
SENATE BILL 6010

State of Washington

61st Legislature

2009 Regular Session

By Senators Honeyford, Hargrove, Sheldon, Morton, Jacobsen, Schoesler, Brandland, Zarelli, Stevens, and Shin

Read first time 02/13/09. Referred to Committee on Environment, Water & Energy.

1 AN ACT Relating to a state designated green source of wood fiber
2 for state-funded construction; and amending RCW 39.35D.010, 39.35D.020,
3 39.35D.030, and 39.35D.040.

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

5 **Sec. 1.** RCW 39.35D.010 and 2005 c 12 s 1 are each amended to read
6 as follows:

7 (1) The legislature finds that public buildings can be built and
8 renovated using high-performance methods that save money, improve
9 school performance, and make workers more productive. High-performance
10 public buildings are proven to increase student test scores, reduce
11 worker absenteeism, and cut energy and utility costs.

12 (2) It is the intent of the legislature that state-owned buildings
13 and schools be improved by adopting recognized standards for high-
14 performance public buildings and allowing flexible methods and choices
15 in how to achieve those standards. The legislature also intends that
16 public agencies and public school districts shall document costs and
17 savings to monitor this program and ensure that economic, community,
18 and environmental goals are achieved each year, and that an independent

1 performance review be conducted to evaluate this program and determine
2 the extent to which the results intended by this chapter are being met.

3 (3) The legislature further finds that Washington is the second
4 leading lumber producing state in the nation and a leader in
5 sustainable forest management. All Washington forest products produced
6 in compliance with chapter 76.09 RCW and rules adopted under that
7 chapter are designated as a green source of wood fiber. It is the
8 intent of the legislature that wood products from a Washington state
9 designated green source of wood fiber be required for state-funded
10 construction, to the maximum extent possible. Requiring the use of a
11 designated green source of wood fiber for state-funded construction
12 reduces the environmental impacts and carbon footprint of those
13 projects, increases the marketability of locally grown wood products,
14 and improves the economic well-being of small and large forest
15 landowners, thereby improving the likelihood of forest landowners
16 remaining in forestry and reducing forest land conversion.

17 **Sec. 2.** RCW 39.35D.020 and 2006 c 263 s 330 are each amended to
18 read as follows:

19 The definitions in this section apply throughout this chapter
20 unless the context clearly requires otherwise.

21 (1) "Department" means the department of general administration.

22 (2) "Green source of wood fiber" means a Washington forest product
23 produced in compliance with chapter 76.09 RCW and rules adopted under
24 that chapter. It does not include any wood from a forest land owner
25 who has been found to have committed an intentional forest practice
26 violation within the last three years.

27 (3) "High-performance public buildings" means high-performance
28 public buildings designed, constructed, and certified to a standard as
29 identified in this chapter.

30 ~~((+3))~~ (4) "Institutions of higher education" means the state
31 universities, the regional universities, The Evergreen State College,
32 the community colleges, and the technical colleges.

33 ~~((+4))~~ (5) "LEED silver standard" means the United States green
34 building council leadership in energy and environmental design green
35 building rating standard, referred to as silver standard.

36 ~~((+5))~~ (6)(a) "Major facility project" means: (i) A construction
37 project larger than five thousand gross square feet of occupied or

1 conditioned space as defined in the Washington state energy code; or
2 (ii) a building renovation project when the cost is greater than fifty
3 percent of the assessed value and the project is larger than five
4 thousand gross square feet of occupied or conditioned space as defined
5 in the Washington state energy code.

6 (b) "Major facility project" does not include: (i) Projects for
7 which the department, public school district, or other applicable
8 agency and the design team determine the LEED silver standard or the
9 Washington sustainable school design protocol to be not practicable; or
10 (ii) transmitter buildings, pumping stations, hospitals, research
11 facilities primarily used for sponsored laboratory experimentation,
12 laboratory research, or laboratory training in research methods, or
13 other similar building types as determined by the department. When the
14 LEED silver standard is determined to be not practicable for a project,
15 then it must be determined if any LEED standard is practicable for the
16 project. If LEED standards or the Washington sustainable school design
17 protocol are not followed for the project, the public school district
18 or public agency shall report these reasons to the department.

19 ((+6+)) (7) "Public agency" means every state office, officer,
20 board, commission, committee, bureau, department, and public higher
21 education institution.

22 ((+7+)) (8) "Public school district" means a school district
23 eligible to receive state basic education moneys pursuant to RCW
24 28A.150.250 and 28A.150.260.

25 ((+8+)) (9) "Washington sustainable school design protocol" means
26 the school design protocol and related information developed by the
27 office of the superintendent of public instruction, in conjunction with
28 school districts and the school facilities advisory board.

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

31 (1) All major facility projects of public agencies receiving any
32 funding in a state capital budget, or projects financed through a
33 financing contract as defined in RCW 39.94.020, must be designed,
34 constructed, and certified to at least the LEED silver standard and to
35 the maximum extent possible will use only wood products from a
36 Washington state designated green source of wood fiber. This

1 subsection applies to major facility projects that have not entered the
2 design phase prior to July 24, 2005, and to the extent appropriate LEED
3 silver standards exist for that type of building or facility.

4 (2) All major facility projects of any entity other than a public
5 agency or public school district receiving any funding in a state
6 capital budget must be designed, constructed, and certified to at least
7 the LEED silver standard and to the maximum extent possible will use
8 only wood products from a Washington state designated green source of
9 wood fiber. This subsection applies to major facility projects that
10 have not entered the grant application process prior to July 24, 2005,
11 and to the extent appropriate LEED silver standards exist for that type
12 of building or facility.

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

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

19 (4) The department shall consolidate the reports required in
20 subsection (3) of this section into one report and report to the
21 governor and legislature by September 1st of each even-numbered year
22 beginning in 2006 and ending in 2016. In its report, the department
23 shall also report on the implementation of this chapter, including
24 reasons why the LEED standard was not used as required by RCW
25 39.35D.020(5)(b) or why wood products from a Washington state
26 designated green source of wood fiber were not used. The department
27 shall make recommendations regarding the ongoing implementation of this
28 chapter, including a discussion of incentives and disincentives related
29 to implementing this chapter.

30 **Sec. 4.** RCW 39.35D.040 and 2006 c 263 s 331 are each amended to
31 read as follows:

32 (1) All major facility projects of public school districts
33 receiving any funding in a state capital budget must be designed and
34 constructed to at least the LEED silver standard or the Washington
35 sustainable school design protocol and to the maximum extent possible
36 will use only wood products from a Washington state designated green
37 source of wood fiber. To the extent appropriate LEED silver or

1 Washington sustainable school design protocol standards exist for the
2 type of building or facility, this subsection applies to major facility
3 projects that have not received project approval from the
4 superintendent of public instruction prior to: (a) July 1, 2006, for
5 volunteering school districts; (b) July 1, 2007, for class one school
6 districts; and (c) July 1, 2008, for class two school districts.

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

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

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

33 (5) The superintendent of public instruction shall utilize the
34 school facilities advisory board as a high-performance buildings
35 advisory committee comprised of affected public schools, the
36 superintendent of public instruction, the department, and others at the
37 superintendent of public instruction's discretion to provide advice on
38 implementing this chapter. Among other duties, the advisory committee

1 shall make recommendations regarding an education and training process
2 and an ongoing evaluation or feedback process to help the
3 superintendent of public instruction implement this chapter.

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