

The Senate Regulated Industries and Utilities Committee offered the following substitute to HB 473:

A BILL TO BE ENTITLED  
AN ACT

To amend Part 1 of Article 1 of Chapter 23 of Title 50 of the Official Code of Georgia Annotated, relating to the Georgia Environmental Facilities Authority generally, so as to provide for grants for clean energy property for a limited period of time from federal funds allocated for such purposes; to provide for definitions; to provide for procedures, conditions, and limitations; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

**SECTION 1.**

Part 1 of Article 1 of Chapter 23 of Title 50 of the Official Code of Georgia Annotated, relating to the Georgia Environmental Facilities Authority generally, is amended by adding a new Code section to read as follows:

"50-23-21.

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

(1) 'Authority' means the Georgia Environmental Facilities Authority.

(2) 'Clean energy property' includes any of the following:

(A) Solar energy equipment that uses solar radiation as a substitute for traditional energy for water heating, active and passive space heating and cooling, generating electricity, distillation, desalinization, or the production of industrial or commercial process heat, as well as related devices necessary for collecting, storing, exchanging, conditioning, or converting solar energy to other useful forms of energy;

(B) Energy Star certified geothermal heat pump systems;

(C) Energy efficient projects as follows:

(i) LIGHTING RETROFIT PROJECTS. 'Lighting retrofit project' means a lighting retrofit system that employs dual switching (ability to switch roughly half the lights off and still have fairly uniform light distribution), delamping, daylighting, relamping, or other controls or processes which reduce annual energy and power consumption by

- 27 30 percent compared to the American Society of Heating, Refrigerating, and Air  
28 Conditioning Engineers 2004 standard (ASHRAE 90.1.2004); and
- 29 (ii) ENERGY EFFICIENT BUILDINGS. 'Energy efficient building' means for other than  
30 single-family residential property new or retrofitted buildings that are designed,  
31 constructed, and certified to exceed the standards set forth in the American Society  
32 of Heating, Refrigerating, and Air Conditioning Engineers 2004 standard (ASHRAE  
33 90.1.2004) by 30 percent; and
- 34 (D) Wind equipment required to capture and convert wind energy into electricity or  
35 mechanical power as well as related devices that may be required for converting,  
36 conditioning, and storing the electricity produced by wind equipment.
- 37 (3) 'Cost' means:
- 38 (A) In the case of clean energy property owned by a person, cost is the aggregate funds  
39 actually invested and expended by a person to put into service the clean energy  
40 property; and
- 41 (B) In the case of clean energy property a person leases from another, cost is eight  
42 times the net annual rental rate, which is the annual rental rate paid by the person less  
43 any annual rental rate received by the person from subrentals.
- 44 (4) 'Installation' means the year in which the clean energy property is put into service and  
45 becomes eligible for a grant allowed by this Code section.
- 46 (b)(1) The authority may issue a grant to any person for the construction, purchase, or  
47 lease of clean energy property that is placed into service in this state, other than in  
48 single-family residential structures, between January 1, 2009, and December 31, 2012,  
49 subject to the provisions of this Code section.
- 50 (2) A person that receives a grant allowed under this Code section shall not be eligible  
51 to claim any tax credit under Code Section 48-7-29.14 or any other grant under this Code  
52 section with respect to the same clean energy property.
- 53 (3) A person shall not receive a grant allowed in this Code section for clean energy  
54 property the person leases from another unless such person obtains the lessor's written  
55 certification that the lessor will not receive a grant under this Code section or claim a  
56 credit under Code Section 48-7-29.14 with respect to the same clean energy property.
- 57 (4) Grants shall not be issued under this Code section except to effect participation in a  
58 federal government program which authorizes the use of federal funds for purposes of  
59 this Code section. In no event shall the total amount of grants allowed by this Code  
60 section exceed federal funds allocated by the authority for such purposes. No funds  
61 derived from any other sources shall be granted under this Code section.
- 62 (5)(A) Any person seeking any grant provided for under this Code section shall submit  
63 an application to the authority for approval of such grant. The authority shall

64 promulgate the forms on which the application is to be submitted. The authority shall  
65 review such application and shall approve such application upon determining that it  
66 meets the requirements of this Code section within 60 days after receiving such  
67 application, subject to availability of funds as provided by paragraph (4) of this  
68 subsection.

69 (B) To apply for a grant allowed by this Code section, the person shall provide any  
70 information required by the authority. Every person receiving a grant under this Code  
71 section shall maintain and make available for inspection by the authority any records  
72 that the authority considers necessary to determine and verify the amount of the grant  
73 to which the person is entitled. The burden of proving eligibility for a grant and the  
74 amount of the grant shall rest upon the applicant, and no grant shall be allowed to a  
75 person that fails to maintain adequate records or to make them available for inspection.

76 (C) The authority shall issue the grants on a first come, first served basis. In no event  
77 shall the aggregate amount of grants approved by the authority for all applicants under  
78 this Code section exceed the limitations specified in paragraph (4) of this subsection.

79 (6) Any grant allowed by paragraph (1) of this subsection shall not exceed the lesser of  
80 35 percent of the cost of the clean energy property described in subparagraphs (a)(2)(A)  
81 through (a)(2)(D) of this Code section or the following grant amounts for any clean  
82 energy property:

83 (A) A ceiling of \$500,000.00 per installation applies to solar energy equipment for  
84 solar electric (photovoltaic), other solar thermal electric applications, and active space  
85 heating and wind equipment as described in subparagraphs (a)(2)(A) and (a)(2)(D), of  
86 this Code section;

87 (B) The sum of \$100,000.00 per installation applies to clean energy property related  
88 to solar energy equipment for domestic water heating as described in subparagraph  
89 (a)(2)(A) of this Code section which is certified for performance by the Solar Rating  
90 Certification Corporation, Florida Solar Energy Center, or by a comparable entity  
91 approved by the authority to have met the certification of Solar Rating Certification  
92 Corporation OG-100 or Florida Solar Energy Center-GO-80 for solar thermal  
93 collectors;

94 (C) For Energy Star certified geothermal heat pump systems as described in  
95 subparagraph (a)(2)(B) of this Code section, the sum of \$100,000.00;

96 (D) For a lighting retrofit project as described in division (a)(2)(C)(i) of this Code  
97 section, the sum of \$0.60 per square foot of the building with a maximum of  
98 \$100,000.00; and

99 (E) For an energy efficient building as described in division (a)(2)(C)(ii) of this Code  
100 section, the sum of the cost of energy efficient products installed during construction  
101 at \$1.80 per square foot of the building, with a maximum of \$100,000.00.

102 (c) The authority shall be authorized to adopt rules and regulations to provide for the  
103 administration of any grant provided by this Code section. Specifically, the authority shall  
104 create a mechanism to track and report the status and availability of grants for the public  
105 to review at a minimum on a quarterly basis.

106 (d) The authority shall provide an annual report of:

107 (1) The number of persons that claimed the grants allowed in this Code section;

108 (2) The cost of clean energy property with respect to which grants were issued;

109 (3) The type of clean energy property installed and the location;

110 (4) A determination of associated energy and economic benefits to the state; and

111 (5) The total amount of grants allowed."

112 **SECTION 2.**

113 This Act shall become effective 30 days after the date it is approved by the Governor or  
114 becomes law without such approval.

115 **SECTION 3.**

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