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**SUBSTITUTE SENATE BILL 5300**

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**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.

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