e) Administrator's or Executor's deed
- 12 (), (f) Simple deed, no warranty (), (g) Lease (), (h) Use permit (), (i) Resolution of
- 13 General Assembly (), (j) Deed of gift ().
- 14 (9) Kind of conveyance: (a) Fee simple (), (b) Other (), state terms and conditions
- 15 _____
- 16 (10) If acquired by eminent domain by court order and no deed was executed: (a) Name
- 17 of principal defendant _____, (b) Case number _____, (c) Date
- 18 of final judgment _____
- 19 (11) Location of original deed _____
- 20 (12) Is property surplus? _____
- 21 (13) Purchase price of property _____
- 22 (14) Purchased with (a) State funds? _____, (b) Federal funds? _____ (Show percent
- 23 state & federal)
- 24 (15) Estimated present value: (a) Land _____ (b) Improvements
- 25 _____
- 26 (16) Insured for: \$ _____ with _____ Ins. Co.
- 27 (17) Present use _____
- 28 Name of person completing form _____
- 29 Title _____ Signature _____
- 30 (b) The inventory required by subsection (a) of this Code section shall be maintained
- 31 current at all times. It shall be the duty of each ~~department and public corporation~~ state
- 32 entity to file a duplicate of the inventory with the State Properties Commission; and the
- 33 State Properties Commission shall compile and index all such inventories into a single
- 34 complete inventory of all real property, but the State Properties Commission shall maintain
- 35 separate files on the property belonging to the public corporations. It shall be the further
- 36 duty of each ~~department and public corporation~~ state entity to file with the State Properties
- 37 Commission a duplicate of each form or other document, as provided in subsection (c) of

1 this Code section, completed by such ~~department or public corporation~~ state entity in
 2 maintaining the inventory of the ~~department~~ entity current; and the State Properties
 3 Commission shall utilize such forms or other documents to maintain the complete
 4 inventory of all real property current.

5 (c) The State Properties Commission is authorized to devise such forms or other
 6 documents as may be necessary to keep the complete inventory of real property current;
 7 and it shall be the duty of each ~~department and public corporation~~ state entity to utilize
 8 such forms and documents as directed by the State Properties Commission.

9 (d) The real property inventory form provided in subsection (a) of this Code section shall
 10 be completed for each parcel of real property acquired by each ~~department and public~~
 11 ~~corporation~~ state entity. The form shall be completed within 30 days after the acquisition
 12 of any real property and a duplicate of same shall be forwarded to the State Properties
 13 Commission.

14 50-16-122.

15 (a) As used in this Code section, the term:

16 (1) '~~Real~~ real property' means any real property owned by the state and under the custody
 17 of any state ~~official, department, board, bureau, commission, or other state agency~~ entity,
 18 except public road, street, and highway rights of way and other real property held by the
 19 Department of Transportation pursuant to Ga. L. 1919, p. 242, art. 5, Section 5, as
 20 amended by Ga. L. 1922, p. 176, Section 1; Ga. L. 1939, p. 188, Section 1; Ga. L. 1945,
 21 p. 258, Section 1; and Ga. L. 1953, Jan.-Feb. Sess., p. 421, Section 1. ~~Also expressly~~
 22 ~~excluded from the meaning of 'real property,' as used in this Code section, is all real~~
 23 ~~property held by the Board of Regents of the University System of Georgia and owned~~
 24 ~~by the following public corporations: the Georgia Building Authority, the Georgia~~
 25 ~~Building Authority (Hospital), the Georgia Building Authority (Markets), the Georgia~~
 26 ~~Building Authority (Penal), the Georgia Education Authority (University), the Georgia~~
 27 ~~Ports Authority, the Jekyll Island—State Park Authority, and the Stone Mountain~~
 28 ~~Memorial Association.~~

29 (2) '~~Department~~' means any state ~~official, department, board, bureau, commission, or~~
 30 ~~other state agency having custody of state owned real property.~~

31 (b) All real property, the ownership of which is either acquired or disposed of by the state
 32 or any ~~department~~ state entity thereof after March 30, 1990, shall be subject to the
 33 following requirements:

34 (1) ~~Except as otherwise provided by law and except as otherwise required by the nature~~
 35 ~~of the transaction conveying real property to the state or any department thereof, the title~~
 36 ~~to all real property acquired shall be in the name of the state; but the conveyance shall~~

1 ~~have written or printed thereon in the upper right-hand corner of the initial page thereof~~
 2 ~~the name of the department for which acquired who is the custodian thereof;~~

3 ~~(2)~~ (1) The original of any conveyance acquiring real property shall be filed in the office
 4 of the State Properties Commission within 30 days after being recorded in the office of
 5 the clerk of the superior court of the county or counties wherein the real property is
 6 located. When the conveyance is presented to the State Properties Commission for filing,
 7 it shall be accompanied by four copies of the recorded plat of the real property conveyed.
 8 The State Properties Commission shall index and affix both the commission's stamp and
 9 the assigned real property inventory number on the recorded original of the conveyance
 10 and all copies of the recorded plat and shall retain the recorded original of the conveyance
 11 and two copies of the recorded plat as a part of the permanent real property inventory
 12 records kept by such commission; but an exact copy of the recorded original of the
 13 conveyance shall be produced by the State Properties Commission and, along with a copy
 14 of the recorded plat, forwarded by such commission to the ~~department~~ state entity
 15 acquiring the real property;

16 ~~(3)~~ (2) When real property is acquired by eminent domain and is conveyed to the state by
 17 court order or judgment, following recording of the court order or judgment in the deed
 18 book records in the office of the clerk of the superior court of the county or counties
 19 wherein the real property is located, a certified copy of the recorded court order or
 20 judgment, along with four copies of the recorded plat of the real property conveyed, shall
 21 be filed in the office of the State Properties Commission. The State Properties
 22 Commission shall index and affix both the commission's stamp and the assigned real
 23 property inventory number on the certified copy of the recorded court order or judgment
 24 and all copies of the recorded plat and shall retain the certified copy and two copies of
 25 the recorded plat as a part of the permanent real property inventory records kept by such
 26 commission; but an exact copy of the certified copy of the recorded court order or
 27 judgment shall be produced by the State Properties Commission and, along with a copy
 28 of the recorded plat, forwarded by such commission to the ~~department~~ state entity
 29 acquiring the real property;

30 ~~(4)~~ (3)(A) The original of any fully executed conveyance disposing of real property,
 31 except an Act or Resolution Act of the General Assembly, shall be filed in the office of
 32 the State Properties Commission before being delivered to the purchaser thereof for
 33 recording in the office of the clerk of the superior court of the county or counties wherein
 34 the real property is located. When the conveyance is presented to the State Properties
 35 Commission for filing, it shall be accompanied by four copies of the plat of the real
 36 property conveyed. Though it is encouraged, it is not required that the plat be either
 37 already recorded in or eligible to be recorded in the plat book records in the office of the

1 clerk of the superior court of the county or counties wherein the real property is located.
 2 The commission shall index and affix both the commission's stamp and the assigned real
 3 property inventory number on the original of the conveyance and all copies of the plat.
 4 The State Properties Commission shall then cause the conveyance to be duplicated. The
 5 duplicate of the conveyance and two copies of the plat shall be retained by the State
 6 Properties Commission as a part of the permanent real property inventory records kept
 7 by such commission. The original of the conveyance and a copy of the plat shall be
 8 delivered to the purchaser of the real property. Upon receiving the original of the
 9 conveyance and a copy of the plat, the purchaser of the real property may then have the
 10 original of the conveyance and, if necessary and eligible for recording, the copy of the
 11 plat recorded in the office of the clerk of the superior court of the county or counties
 12 wherein the real property is located.

13 (B) The General Assembly may vary or authorize the variance of the requirements of
 14 subparagraph (A) of this paragraph in any enactment, including an Act or Resolution
 15 Act, authorizing or directing a disposition of real property; and

16 ~~(5)~~(4) When real property is conveyed by an Act or Resolution Act of the General
 17 Assembly, the State Properties Commission shall obtain from the office of the Secretary
 18 of State a certified copy of the Act or Resolution Act and retain the same as a part of the
 19 permanent real property inventory records kept by such commission. As a part of such
 20 retention, the State Properties Commission shall index and affix both the commission's
 21 stamp and the assigned real property inventory number on the certified copy of the Act
 22 or Resolution Act.

23 (c) The documents which are required to be maintained by the State Properties
 24 Commission as a part of the permanent real property inventory records kept by such
 25 commission, as provided by paragraphs (2) through (5) of subsection (b) of this Code
 26 section, shall be used by the State Properties Commission in such manner as it shall
 27 determine best in maintaining the real property inventory.

28 50-16-123.

29 A copy of all conveyances for the acquisition and disposition of real property held or
 30 owned by ~~the Board of Regents of the University System of Georgia, the Georgia Building~~
 31 ~~Authority, the Georgia Building Authority (Hospital), the Georgia Building Authority~~
 32 ~~(Markets), the Georgia Building Authority (Penal), the Georgia Education Authority~~
 33 ~~(University), the Georgia Ports Authority, the Jekyll Island—State Park Authority, and the~~
 34 ~~Stone Mountain Memorial Association~~ any state entity shall be filed with the State
 35 Properties Commission within 30 days after the conveyance in an acquisition has been
 36 recorded in the office of the clerk of the superior court in the county in which the land is

1 located and within 30 days after the conveyance in a disposition has been dated, executed,
 2 and delivered. When real property is acquired by condemnation by ~~the Board of Regents~~
 3 ~~of the University System of Georgia, the Georgia Building Authority, the Georgia Building~~
 4 ~~Authority (Hospital), the Georgia Building Authority (Markets), the Georgia Building~~
 5 ~~Authority (Penal), the Georgia Education Authority (University), the Georgia Ports~~
 6 ~~Authority, the Jekyll Island State Park Authority, and the Stone Mountain Memorial~~
 7 ~~Association~~ any state entity, a certified copy of the court order vesting title in such board,
 8 association, or any such authority state entity shall be filed with the State Properties
 9 Commission within 30 days after the date of the court order.

10 50-16-124.

11 Beginning July 1, 2005, each state entity shall compile information on all state facilities,
 12 real property, and state leases under the custody or control of such state entity necessary
 13 for the compilation of an inventory of all state owned or leased facilities and real property;
 14 provided, however, that all improvements acquired for public works that will ultimately be
 15 disposed of are excluded from the requirements of this part. On or before October 1, 2005,
 16 and as changes occur, but by no later than such date annually, each state entity shall send
 17 such information to the commission. The commission shall develop the format for the
 18 compilation and reporting of the inventory.

19
 20 50-16-125

21 The State Properties Commission is authorized and directed to promulgate such rules and
 22 regulations as may be necessary to carry out this part, provided such rules and regulations
 23 are not in conflict with this part."

24 SECTION 16.

25 Title 34 of the Official Code of Georgia Annotated, relating to labor and industrial relations,
 26 is amended by striking Code Section 34-8-90, relating to authority of the Commissioner of
 27 Labor to lease property, and inserting in its place a new Code Section 34-8-90 to read as
 28 follows:

29 "34-8-90.

30 ~~The Commissioner shall have sole authority and responsibility to negotiate for or to enter~~
 31 ~~into any necessary agreements to lease any and all property needed for establishing and~~
 32 ~~maintaining offices for administration of unemployment claims and tax activities and~~
 33 ~~training and placement activities prescribed in the federal Social Security Act, other federal~~
 34 ~~acts, and this chapter and for all other programs which the Commissioner has responsibility~~
 35 ~~for administering under present and future federal laws or by contract. Reserved."~~

SECTION 16A.

Code Section 50-16-43 of the Official Code of Georgia Annotated, relating to leasing of state owned lands, is amended by striking paragraph (1) of subsection (j) and inserting in its place a new paragraph (1) to read as follows:

“(1) A written request for a lease and a locational, dimensional, and directional sketch or a plat of survey of the proposed lease premises, prepared at the sole cost and expense of the person requesting the lease, in form and content acceptable to and approved by the commission, and showing and describing thereon the lease premises of the lease, must be received by the commission detailing therein the reason and all the particulars for the request and outlining the purpose and use to be made of any and all products derived from such dredging. If a sketch is submitted to and is approved and accepted by the commission, paragraph ~~(4)~~ (3) of subsection (b) of Code Section 50-16-122, relating to the requirement of the filing with the Secretary of State of a plat of survey with a conveyance disposing of real property, shall be relaxed; and the Secretary of State in such a transaction shall accept in lieu of the required plat of survey the sketch which was approved and accepted by the commission;”

SECTION 17.

This Act shall become effective upon its approval by the Governor or upon its becoming law without such approval.

SECTION 18.

All laws and parts of laws in conflict with this Act are repealed.