

CERTIFICATION OF ENROLLMENT
SUBSTITUTE SENATE BILL 5300

Chapter 99, Laws of 2011

62nd Legislature
2011 Regular Session

PUBLIC BUILDINGS--USE OF NATURAL RESOURCES

EFFECTIVE DATE: 07/22/11

Passed by the Senate March 4, 2011
YEAS 46 NAYS 2

BRAD OWEN

President of the Senate

Passed by the House April 6, 2011
YEAS 95 NAYS 2

FRANK CHOPP

Speaker of the House of Representatives

Approved April 18, 2011, 2:18 p.m.

CHRISTINE GREGOIRE

Governor of the State of Washington

CERTIFICATE

I, Thomas Hoemann, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SUBSTITUTE SENATE BILL 5300** as passed by the Senate and the House of Representatives on the dates hereon set forth.

THOMAS HOEMANN

Secretary

FILED

April 19, 2011

**Secretary of State
State of Washington**

SUBSTITUTE SENATE BILL 5300

Passed Legislature - 2011 Regular Session

State of Washington

62nd Legislature

2011 Regular Session

By Senate Natural Resources & Marine Waters (originally sponsored by Senators Hargrove and Ranker)

READ FIRST TIME 02/21/11.

1 AN ACT Relating to enhancing the use of Washington natural
2 resources in public buildings; and amending RCW 39.35D.030 and
3 39.35D.040.

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

5 **Sec. 1.** RCW 39.35D.030 and 2005 c 12 s 3 are each amended to read
6 as follows:

7 (1) All major facility projects of public agencies receiving any
8 funding in a state capital budget, or projects financed through a
9 financing contract as defined in RCW 39.94.020, must be designed,
10 constructed, and certified to at least the LEED silver standard. This
11 subsection applies to major facility projects that have not entered the
12 design phase prior to July 24, 2005, and to the extent appropriate LEED
13 silver standards exist for that type of building or facility.

14 (2) All major facility projects of any entity other than a public
15 agency or public school district receiving any funding in a state
16 capital budget must be designed, constructed, and certified to at least
17 the LEED silver standard. This subsection applies to major facility
18 projects that have not entered the grant application process prior to

1 July 24, 2005, and to the extent appropriate LEED silver standards
2 exist for that type of building or facility.

3 (3)(a) Public agencies, under this section, shall monitor and
4 document ongoing operating savings resulting from major facility
5 projects designed, constructed, and certified as required under this
6 section.

7 (b) Public agencies, under this section, shall report annually to
8 the department on major facility projects and operating savings.

9 (4) The department shall consolidate the reports required in
10 subsection (3) of this section into one report and report to the
11 governor and legislature by September 1st of each even-numbered year
12 beginning in 2006 and ending in 2016. In its report, the department
13 shall also report on the implementation of this chapter, including
14 reasons why the LEED standard was not used as required by RCW
15 39.35D.020(5)(b). The department shall make recommendations regarding
16 the ongoing implementation of this chapter, including a discussion of
17 incentives and disincentives related to implementing this chapter.

18 (5) For the purposes of determining compliance with the requirement
19 for a project to be designed, constructed, and certified to at least
20 the LEED silver standard, the department must credit one additional
21 point for a project that uses wood products with a credible third-party
22 sustainable forest certification or from forests regulated under
23 chapter 76.09 RCW, the Washington forest practices act. For projects
24 that qualify for this additional point, and for which an additional
25 point would have resulted in formal certification under the LEED silver
26 standard, the project must be deemed to meet the standard under this
27 section.

28 **Sec. 2.** RCW 39.35D.040 and 2006 c 263 s 331 are each amended to
29 read as follows:

30 (1) All major facility projects of public school districts
31 receiving any funding in a state capital budget must be designed and
32 constructed to at least the LEED silver standard or the Washington
33 sustainable school design protocol. To the extent appropriate LEED
34 silver or Washington sustainable school design protocol standards exist
35 for the type of building or facility, this subsection applies to major
36 facility projects that have not received project approval from the

1 superintendent of public instruction prior to: (a) July 1, 2006, for
2 volunteering school districts; (b) July 1, 2007, for class one school
3 districts; and (c) July 1, 2008, for class two school districts.

4 (2) Public school districts under this section shall: (a) Monitor
5 and document appropriate operating benefits and savings resulting from
6 major facility projects designed and constructed as required under this
7 section for a minimum of five years following local board acceptance of
8 a project receiving state funding; and (b) report annually to the
9 superintendent of public instruction. The form and content of each
10 report must be mutually developed by the office of the superintendent
11 of public instruction in consultation with school districts.

12 (3) The superintendent of public instruction shall consolidate the
13 reports required in subsection (2) of this section into one report and
14 report to the governor and legislature by September 1st of each even-
15 numbered year beginning in 2006 and ending in 2016. In its report, the
16 superintendent of public instruction shall also report on the
17 implementation of this chapter, including reasons why the LEED standard
18 or Washington sustainable school design protocol was not used as
19 required by RCW 39.35D.020(5)(b). The superintendent of public
20 instruction shall make recommendations regarding the ongoing
21 implementation of this chapter, including a discussion of incentives
22 and disincentives related to implementing this chapter.

23 (4) The superintendent of public instruction shall develop and
24 issue guidelines for administering this chapter for public school
25 districts. The purpose of the guidelines is to define a procedure and
26 method for employing and verifying compliance with the LEED silver
27 standard or the Washington sustainable school design protocol.

28 (5) The superintendent of public instruction shall utilize the
29 school facilities advisory board as a high-performance buildings
30 advisory committee comprised of affected public schools, the
31 superintendent of public instruction, the department, and others at the
32 superintendent of public instruction's discretion to provide advice on
33 implementing this chapter. Among other duties, the advisory committee
34 shall make recommendations regarding an education and training process
35 and an ongoing evaluation or feedback process to help the
36 superintendent of public instruction implement this chapter.

37 (6) For projects that comply with this section by meeting the LEED
38 silver standard, the superintendent of public instruction must credit

1 one additional point for a project that uses wood products with a
2 credible third-party sustainable forest certification or from forests
3 regulated under chapter 76.09 RCW, the Washington forest practices act.
4 For projects that qualify for this additional point, and for which an
5 additional point would have resulted in formal certification under the
6 LEED silver standard, the project must be deemed to meet the
7 requirements of subsection (1) of this section.

Passed by the Senate March 4, 2011.

Passed by the House April 6, 2011.

Approved by the Governor April 18, 2011.

Filed in Office of Secretary of State April 19, 2011.