
SUBSTITUTE SENATE BILL 5933

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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