

SHB 1272 - H AMD 75

By Representative Kristiansen

OUT OF ORDER 03/04/2005

1 Strike everything after the enacting clause and insert the
2 following:

3 "NEW SECTION. **Sec. 1.** (1) The legislature finds that public
4 buildings can be built and renovated using high-performance methods
5 that save money, improve school performance, and make workers more
6 productive. High-performance public buildings are proven to increase
7 student test scores, reduce worker absenteeism, and cut energy and
8 utility costs.

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

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

20 (1) "Comparable design standard" means a standard, such as green
21 globes, comparable to the LEED silver standard, that has been approved
22 by the department.

23 (2) "Department" means the department of general administration.

24 (3) "Green building standard" means the LEED silver standard or a
25 comparable design standard.

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

1 (5) "Institutions of higher education" means the state
2 universities, the regional universities, The Evergreen State College,
3 the community colleges, and the technical colleges.

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

7 (7)(a) "Major facility project" means: (i) A construction project
8 larger than five thousand gross square feet of occupied space; and (ii)
9 a building renovation project when the cost is greater than fifty
10 percent of the assessed value and the project is larger than five
11 thousand gross square feet of occupied space.

12 (b) "Major facility project" does not include: (i) Projects for
13 which the department or applicable agency and the design team determine
14 the green building standard or the Washington sustainable school design
15 protocol to be not practicable; or (ii) transmitter buildings, pumping
16 stations, hospitals, or other similar building types as determined by
17 the department. When the green building standard is determined to be
18 not practicable for a project, then it must be determined if any green
19 building standard is practicable for the project. If green building
20 standards are not followed for the project, the agency shall report
21 these reasons to the department.

22 (8) "Public agency" means every state office, officer, board,
23 commission, committee, bureau, department, and public higher education
24 institution.

25 (9) "Public school district" means a school district eligible to
26 receive state basic education moneys pursuant to RCW 28A.150.250 and
27 28A.150.260.

28 (10) "Washington sustainable school design protocol" means the
29 school design protocol and related information developed by the state
30 board of education and the office of the superintendent of public
31 instruction, in conjunction with school districts and the school
32 facilities advisory board.

33 NEW SECTION. **Sec. 3.** (1) All major facility projects of public
34 agencies receiving any funding in a state capital budget must be
35 designed, constructed, and certified to at least the green building
36 standard. This subsection applies to major facility projects that have

1 not entered the design phase prior to the effective date of this
2 section and to the extent appropriate green building standards exist
3 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 green building standard. This subsection applies to major facility
8 projects that have not entered the design phase prior to the effective
9 date of this section and to the extent appropriate green building
10 standards exist for that type of building or facility.

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

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

17 (4) The department shall consolidate the reports required in
18 subsection (3) of this section into one report and report to the
19 governor and legislature by September 1st of each even-numbered year
20 beginning in 2006. In its report, the department shall also report on
21 the implementation of this chapter and make recommendations regarding
22 the ongoing implementation of this chapter, including a discussion of
23 incentives and disincentives related to implementing this chapter.

24 NEW SECTION. **Sec. 4.** (1) All major facility projects of public
25 school districts receiving any funding in a state capital budget must
26 be designed and constructed to at least the green building standard or
27 the Washington sustainable school design protocol. To the extent
28 appropriate green building or Washington sustainable school design
29 protocol standards exist for the type of building or facility, this
30 subsection applies to major facility projects that have not entered the
31 design phase prior to: (a) July 1, 2006, for volunteering school
32 districts; (b) July 1, 2007, for class one school districts; and (c)
33 July 1, 2008, for class two school districts.

34 (2) Public school districts under this section shall: (a) Monitor
35 and document appropriate operating benefits and savings resulting from
36 major facility projects designed and constructed as required under this
37 section for a minimum of five years following local board acceptance of

1 a project receiving state funding; and (b) report annually to the
2 superintendent of public instruction. The form and content of each
3 report must be mutually developed by the office of the superintendent
4 of public instruction in consultation with school districts.

5 (3) The superintendent of public instruction shall consolidate the
6 reports required in subsection (2) of this section into one report and
7 report to the governor and legislature by September 1st of each even-
8 numbered year beginning in 2006. In its report, the superintendent of
9 public instruction shall also report on the implementation of this
10 chapter and make recommendations regarding the ongoing implementation
11 of this chapter, including a discussion of incentives and disincentives
12 related to implementing this chapter.

13 (4) The state board of education, in consultation with the
14 superintendent of public instruction, shall develop and issue
15 guidelines for administering this chapter for public school districts.
16 The purpose of the guidelines is to define a procedure and method for
17 employing and verifying compliance with the green building standard or
18 the Washington sustainable school design protocol.

19 (5) The superintendent of public instruction shall utilize the
20 school facilities advisory board as a high-performance buildings
21 advisory committee comprised of affected public schools, the state
22 board of education, the superintendent of public instruction, the
23 department, and others at the superintendent of public instruction's
24 discretion to provide advice on implementing this chapter. Among other
25 duties, the advisory committee shall make recommendations regarding an
26 education and training process and an ongoing evaluation or feedback
27 process to help the superintendent of public instruction and the state
28 board of education implement this chapter.

29 NEW SECTION. **Sec. 5.** On or before January 1, 2009, the department
30 and the superintendent of public instruction shall summarize the
31 reports submitted under sections 3(4) and 4(3) of this act and submit
32 the individual reports to the legislative committees on capital budget
33 and ways and means for review of the program's performance and
34 consideration of any changes that may be needed to adapt the program to
35 any new or modified standards for high-performance buildings that meet
36 the intent of this chapter.

1 NEW SECTION. **Sec. 6.** (1)(a) The department, in consultation with
2 affected public agencies, shall develop and issue guidelines for
3 administering this chapter for public agencies. The purpose of the
4 guidelines is to define a procedure and method for employing and
5 verifying activities necessary for certification to at least the green
6 building standard for major facility projects.

7 (b) The department and the office of the superintendent of public
8 instruction shall amend their fee schedules for architectural and
9 engineering services to accommodate the requirements in the design of
10 major facility projects under this chapter.

11 (c) The department and the office of the superintendent of public
12 instruction shall procure architecture and engineering services
13 consistent with chapter 39.80 RCW.

14 (d) Major facility projects designed to meet standards identified
15 in this chapter must include building commissioning as a critical cost-
16 saving part of the construction process. This process includes input
17 from the project design and construction teams and the project
18 ownership representatives.

19 (e) As provided in the request for proposals for construction
20 services, the operating agency shall hold a preproposal conference for
21 prospective bidders to discuss compliance with and achievement of
22 standards identified in this chapter for prospective respondents.

23 (2) The department shall create a high-performance buildings
24 advisory committee comprised of representatives from the design and
25 construction industry involved in public works contracting, personnel
26 from the affected public agencies responsible for overseeing public
27 works projects, the state board of education, the office of the
28 superintendent of public instruction, and others at the department's
29 discretion to provide advice on implementing this chapter. Among other
30 duties, the advisory committee shall make recommendations regarding an
31 education and training process and an ongoing evaluation or feedback
32 process to help the department implement this chapter.

33 (3) The department and the state board of education shall adopt
34 rules to implement this section.

35 NEW SECTION. **Sec. 7.** A new section is added to chapter 28A.150
36 RCW to read as follows:

37 (1) In adopting implementation rules, the state board of education,

1 in consultation with the superintendent of public instruction and the
2 department of general administration, shall review and modify the
3 current requirement for an energy conservation report review by the
4 department of general administration as provided in WAC 180-27-075.

5 (2) In adopting implementation rules, the state board of education,
6 in consultation with the superintendent of public instruction shall:

7 (a) Review and modify the current requirements for value
8 engineering, constructability review, and building commissioning as
9 provided in WAC 180-27-080;

10 (b) Review private and public utility providers' capacity and
11 financial/technical assistance programs for affected public school
12 districts to monitor and report utility consumption for purposes of
13 reporting to the superintendent of public instruction as provided in
14 section 4 of this act;

15 (c) Coordinate with the department of general administration, the
16 state board of health, the department of ecology, federal agencies, and
17 other affected agencies as appropriate in their consideration of rules
18 to implement this section.

19 NEW SECTION. **Sec. 8.** A new section is added to chapter 28B.10 RCW
20 to read as follows:

21 Institutions of higher education must comply with high-performance
22 public building requirements under sections 1 through 3 and 6 of this
23 act.

24 NEW SECTION. **Sec. 9.** A new section is added to chapter 28A.150
25 RCW to read as follows:

26 Public school districts must comply with high-performance public
27 building requirements under sections 1, 2, 4, 6, and 7 of this act.

28 NEW SECTION. **Sec. 10.** A new section is added to chapter 39.04 RCW
29 to read as follows:

30 For purposes of determining compliance with chapter 39.-- RCW
31 (sections 1 through 6, 11, and 12 of this act), the department of
32 general administration shall credit the project for using wood products
33 with a credible third party sustainable forest certification, such as
34 the sustainable forestry initiative, Canadian standards association, or
35 American tree farm system certification programs, or from forests

1 regulated under chapter 76.09 RCW, the Washington forest practices act.
2 The credit given shall be the same as or equivalent to the credit given
3 for forest stewardship council certified wood under the LEED silver
4 standard.

5 NEW SECTION. **Sec. 11.** Except as provided in this section,
6 affordable housing projects funded out of the state capital budget are
7 exempt from the provisions of this chapter. On or before July 1, 2008,
8 the department of community, trade, and economic development shall
9 identify, implement, and apply a sustainable building program for
10 affordable housing projects that receive housing trust fund (under
11 chapter 43.185 RCW) funding in a state capital budget. The department
12 of community, trade, and economic development shall not develop its own
13 sustainable building standard, but shall work with stakeholders to
14 adopt an existing sustainable building standard or criteria appropriate
15 for affordable housing. Any application of the program to affordable
16 housing, including any monitoring to track the performance of either
17 sustainable features or energy standards or both, is the responsibility
18 of the department of community, trade, and economic development.

19 NEW SECTION. **Sec. 12.** The joint legislative audit and review
20 committee, or its successor legislative agency, shall conduct a
21 performance review of the high-performance buildings program
22 established under this chapter.

- 23 (1) The performance audit shall include, but not be limited to:
- 24 (a) The identification of the costs of implementation of high-
25 performance building standards in the design and construction of major
26 facility projects subject to this chapter;
- 27 (b) The identification of operating savings attributable to the
28 implementation of high-performance building standards, including but
29 not limited to savings in energy, utility, and maintenance costs;
- 30 (c) The identification of any impacts of high-performance buildings
31 standards on worker productivity and student performance; and
- 32 (d) An evaluation of the effectiveness of the high-performance
33 building standards established under this chapter, and recommendations
34 for any changes in those standards that may be supported by the
35 committee's findings.

1 (2) The committee shall make a preliminary report of its findings
2 and recommendations on or before December 1, 2010, and a final report
3 on or before July 1, 2011.

4 NEW SECTION. **Sec. 13.** Sections 1 through 6, 11, and 12 of this
5 act constitute a new chapter in Title 39 RCW."

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