

House Bill 1402

By: Representatives Thomas of the 100<sup>th</sup>, Buckner of the 130<sup>th</sup>, Willard of the 49<sup>th</sup>, Ashe of the 56<sup>th</sup>, and Benfield of the 85<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Chapter 16 of Title 50 of the Official Code of Georgia Annotated, relating to  
2 public property, so as to define certain terms; to require certain buildings constructed with  
3 state funds to meet state sustainability standards; to provide for implementation guidelines,  
4 an advisory committee, and rules and regulations; to amend Title 20 of the Official Code of  
5 Georgia Annotated, relating to education, so as to define certain terms; to require certain  
6 local school buildings constructed with state funds to meet state sustainability standards; to  
7 provide for implementation guidelines and rules and regulations; to provide for review of  
8 utility capacity and financial and technical assistance programs; to require certain buildings  
9 of the University System of Georgia constructed with state funds to meet state sustainability  
10 standards; to provide for implementation guidelines and rules and regulations; to provide for  
11 a performance audit; to provide effective dates; to repeal conflicting laws; and for other  
12 purposes.

13 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

14 **SECTION 1.**

15 Chapter 16 of Title 50 of the Official Code of Georgia Annotated, relating to public property,  
16 is amended by adding a new article to read as follows:

17 **"ARTICLE 1A**

18 **50-16-20.**

19 As used in this article, the term:

20 (1) 'High performance public buildings' means high performance public buildings  
21 designed, constructed, and certified to a standard as identified in this article.

22 (2) 'LEED silver standard' means the United States Green Building Council Leadership  
23 in Energy and Environmental Design green building rating standard, referred to as silver  
24 standard.

1 (3)(A) 'Major facility project' means a construction project larger than five thousand  
2 gross square feet of occupied or conditioned space.

3 (B) 'Major facility project' does not include:

4 (i) Projects for which the state property officer and the design team determine the  
5 state sustainability standards to be not practicable; or

6 (ii) Transmitter buildings, pumping stations, or other similar building types as  
7 determined by the state property officer. If the state sustainability standards are not  
8 followed for the project, the public agency shall report the reasons to the state  
9 property officer.

10 (4) 'State agency' means every state department, division, bureau, board, commission,  
11 agency, or authority, other than the Board of Regents of the University System of  
12 Georgia.

13 (5) 'State property officer' means the state property officer provided for by Code Section  
14 50-16-35.

15 (6) 'State sustainability standards' means the LEED silver standard or some other  
16 building standards that provide environmental and sustainability standards comparable  
17 to the LEED silver standard.

18 50-16-21.

19 (a)(1) Not later than January 1, 2007, the State Properties Commission shall approve and  
20 adopt, and may amend thereafter, state sustainability standards. The state property officer  
21 shall develop and recommend state sustainability standards and any future amendments  
22 thereto for consideration by the commission for such purpose.

23 (2) All major facility projects of state agencies which projects are funded by any  
24 appropriations from the General Assembly or through the issuance of public bonds shall  
25 be designed, constructed, and certified to at least the state sustainability standards. This  
26 subsection shall apply to major facility projects that enter the design phase on or after  
27 January 1, 2007, and to the extent appropriate state sustainability standards exist for that  
28 type of building or facility.

29 (b)(1) State agencies shall monitor and document ongoing operating savings resulting  
30 from major facility projects designed, constructed, and certified as required under this  
31 Code section.

32 (2) State agencies shall report annually to the state property officer on major facility  
33 projects and operating savings.

34 (c) The state property officer shall consolidate the reports required in subsection (b) of this  
35 Code section into one report and report to the Governor and General Assembly by  
36 September 1 of each even-numbered year beginning in 2008 and ending in 2016. In such

1 report, the state property officer shall also report on the implementation of this article,  
 2 including any reasons why the state sustainability standards were not used as required by  
 3 this Code section. The state property officer shall make recommendations regarding the  
 4 ongoing implementation of this article, including a discussion of incentives and  
 5 disincentives related to implementing this article.

6 50-16-22.

7 (a) The State Properties Commission, in consultation with the state property officer and  
 8 affected state agencies, shall develop and issue guidelines for administering this article.  
 9 The purpose of the guidelines shall be to define a procedure and method for employing and  
 10 verifying activities necessary for certification to at least the state sustainability standards  
 11 for major facility projects.

12 (b) The state property officer shall create a high performance buildings advisory  
 13 committee comprised of representatives from the design and construction industry involved  
 14 in public works contracting, personnel from the affected state agencies responsible for  
 15 overseeing public works projects, and others at the state property officer's discretion to  
 16 provide advice on implementing the state sustainability standards. Among other duties, the  
 17 advisory committee shall make recommendations regarding an education and training  
 18 process and an ongoing evaluation or feedback process to help the state property officer  
 19 implement this article.

20 (c) The State Properties Commission shall adopt rules and regulations to implement this  
 21 article.

## 22 SECTION 2.

23 Title 20 of the Official Code of Georgia Annotated, relating to education, is amended in Part  
 24 10 of Article 6 of Chapter 2, relating to capital outlay funds, by designating the current  
 25 provisions of said part as Subpart 1 thereof and adding a new subpart to read as follows:

### 26 "Subpart 2

27 20-2-265.

28 As used in this subpart, the term:

29 (1) 'Department' means the Department of Education.

30 (2) 'High performance public buildings' means high performance public buildings  
 31 designed, constructed, and certified to a standard as identified in this subpart.

32 (3) 'LEED silver standard' has the meaning provided by Code Section 50-16-20.

33 (4)(A) 'Major facility project' means a construction project larger than five thousand  
 34 gross square feet of occupied or conditioned space.

1 (B) 'Major facility project' does not include:

2 (i) Projects for which the local school district and the design team determine the state  
3 sustainability standards to be not practicable; or

4 (ii) Transmitter buildings, pumping stations, or other similar building types as  
5 determined by the state property officer. If the state sustainability standards are not  
6 followed for the project, the public school district shall report the reasons to the  
7 department.

8 (5) 'State sustainability standards' has the meaning provide by Code Section 50-16-20.

9 20-2-266.

10 (a) All major facility projects of local school systems which projects are funded by any  
11 state capital outlay funds shall be designed and constructed to at least the state  
12 sustainability standard. This subsection shall apply to major facility projects that enter the  
13 design phase on or after January 1, 2007, and to the extent appropriate state sustainability  
14 standards exist for that type of building or facility.

15 (b) Local school systems under this Code section shall:

16 (1) Monitor and document appropriate operating benefits and savings resulting from  
17 major facility projects designed and constructed as required under this Code section for  
18 a minimum of five years following local board acceptance of a project receiving state  
19 capital outlay funding; and

20 (2) Report annually to the State School Superintendent. The form and content of each  
21 report must be mutually developed by the office of the State School Superintendent in  
22 consultation with local school systems.

23 (c) The State School Superintendent shall consolidate the reports required in subsection  
24 (b) of this Code section into one report and report to the Governor and General Assembly  
25 by September 1 of each even-numbered year beginning in 2008 and ending in 2016. In  
26 such report, the State School Superintendent shall also report on the implementation of this  
27 subpart, including any reasons why the state sustainability standards were not used as  
28 required by this Code section. The State School Superintendent shall make  
29 recommendations regarding the ongoing implementation of this subpart, including a  
30 discussion of incentives and disincentives related to implementing this subpart.

31 20-2-267.

32 (a) The State Board of Education shall adopt rules and regulations to implement this  
33 subpart.

34 (b) In adopting implementation rules and regulations for purposes of this subpart, the State  
35 Board of Education shall:

1 (1) Review private and public utility providers' capacity and financial and technical  
 2 assistance programs for affected local school systems to monitor and report utility  
 3 consumption for purposes of reporting to the State School Superintendent as provided in  
 4 Code Section 20-2-266;

5 (2) Coordinate with other state and federal government agencies as appropriate in  
 6 considering rules to implement this subpart."

7 **SECTION 3.**

8 Said Title 20 is further amended by striking the reserved designation for Code Sections  
 9 20-3-100 through 20-3-120 in reserved Article 3 of Chapter 3 and adding a new part in  
 10 Article 2 of Chapter 3, relating to the University System of Georgia, to read as follows:

11 "Part 4

12 20-3-100.

13 As used in this part, the term:

14 (1) 'High performance public buildings' means high performance public buildings  
 15 designed, constructed, and certified to a standard as identified in this part.

16 (2) 'LEED silver standard' means the United States Green Building Council Leadership  
 17 in Energy and Environmental Design green building rating standard, referred to as silver  
 18 standard.

19 (3)(A) 'Major facility project' means a construction project larger than five thousand  
 20 gross square feet of occupied or conditioned space.

21 (B) 'Major facility project' does not include:

22 (i) Projects for which the applicable institution of the University System and the  
 23 design team determine the state sustainability standards to be not practicable; or

24 (ii) Transmitter buildings, pumping stations, or other similar building types as  
 25 determined by the state property officer. If state sustainability standards are not  
 26 followed for the project, the chancellor of the University System shall report these  
 27 reasons to the Board of Regents.

28 20-3-101.

29 (a) All major facility projects of the University System which projects are funded by any  
 30 appropriations from the General Assembly shall be designed and constructed to at least the  
 31 state sustainability standard. This subsection shall apply to major facility projects that  
 32 enter the design phase on or after January 1, 2007, and to the extent appropriate state  
 33 sustainability standards exist for that type of building or facility.

34 (b) The chancellor of the University System shall:

1 (1) Monitor and document appropriate operating benefits and savings resulting from  
2 major facility projects designed and constructed as required under this Code section for  
3 a minimum of five years following acceptance of a project receiving state funding; and

4 (2) Report annually to the Board of Regents. The form and content of each report must  
5 be mutually developed by the chancellor of the University System and the Board of  
6 Regents.

7 (c) The Board of Regents shall consolidate the reports required in subsection (b) of this  
8 Code section into one report and report to the Governor and General Assembly by  
9 September 1 of each even-numbered year beginning in 2008 and ending in 2016. In such  
10 report, the Board of Regents shall also report on the implementation of this part, including  
11 any reasons why the state sustainability standards were not used as required by this Code  
12 section. The chancellor of the University System shall make recommendations regarding  
13 the ongoing implementation of this part, including a discussion of incentives and  
14 disincentives related to implementing this part.

15 20-3-102.

16 The Board of Regents shall adopt rules and regulations to implement this part."

#### 17 **SECTION 4.**

18 (a) The Budgetary Responsibility Oversight Committee, or its successor legislative  
19 agency, shall conduct or cause to be conducted a performance review of the high  
20 performance buildings program established under this Act.

21 (b) The performance audit shall include, but not be limited to:

22 (1) The identification of the costs of implementation of high performance building  
23 standards in the design and construction of major facility projects subject to this Act;

24 (2) The identification of operating savings attributable to the implementation of high  
25 performance building standards, including but not limited to savings in energy, utility,  
26 and maintenance costs;

27 (3) The identification of any impacts of high performance buildings standards on worker  
28 productivity and student performance; and

29 (4) An evaluation of the effectiveness of the high performance building standards  
30 established under this Act and recommendations for any changes in those standards that  
31 may be supported by the committee's findings.

32 (5) The committee shall make a preliminary report of its findings and recommendations  
33 on or before December 1, 2010, and a final report on or before July 1, 2011.

1 **SECTION 5.**

2 For purposes of promulgating rules and regulations, this Act shall become effective upon its  
3 approval by the Governor or upon its becoming law without such approval; for all other  
4 purposes, this Act shall become effective January 1, 2007.

5 **SECTION 6.**

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