

## Senate Bill 130

By: Senators Grant of the 25th, Whitehead, Sr. of the 24th, Cowsert of the 46th, Douglas of the 17th and Pearson of the 51st

**AS PASSED**

## A BILL TO BE ENTITLED

## AN ACT

1 To amend Chapter 10 of Title 2 of the Official Code of Georgia Annotated, relating to  
2 agricultural marketing facilities, organizations, and programs, so as to repeal Article 1,  
3 relating to the Georgia Building Authority (Markets); to amend Chapter 7 of Title 31 of the  
4 Official Code of Georgia Annotated, relating to the regulation and construction of hospitals  
5 and other health care facilities, so as to repeal Article 2, relating to the Georgia Building  
6 Authority (Hospital); to amend Title 42 of the Official Code of Georgia Annotated, relating  
7 to penal institutions, so as to repeal Chapter 3, relating to the Georgia Building Authority  
8 (Penal); to amend Article 1 of Chapter 8 of Title 50 of the Official Code of Georgia  
9 Annotated, relating to general provisions relative to the Department of Community Affairs,  
10 so as to provide for energy efficient construction of a major state-funded facility project; to  
11 provide for duties and responsibilities for the enforcement of certain energy efficient  
12 provisions; to provide a short title; to provide legislative findings; to provide a definition; to  
13 amend Article 1 of Chapter 9 of Title 50 of the Official Code of Georgia Annotated, relating  
14 to general provisions for the Georgia Building Authority, to subrogate the Georgia Building  
15 Authority for certain repealed agencies by transferring the rights, privileges, functions,  
16 assets, obligations, employees, and immunities of the Georgia Building Authority (Markets),  
17 the Georgia Building Authority (Hospital), the Georgia Building Authority (Penal), and the  
18 Agency for Removal of Hazardous Materials to the Georgia Building Authority; to amend  
19 Chapter 9 of Title 50 of the Official Code of Georgia Annotated, relating to the Georgia  
20 Building Authority, so as to repeal Article 4, relating to the Hazardous Materials Removal  
21 Agency; to reserve certain chapters and articles; to provide for related matters; to provide for  
22 effective dates and applicability; to repeal conflicting laws; and for other purposes.

1 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

2 **SECTION 1.**

3 Chapter 10 of Title 2 of the Official Code of Georgia Annotated, relating to agricultural  
4 marketing facilities, organizations, and programs, is amended by repealing Article 1, relating  
5 to the Georgia Building Authority (Markets), and designating said article as reserved.

6 **SECTION 2.**

7 Chapter 7 of Title 31 of the Official Code of Georgia Annotated, relating to the regulation  
8 and construction of hospitals and other health care facilities, is amended by repealing Article  
9 2, relating to the Georgia Building Authority (Hospital), and designating said article as  
10 reserved.

11 **SECTION 3.**

12 Title 42 of the Official Code of Georgia Annotated, relating to penal institutions, is amended  
13 by repealing Chapter 3, relating to the Georgia Building Authority (Penal), and designating  
14 said chapter as reserved.

15 **SECTION 4.**

16 Article 1 of Chapter 8 of Title 50 of the Official Code of Georgia Annotated, relating to  
17 general provisions relative to the Department of Community Affairs, is amended by adding  
18 a new Code section to read as follows:

19 "50-8-18.

20 (a) This Code section shall be known and may be cited as the 'Energy Efficiency and  
21 Sustainable Construction Act of 2008.'

22 (b) The General Assembly finds that the welfare of this state is enhanced by the promotion  
23 of effective energy and environmental standards for construction, rehabilitation, and  
24 maintenance of state-funded facilities and that such standards in turn improve this state's  
25 capacity to design, build, and operate high-performance buildings, contributing to  
26 economic growth, promoting job development, and increasing energy conservation.

27 (c) For purposes of this Code section, 'major facility project' means a state-funded:

28 (1) New construction building project of a building exceeding 10,000 square feet;

29 (2) A renovation project that is more than 50 percent of the replacement value, as  
30 determined by the Department of Administrative Services Risk Management Division,  
31 of the facility, a change in occupancy, or any roof replacement project exceeding 10,000  
32 square feet; or

1 (3) A commercial interior tenant fit-out project exceeding 10,000 square feet of leasable  
2 area where the state is intended to be the lessor of such property.

3 A major facility project shall not include a building, regardless of size, that does not have  
4 conditioned space as defined by the American Society of Heating, Refrigerating, and  
5 Air-Conditioning Engineers (ASHRAE) and shall not include a state owned building that  
6 is on the historical registry or any local, county, or municipal building.

7 (d) Consistent with the intent of this Code section, the department, in consultation with the  
8 Georgia State Finance and Investment Commission, shall adopt policies and procedures as  
9 recommended standards for all buildings owned or managed by this state that:

10 (1) Optimize the energy performance;

11 (2) Increase the demand for construction materials and furnishings produced in Georgia;

12 (3) Improve the environmental quality in this state by decreasing the discharge of  
13 pollutants from such state buildings;

14 (4) Conserve energy and utilize local and renewable energy sources;

15 (5) Protect and restore this state's natural resources by avoiding the development of  
16 inappropriate building sites;

17 (6) Reduce the burden on municipal water supply and treatment by reducing potable  
18 water consumption;

19 (7) Establish life cycle assessments as the appropriate and most efficient analysis to  
20 determine a building project's environmental performance level; and

21 (8) Encourage obtaining Energy Star designation from the United States Environmental  
22 Protection Agency to further demonstrate a building project's energy independence.

23 (e) All major facility projects may be designed, constructed, and commissioned or  
24 modeled to exceed the standards set forth in ASHRAE 90.1.2004 by 30 percent where it  
25 is determined by the department that such 30 percent efficiency is cost effective based on  
26 a life cycle cost analysis with a payback at no more than ten years. Commissioning or  
27 modeling must be performed by a professional engineer, design professional, or  
28 commissioning agent using software methodology approved by the Internal Revenue  
29 Service, the Department of Energy, current ASHRAE standards, or other similar  
30 methodology. For all major renovation projects, such requirements shall apply to the  
31 specific building assemblies, envelope components, and equipment involved in the project.

32 (f) All major facility projects shall be designed, constructed, and commissioned or  
33 modeled to achieve a 15 percent reduction in water use when compared to water use based  
34 on plumbing fixture selection in accordance with the Energy Policy Act of 1992.

35 (g) To achieve sustainable building standards, construction projects may utilize a  
36 nationally recognized high performance energy modeling and environmental building  
37 rating system; provided, however, that any such rating system that uses a material or

1 product based credit system that operates to the detriment of materials or products  
 2 manufactured or produced in Georgia shall not be utilized. The department shall designate  
 3 rating systems that meet these criteria and is authorized to establish its own alternative  
 4 rating system. All major facility projects shall include Georgia products such that not less  
 5 than 10 percent of all building materials used in a project are harvested, extracted, or  
 6 manufactured in the State of Georgia where such products are commercially available in  
 7 a manner consistent with the purposes of this Code section.

8 (h) A professional engineer, design professional, or commissioning agent shall certify that  
 9 the building project's systems for heating, ventilating, air conditioning, energy  
 10 conservation, and water conservation are installed and working properly to ensure that each  
 11 building project performs according to the building's overall environmental design intent  
 12 and operational objectives."

### 13 SECTION 5.

14 Article 1 of Chapter 9 of Title 50 of the Official Code of Georgia Annotated, relating to  
 15 general provisions for the Georgia Building Authority, is amended by adding a new Code  
 16 section to read as follows:

17 "50-9-17.

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

19 (1) 'Authority' means the Georgia Building Authority as set forth in Code Section 50-9-2.

20 (2) 'Transferred authorities' means the Georgia Building Authority (Markets) set forth  
 21 in Article 1 of Chapter 10 of Title 2, the Georgia Building Authority (Hospital) set forth  
 22 in Article 2 of Chapter 7 of Title 31, the Georgia Building Authority (Penal) set forth in  
 23 Chapter 3 of Title 42, and the Agency for Removal of Hazardous Materials set forth in  
 24 Article 4 of Chapter 9 of Title 50, as each entity existed as of June 30, 2008.

25 (b) Beginning July 1, 2008, all functions, duties, responsibilities, and obligations of the  
 26 transferred authorities shall belong to the authority. The authority shall also succeed to the  
 27 rights, claims, remedies, securities, and any other debt or obligation owing to the  
 28 transferred authorities.

29 (c) The authority shall be substituted for the transferred authorities on any bonds, claims,  
 30 causes of action, contracts, leases, agreements, or other indebtedness or obligations of the  
 31 transferred authorities. Contracts held by the transferred authorities shall be considered  
 32 contracts of the authority, and any rights of renewal, prerogatives, benefits, and rights of  
 33 enforcement under such contracts shall also be transferred to the authority.

34 (d) Appropriations for functions transferred from the transferred authorities to the  
 35 authority may be transferred as provided in Code Section 45-12-90, relating to disposition  
 36 of appropriations for duties, purposes, and objects which have been transferred. Personnel,

1 equipment, and facilities previously employed for such transferred functions shall likewise  
2 be transferred to the authority. Upon the effective date of the transfer, all personnel  
3 positions authorized for the transferred authorities shall be transferred to the authority and  
4 all employees whose positions are transferred to the authority shall become employees of  
5 the authority in the unclassified service as provided in Code Section 45-20-6.

6 (e) All assets, moneys, properties both tangible and intangible, and other valuable  
7 instruments and consideration belonging to the transferred authorities on the date of  
8 transfer shall become the property and assets of the authority.

9 (f) Rules and regulations previously adopted by the transferred authorities shall remain in  
10 full force and effect as rules and regulations of the authority until amended, repealed, or  
11 superseded by action of the authority."

#### 12 **SECTION 6.**

13 Chapter 9 of Title 50 of the Official Code of Georgia Annotated, relating to the Georgia  
14 Building Authority, is amended by repealing Article 4, relating to the Hazardous Materials  
15 Removal Agency, and designating said article as reserved.

#### 16 **SECTION 7.**

17 This Act shall become effective on July 1, 2008; provided, however, that the provisions in  
18 Section 4 of this Act shall become effective on July 1, 2010, and shall apply to design  
19 agreements for major facilities projects entered into on or after such date.

#### 20 **SECTION 8.**

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