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**SUBSTITUTE SENATE BILL 6049**

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**State of Washington**

**58th Legislature**

**2003 Regular Session**

**By** Senate Committee on Ways & Means (originally sponsored by Senator Zarelli)

READ FIRST TIME 04/14/03.

1       AN ACT Relating to the stewardship and preservation of state  
2 college and university facilities; amending RCW 43.88.032; adding a new  
3 chapter to Title 28B RCW; providing an effective date; and declaring an  
4 emergency.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6       NEW SECTION. **Sec. 1.** This chapter is created in furtherance of  
7 findings from the higher education facility preservation study,  
8 undertaken by the joint legislative audit and review committee, whose  
9 final report was submitted to the legislature January 8, 2003. The  
10 legislature affirms that preventive and ongoing facility maintenance,  
11 properly supported, can prevent and mitigate preservation backlogs.  
12 The legislature declares its intent to set in motion a series of  
13 structural changes that will support facility stewardship and ensure  
14 that, moving forward in time, the state of Washington and its  
15 institutions of higher education do not again face a 1.3 billion dollar  
16 deficit of capital improvements to preserve existing buildings for  
17 their current use; preservation needs that will likely take a decade or  
18 longer to redress. To that end and as a first step, this chapter  
19 implements the summary recommendation that asks the legislature to

1 designate an agency to sustain and expand the comparable framework and  
2 assemble information as needed to support facilities-related budget and  
3 policy development for biennial sessions starting in 2005.

4 NEW SECTION. **Sec. 2.** The definitions in this section apply  
5 throughout this chapter unless the context clearly requires otherwise.

6 (1) "Auxiliary programs" are secondary to the missions of state  
7 institutions of higher education and, being enterprise in character,  
8 draw supporting revenue from user fees and charges. Examples include  
9 housing and dining; food services; vehicular parking; infirmaries;  
10 hospitals; recreation and student-activity centers; campus stores  
11 retailing textbooks, supplies, clothing, and objects bearing  
12 institutional logos or emblems; and media reproduction centers, among  
13 others.

14 (2) "Comparable framework" means methods and systems to collect,  
15 cross-walk, calibrate, verify on a sample basis, and assemble  
16 facilities information produced and maintained by institutions of  
17 higher education and other state agencies into a data framework that  
18 can be used to understand and budget for state and mixed facilities.

19 (3) "Educational and general programs" are those that support the  
20 primary missions of state institutions of higher education: Student  
21 instruction, faculty research, and educational public service.

22 (4) "Enterprise facility" means a state-owned building structure  
23 exclusively housing auxiliary programs, and includes infrastructure  
24 necessary for safe and normal operations by its occupants.

25 (5) "Facility rating" is a score that reflects an individual  
26 building's ability to support its current use as measured against one  
27 out of five condition classes as follows:

28 (a) "One" or "superior" means a building with major systems that  
29 are in extremely good condition and functioning well;

30 (b) "Two" or "good" means a building with major systems in good  
31 condition, functioning adequately, and within their expected life  
32 cycles;

33 (c) "Three" or "adequate" means a building with some older major  
34 systems that, though still functional, are approaching the end of their  
35 expected life cycles;

36 (d) "Four" or "limited functionality" means a building with some

1 major systems that are in poor condition, exceed expected life cycles,  
2 and require immediate attention to prevent or mitigate impacts on  
3 function;

4 (e) "Five" or "marginal functionality" means a building with some  
5 major systems that are failing and significantly restrict continued use  
6 of the building.

7 (6) "Major building system" refers to foundations, building  
8 structures, roofs, interior construction and finishes, heating,  
9 ventilation and air condition systems, electrical systems, plumbing,  
10 and other components necessary for safe and normal plant operation.

11 (7) "Mixed facility" means a state-owned building structure where  
12 educational and general and auxiliary programs are jointly housed, and  
13 includes infrastructure necessary for safe and normal operations by its  
14 occupants.

15 (8) "Preservation" means routine and preventive inspection,  
16 mechanical adjustments, and minor work to replace or repair systems,  
17 surfaces, or materials undertaken to maintain a building and its  
18 existing infrastructure for current use by current occupants.

19 (9) "State facility" means a state-owned building structure  
20 exclusively housing educational and general programs, and includes  
21 infrastructure necessary for safe and normal operation by its  
22 occupants.

23 (10) "Stewardship" means the collective action undertaken with  
24 appropriated and nonappropriated funds by institutional authorities to  
25 keep facilities in safe and functional condition for occupants, without  
26 deterioration for lack of attention or resources, that optimize the  
27 useful life of installed building systems and material construction,  
28 given advancing age.

29 NEW SECTION. **Sec. 3.** The joint legislative audit and review  
30 committee shall periodically update the comparative framework. The  
31 scope of work, focus, funding, and expectations for data and support  
32 from state agencies shall be as defined by the legislature through the  
33 omnibus appropriations act.

34 NEW SECTION. **Sec. 4.** The higher education facility preservation  
35 account is created in the state treasury. The account shall consist of  
36 moneys transferred or appropriated to the account by the legislature.

1 Moneys in the account may be spent only after appropriation and solely  
2 for preservation projects and activities to keep state and mixed  
3 facilities that are currently classified in the comparable framework as  
4 adequate, good, or superior in condition from deteriorating until such  
5 time as a capital project to modernize, renovate, or replace the  
6 facility is approved by the legislature. Preservation projects and  
7 activities must clearly extend the remaining useful life of the  
8 facility, and shall only take place in state and mixed facilities that  
9 will be operated for not less than thirteen years from the date of  
10 investment.

11 **Sec. 5.** RCW 43.88.032 and 1997 c 96 s 5 are each amended to read  
12 as follows:

13 (1) Normal maintenance costs, except for funds appropriated for  
14 facility preservation of state institutions of higher education under  
15 chapter 28B.--- RCW (sections 1 through 4 of this act), shall be  
16 programmed in the operating budget rather than in the capital budget.

17 (2) All debt-financed pass-through money to local governments shall  
18 be programmed and separately identified in the budget document.

19 NEW SECTION. **Sec. 6.** Sections 1 through 4 of this act constitute  
20 a new chapter in Title 28B RCW.

21 NEW SECTION. **Sec. 7.** This act is necessary for the immediate  
22 preservation of the public peace, health, or safety, or support of the  
23 state government and its existing public institutions, and takes effect  
24 July 1, 2003.

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