

CERTIFICATION OF ENROLLMENT

**SUBSTITUTE SENATE BILL 5933**

67th Legislature  
2022 Regular Session

Passed by the Senate February 9, 2022  
Yeas 49 Nays 0

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**President of the Senate**

Passed by the House March 3, 2022  
Yeas 98 Nays 0

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**Speaker of the House of  
Representatives**

Approved

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**Governor of the State of Washington**

CERTIFICATE

I, Sarah Bannister, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SUBSTITUTE SENATE BILL 5933** as passed by the Senate and the House of Representatives on the dates hereon set forth.

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**Secretary**

FILED

**Secretary of State  
State of Washington**

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**SUBSTITUTE SENATE BILL 5933**

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Passed Legislature - 2022 Regular Session

**State of Washington**

**67th Legislature**

**2022 Regular Session**

**By** Senate Ways & Means (originally sponsored by Senators Frockt, Schoesler, Conway, Honeyford, Keiser, Lovelett, Mullet, Pedersen, Rolfes, and J. Wilson)

READ FIRST TIME 02/07/22.

1       AN ACT Relating to establishing a school seismic safety grant  
2 program; adding a new section to chapter 28A.525 RCW; and creating  
3 new sections.

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

5       NEW SECTION.   **Sec. 1.**   The legislature finds that a significant  
6 number of Washington students in public school districts and state-  
7 tribal education compact schools attend school in older facilities  
8 located in geologically active areas. Accordingly, the legislature  
9 intends to create a grant program to help school districts and state-  
10 tribal education compact schools cover the cost of retrofitting or  
11 relocating school facilities located in high seismic areas or tsunami  
12 zones.

13       NEW SECTION.   **Sec. 2.**   A new section is added to chapter 28A.525  
14 RCW to read as follows:

15       (1) School seismic safety grants and school seismic planning  
16 grants must be awarded and determined in accordance with this  
17 section.

18       (2) **ELIGIBILITY.** A school district or state tribal education  
19 compact school is eligible to receive a school seismic safety grant

1 for remediation of seismic or tsunami hazards in qualifying buildings  
2 that meet the following criteria:

3 (a) The building is located within a high seismic hazard area as  
4 defined in subsection (3) of this section; and

5 (b) The building was constructed before 1998 and has not received  
6 a seismic retrofit to 2005 seismic standards.

7 (3) DEFINITIONS. For the purposes of this section:

8 (a) "High seismic hazard area" means:

9 (i) Any location identified by the United States geological  
10 survey national seismic hazard map with a two percent probability of  
11 exceedance in 50 years and a national earthquake hazards reduction  
12 program site class D that are 0.3 peak horizontal acceleration or  
13 greater peak ground acceleration areas; or

14 (ii) Any area located within a Washington tsunami design zone map  
15 or, where a Washington tsunami design zone map is not available, an  
16 American society of civil engineers tsunami design zone map, that  
17 requires structures in risk category three or four to be designed for  
18 tsunamis.

19 (b) "Remediation" means solutions that mitigate or eliminate site  
20 specific seismic or tsunami hazards and may include building  
21 relocation or vertical evacuation towers if related to a tsunami  
22 hazard.

23 (c) "Total project cost" means direct and associated indirect  
24 costs for the remediation solution as approved by the advisory  
25 committee. Associated indirect costs can include site acquisition and  
26 development costs for approved building relocations. The combined  
27 direct and associated indirect costs cannot exceed the equivalent  
28 combined direct and associated indirect costs for building projects  
29 participating in the school construction assistance program for that  
30 same year.

31 (4) ADVISORY COMMITTEE. (a) The superintendent of public  
32 instruction must appoint an advisory committee to evaluate and  
33 prioritize grant applications from school districts and state-tribal  
34 education compact schools. Advisory committee members must have  
35 experience in financing, managing, or planning seismic remediation  
36 projects at school facilities but must not be involved in a school  
37 seismic safety grant request for the biennium under consideration.  
38 The office of the superintendent of public instruction must provide  
39 administrative and staff support to the advisory committee and

1 consult with the advisory committee to design a grant application  
2 process with specific criteria for prioritizing grant requests.

3 (b) The advisory committee must submit a prioritized list of  
4 grants to the superintendent of public instruction. The list must  
5 prioritize applications to achieve the greatest improvement of school  
6 facilities, in the school districts and state-tribal education  
7 compact schools with the most limited financial capacity, for  
8 projects that are likely to improve student health, safety, and  
9 academic performance for the largest number of students for the  
10 amount of state grant support.

11 (5) REQUIRED GRANT LIST. (a) The superintendent of public  
12 instruction must propose a list of prioritized school seismic safety  
13 grants to the governor by September 1st of each year, beginning  
14 September 1, 2022. This list must include:

15 (i) A description of the proposed project;

16 (ii) The proposed school seismic safety grant amount, equal to at  
17 least two-thirds of the estimated total project cost;

18 (iii) The anticipated school construction assistance program  
19 amount;

20 (iv) The anticipated local share of project cost; and

21 (v) The estimated total project cost.

22 (b) The superintendent of public instruction and the governor may  
23 determine the level of funding in their omnibus capital  
24 appropriations act requests to support grants under this section, but  
25 their funding requests must follow the prioritized list prepared by  
26 the advisory committee unless new information determines that a  
27 specific project is no longer viable as proposed.

28 (6) SCHOOL CONSTRUCTION ASSISTANCE PROGRAM AND SMALL SCHOOL  
29 DISTRICT MODERNIZATION GRANT PROGRAM. (a) The full administrative and  
30 procedural process of school construction assistance program funding  
31 under RCW 28A.525.162 through 28A.525.180 and the small school  
32 district modernization grant program funding under RCW 28A.525.159  
33 may be streamlined by the office of the superintendent of public  
34 instruction in order to coordinate eligible school construction  
35 assistance program funding and small school district modernization  
36 grant program funding with the school seismic safety grants. Such  
37 coordination must ensure that total state funding from all three  
38 grants does not exceed total project costs minus available local  
39 resources.

1 (b) Projects seeking school seismic safety grants must meet the  
2 requirements for a school construction assistance program grant  
3 except for the following: (i) The estimated cost of the project may  
4 be less than 40 percent of the estimated replacement value of the  
5 facility; and (ii) local funding assistance percentage requirements  
6 of the school construction assistance program do not apply. However,  
7 available school district and state-tribal education compact school  
8 resources are considered in prioritizing school seismic safety  
9 grants.

10 (7) DISBURSEMENT OF FUNDS. The superintendent of public  
11 instruction must award state and federal grants under this section to  
12 eligible school districts and state tribal education compact schools  
13 in an amount equal to at least two-thirds of the total project cost.  
14 The grant must not be awarded until the school district or state-  
15 tribal education compact school has identified available local and  
16 other resources sufficient to complete the approved project  
17 considering the amount of the state grant. The grant must specify  
18 reporting requirements from the school district or state-tribal  
19 education compact school, which must include updating all pertinent  
20 information in the inventory and condition of schools data system and  
21 submitting a final project report as specified by the office of the  
22 superintendent of public instruction in consultation with the school  
23 facilities citizens advisory panel specified in RCW 28A.525.025.

24 (8) PLANNING GRANTS. Subject to the availability of amounts  
25 appropriated for this specific purpose, the office of the  
26 superintendent of public instruction must assist eligible school  
27 districts and state-tribal education compact schools that are  
28 interested in applying for a school seismic safety grant under this  
29 section by providing technical assistance and planning grants. School  
30 districts and state-tribal education compact schools seeking planning  
31 grants under this section must provide a brief statement describing  
32 existing school conditions, building system and site deficiencies,  
33 current and five-year projected student headcount enrollment, student  
34 achievement measures, financial constraints, and any information  
35 required by the advisory committee established in subsection (4) of  
36 this section. If applications for planning grants exceed funds  
37 available, the office of the superintendent of public instruction may  
38 prioritize planning grant requests with primary consideration given  
39 to school district financial capacity and facility conditions.

1        NEW SECTION.    **Sec. 3.**    The school seismic safety grant program  
2 account is created in the state treasury. All receipts from direct  
3 appropriations from the legislature or moneys directed to the account  
4 from any other source must be deposited in the account. Moneys in the  
5 account may be spent only after appropriation. The account is  
6 intended to fund projects using tax exempt bonds. Expenditures from  
7 the account are for the school seismic safety grant program.

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