
HOUSE BILL 2251

State of Washington 61st Legislature 2009 Regular Session

By Representatives Sullivan and Priest

Read first time 02/18/09. Referred to Committee on Capital Budget.

1 AN ACT Relating to leases of facilities by school districts;
2 amending RCW 28A.335.170; reenacting and amending RCW 28A.320.330; and
3 creating a new section.

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

5 NEW SECTION. **Sec. 1.** The legislature intends to provide
6 additional options and flexibility to school districts in the operation
7 of their programs through the securing of necessary facilities by the
8 use of leases and through additional funding options for school
9 facility leases.

10 **Sec. 2.** RCW 28A.320.330 and 2007 c 503 s 2 and 2007 c 129 s 2 are
11 each reenacted and amended to read as follows:

12 School districts shall establish the following funds in addition to
13 those provided elsewhere by law:

14 (1) A general fund for maintenance and operation of the school
15 district to account for all financial operations of the school district
16 except those required to be accounted for in another fund.

17 (2) A capital projects fund shall be established for major capital
18 purposes. All statutory references to a "building fund" shall mean the

1 capital projects fund so established. Money to be deposited into the
2 capital projects fund shall include, but not be limited to, bond
3 proceeds, proceeds from excess levies authorized by RCW 84.52.053,
4 state apportionment proceeds as authorized by RCW 28A.150.270, earnings
5 from capital projects fund investments as authorized by RCW 28A.320.310
6 and 28A.320.320, and state forest revenues transferred pursuant to
7 subsection (3) of this section.

8 Money derived from the sale of bonds, including interest earnings
9 thereof, may only be used for those purposes described in RCW
10 28A.530.010, except that accrued interest paid for bonds shall be
11 deposited in the debt service fund.

12 Money to be deposited into the capital projects fund shall include
13 but not be limited to rental and lease proceeds as authorized by RCW
14 28A.335.060, and proceeds from the sale of real property as authorized
15 by RCW 28A.335.130.

16 Money legally deposited into the capital projects fund from other
17 sources may be used for the purposes described in RCW 28A.530.010, and
18 for the purposes of:

19 (a) Major renovation, including the replacement of facilities and
20 systems where periodical repairs are no longer economical. Major
21 renovation and replacement shall include, but shall not be limited to,
22 roofing, heating and ventilating systems, floor covering, and
23 electrical systems.

24 (b) Renovation and rehabilitation of playfields, athletic fields,
25 and other district real property.

26 (c) The conduct of preliminary energy audits and energy audits of
27 school district buildings. For the purpose of this section:

28 (i) "Preliminary energy audits" means a determination of the energy
29 consumption characteristics of a building, including the size, type,
30 rate of energy consumption, and major energy using systems of the
31 building.

32 (ii) "Energy audit" means a survey of a building or complex which
33 identifies the type, size, energy use level, and major energy using
34 systems; which determines appropriate energy conservation maintenance
35 or operating procedures and assesses any need for the acquisition and
36 installation of energy conservation measures, including solar energy
37 and renewable resource measures.

1 (iii) "Energy capital improvement" means the installation, or
2 modification of the installation, of energy conservation measures in a
3 building which measures are primarily intended to reduce energy
4 consumption or allow the use of an alternative energy source.

5 (d) Those energy capital improvements which are identified as being
6 cost-effective in the audits authorized by this section.

7 (e) Purchase or installation of additional major items of equipment
8 and furniture: PROVIDED, That vehicles shall not be purchased with
9 capital projects fund money.

10 (f)(i) Costs associated with implementing technology systems,
11 facilities, and projects, including acquiring hardware, licensing
12 software, and online applications and training related to the
13 installation of the foregoing. However, the software or applications
14 must be an integral part of the district's technology systems,
15 facilities, or projects.

16 (ii) Costs associated with the application and modernization of
17 technology systems for operations and instruction including, but not
18 limited to, the ongoing fees for online applications, subscriptions, or
19 software licenses, including upgrades and incidental services, and
20 ongoing training related to the installation and integration of these
21 products and services. However, to the extent the funds are used for
22 the purpose under this subsection (2)(f)(ii), the school district shall
23 transfer to the district's general fund the portion of the capital
24 projects fund used for this purpose. The office of the superintendent
25 of public instruction shall develop accounting guidelines for these
26 transfers in accordance with internal revenue service regulations.

27 (g) Payment of facility leases, as provided in RCW 28A.335.170(1).

28 (3) A debt service fund to provide for tax proceeds, other
29 revenues, and disbursements as authorized in chapter 39.44 RCW. State
30 forest land revenues that are deposited in a school district's debt
31 service fund pursuant to RCW 79.64.110 and to the extent not necessary
32 for payment of debt service on school district bonds may be transferred
33 by the school district into the district's capital projects fund.

34 (4) An associated student body fund as authorized by RCW
35 28A.325.030.

36 (5) Advance refunding bond funds and refunded bond funds to provide
37 for the proceeds and disbursements as authorized in chapter 39.53 RCW.

1 **Sec. 3.** RCW 28A.335.170 and 1999 c 386 s 1 are each amended to
2 read as follows:

3 The board of directors of any school district may enter into
4 contracts for their respective districts with public and private
5 persons, organizations, and entities for the following purposes:

6 (1) To rent or lease building space for a period of up to twenty
7 years with the option to extend or renew the lease or rental agreement
8 for an additional ten years, if necessary and portable buildings for
9 periods not exceeding ten years in duration;

10 (2) To rent security systems, computers, and other equipment or to
11 have maintained and repaired security systems, computers, and other
12 equipment for periods not exceeding five years in duration; and

13 (3) To provide pupil transportation services for periods not
14 exceeding five years in duration.

15 No school district may enter into a contract for pupil
16 transportation unless it has notified the superintendent of public
17 instruction that, in the best judgment of the district, the cost of
18 contracting will not exceed the projected cost of operating its own
19 pupil transportation.

20 The budget of each school district shall identify that portion of
21 each contractual liability incurred pursuant to this section extending
22 beyond the fiscal year by amount, duration, and nature of the
23 contracted service and/or item in accordance with rules and regulations
24 of the superintendent of public instruction adopted pursuant to RCW
25 28A.505.140 and 28A.310.330.

26 The provisions of this section shall not have any effect on the
27 length of contracts for school district employees specified by RCW
28 28A.400.300 and 28A.405.210.

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