

The House Committee on State Institutions and Property offers the following substitute to HB 1402:

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 Chapter 3 of Title 20 of the
5 Official Code of Georgia Annotated, relating to postsecondary education, so as to define
6 certain terms; to require certain buildings of the University System of Georgia constructed
7 with state funds to meet state sustainability standards; to provide for implementation
8 guidelines and rules and regulations; to provide for a performance audit; to provide effective
9 dates; to repeal conflicting laws; and for other purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

11 **SECTION 1.**

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

14 "ARTICLE 1A

15 50-16-20.

16 As used in this article, the term:

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

19 (2)(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 state property officer and the design team determine the
23 state sustainability standards to be not practicable; or

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

5 (3) 'State agency' means every state department, division, bureau, board, commission,
6 agency, or authority, other than the Board of Regents of the University System of
7 Georgia.

8 (4) 'State property officer' means the state property officer provided for by Code Section
9 50-16-35.

10 (5) 'State sustainability standards' means building standards that promote environmental,
11 economic, health, and community benefits.

12 50-16-21.

13 The State Properties Commission shall approve and adopt, and may amend thereafter, state
14 sustainability standards. No such standards shall preclude the use of lumber or other forest
15 products manufactured in this state. The state property officer shall develop and
16 recommend state sustainability standards and any future amendments thereto for
17 consideration by the commission for such purpose.

18 50-16-22.

19 (a) All major facility projects of state agencies which projects are funded by any
20 appropriations from the General Assembly or through the issuance of public bonds shall
21 be designed and constructed to at least the state sustainability standards, to the extent that
22 funds are available for such purposes and appropriate state sustainability standards exist
23 for that type of building or facility.

24 (b)(1) State agencies shall monitor and document ongoing operating savings resulting
25 from major facility projects designed and constructed as required under this Code section.

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

28 (c) The state property officer shall consolidate the reports required in subsection (b) of this
29 Code section into one report and report to the Governor and General Assembly by
30 September 1 of each even-numbered year beginning in 2008 and ending in 2016. In such
31 report, the state property officer shall also report on the implementation of this article,
32 including any reasons why the state sustainability standards were not used as required by
33 this Code section. The state property officer shall make recommendations regarding the
34 ongoing implementation of this article, including a discussion of incentives and
35 disincentives related to implementing this article.

1 50-16-23.

2 (a) The State Properties Commission, in consultation with the state property officer and
3 affected state agencies, shall develop and issue guidelines for administering this article.

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

12 (c) The State Properties Commission shall adopt rules and regulations to implement this
13 article."

14 **SECTION 2.**

15 Chapter 3 of Title 20, relating to postsecondary education, is amended by striking the
16 reserved designation for Code Sections 20-3-100 through 20-3-120 in reserved Article 3 and
17 adding a new part in Article 2 of Chapter 3, relating to the University System of Georgia, to
18 read as follows:

19 "Part 4

20 20-3-100.

21 As used in this part, the term:

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

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

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

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

31 (2) 'State sustainability standards' means those standards adopted by the State Properties
32 Commission pursuant to Code Section 50-16-21.

1 20-3-101.

2 (a) All major facility projects of the University System which projects are funded by any
3 appropriations from the General Assembly shall be designed and constructed to at least the
4 state sustainability standards, to the extent that funds are available for such purposes and
5 appropriate state sustainability standards exist for that type of building or facility.

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

7 (1) Monitor and document appropriate operating benefits and savings resulting from
8 major facility projects designed and constructed as required under this Code section; and

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

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

20 20-3-102.

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

22 **SECTION 3.**

23 (a) The Office of Planning and Budget shall conduct or cause to be conducted a
24 performance review of the high performance buildings program established under this Act.

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

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

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

31 (3) The identification of any impacts of high performance building standards on worker
32 productivity and student performance; and

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

1 (5) The Office of Planning and Budget shall make a preliminary report of its findings and
2 recommendations on or before December 1, 2010, and a final report on or before July 1,
3 2011.

4 **SECTION 4.**

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

8 **SECTION 5.**

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