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**SENATE BILL 5159**

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**State of Washington**                      **53rd Legislature**                      **1993 Regular Session**

**By** Senators Talmadge, Owen and Fraser

Read first time 01/15/93. Referred to Committee on Ecology & Parks.

1            AN ACT Relating to urban forestry; amending RCW 35.92.355,  
2 43.19.668, 76.12.160, 76.15.007, 76.15.020, 80.28.024, 80.28.025, and  
3 82.16.055; adding a new section to chapter 35.92 RCW; adding a new  
4 section to chapter 35A.80 RCW; adding new sections to chapter 76.15  
5 RCW; adding a new section to chapter 80.28 RCW; adding a new section to  
6 chapter 43.19 RCW; adding a new section to chapter 82.04 RCW; creating  
7 new sections; and making an appropriation.

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

9            NEW SECTION.    **Sec. 1.**    The legislature finds that large-scale  
10 reduction of tree cover increases the temperature of urban areas, known  
11 as the "heat island effect." Planting trees in urban areas for shading  
12 and cooling mitigates the urban heat island effect and reduces energy  
13 consumption. Tree planting also can benefit the environment by  
14 combating the global warming "greenhouse" effect, reducing soil  
15 erosion, and improving air quality. Urban forestry programs can  
16 improve urban aesthetics that will improve public and private property  
17 values.

1        NEW SECTION.    **Sec. 2.**    A new section is added to chapter 35.92 RCW  
2 to read as follows:

3        (1) Municipal utilities under this chapter are encouraged to  
4 provide information to their customers regarding landscaping that  
5 includes tree planting for energy conservation.

6        (2) Municipal utilities under this chapter are encouraged to  
7 request voluntary donations from their customers for the purposes of  
8 urban forestry. The request may be in the form of a check-off on the  
9 billing statement or other form of request for a voluntary donation.

10       NEW SECTION.    **Sec. 3.**    A new section is added to chapter 35A.80 RCW  
11 to read as follows:

12       (1) Code cities providing utility services under this chapter are  
13 encouraged to provide information to their customers regarding  
14 landscaping that includes tree planting for energy conservation.

15       (2) Code cities providing utility services under this chapter are  
16 encouraged to request voluntary donations from their customers for the  
17 purposes of urban forestry. The request may be in the form of a check-  
18 off on the billing statement or other form of a request for a voluntary  
19 donation.

20       NEW SECTION.    **Sec. 4.**    A new section is added to chapter 76.15 RCW  
21 to read as follows:

22       The urban forestry account is created in the custody of the state  
23 treasurer. All receipts from P.L. 101-624 (1990) shall be deposited  
24 into the account. Expenditures from the account may be used only to  
25 provide funding for urban forestry and to match federal funds from P.L.  
26 101-624 (1990). Only the director of the department of natural  
27 resources or the director's designee may authorize expenditures from  
28 the account. The account is subject to allotment procedures under  
29 chapter 43.88 RCW, but no appropriation is required for expenditures  
30 from the account.

31       NEW SECTION.    **Sec. 5.**    A new section is added to chapter 80.28 RCW  
32 to read as follows:

33       (1) Gas companies and electrical companies under this chapter are  
34 encouraged to provide information to their customers regarding  
35 landscaping that includes tree planting for energy conservation.

1 (2) Gas companies and electrical companies under this chapter are  
2 encouraged to request voluntary donations from their customers for the  
3 purposes of urban forestry. The request may be in the form of a check-  
4 off on the billing statement or other form of a request for a voluntary  
5 donation.

6 **Sec. 6.** RCW 35.92.355 and 1979 ex.s. c 239 s 1 are each amended to  
7 read as follows:

8 The conservation of energy in all forms and by every possible means  
9 is found and declared to be a public purpose of highest priority. The  
10 legislature further declares that findings and purposes detailed in RCW  
11 76.15.005 and 76.15.007 also apply to this chapter. The legislature  
12 further finds and declares that all municipal corporations, quasi  
13 municipal corporations, and other political subdivisions of the state  
14 which are engaged in the generation, sale, or distribution of energy  
15 should be granted the authority to develop and carry out programs which  
16 will conserve resources, reduce waste, and encourage more efficient use  
17 of energy by consumers.

18 In order to establish the most effective state-wide program for  
19 energy conservation, the legislature hereby encourages any company,  
20 corporation, or association engaged in selling or furnishing utility  
21 services to assist their customers in the acquisition and installation  
22 of materials and equipment, for compensation or otherwise, for the  
23 conservation or more efficient use of energy.

24 **Sec. 7.** RCW 43.19.668 and 1980 c 172 s 1 are each amended to read  
25 as follows:

26 The legislature finds and declares that the buildings, facilities,  
27 equipment, and vehicles owned or leased by state government consume  
28 significant amounts of energy and that energy conservation actions to  
29 provide for efficient energy use in these buildings, facilities,  
30 equipment, and vehicles will reduce the costs of state government. The  
31 legislature further declares that findings and purposes detailed in RCW  
32 76.15.005 and 76.15.007 also apply to this chapter. In order for the  
33 operations of state government to provide the citizens of this state an  
34 example of energy use efficiency, the legislature further finds and  
35 declares that state government should undertake an aggressive program  
36 designed to reduce energy use in state buildings, facilities,  
37 equipment, and vehicles within a reasonable period of time.

1       **Sec. 8.** RCW 76.12.160 and 1988 c 128 s 35 are each amended to read  
2 as follows:

3       The department is authorized to sell to or exchange with persons  
4 intending to restock forest areas, tree seedling stock and tree seed  
5 produced at the state nursery.

6       The department may provide at cost, stock or seed to local  
7 governments or nonprofit organizations for urban tree planting programs  
8 consistent with the community and urban forestry program.

9       **Sec. 9.** RCW 76.15.007 and 1991 c 179 s 2 are each amended to read  
10 as follows:

11       The purpose of this chapter is to:

12       (1) Encourage planting and maintenance and management of trees in  
13 the state's municipalities and counties and maximize the potential of  
14 tree and vegetative cover in improving the quality of the environment.

15       (2) Encourage the coordination of state and local agency activities  
16 and maximize citizen participation in the development and  
17 implementation of community and urban forestry-related programs.

18       (3) Foster healthy economic activity for the state's community and  
19 urban forestry-related businesses through cooperative and supportive  
20 contracts with the private business sector.

21       (4) Facilitate the creation of (~~employment opportunities~~) jobs  
22 related to community and urban forestry activities including  
23 opportunities for retraining and employing displaced timber resources  
24 workers; opportunities for youth including inner city youth to learn  
25 teamwork, resource conservation, environmental appreciation, and job  
26 skills.

27       (5) Provide meaningful voluntary opportunities for the state's  
28 citizens and organizations interested in community and urban forestry  
29 activities.

30       **Sec. 10.** RCW 76.15.020 and 1991 c 179 s 4 are each amended to read  
31 as follows:

32       (1) The department may establish and maintain a program in  
33 community and urban forestry to accomplish the purpose stated in RCW  
34 76.15.007. The department may assist municipalities and counties in  
35 establishing and maintaining community and urban forestry programs and  
36 encourage persons to engage in appropriate and improved tree management  
37 and care.

1 (2) The department may advise, encourage, and assist  
2 municipalities, counties, and other public and private entities in the  
3 development and coordination of policies, programs, and activities for  
4 the promotion of community and urban forestry.

5 (3) The department may appoint a committee or council to advise the  
6 department in establishing and carrying out a program in community and  
7 urban forestry.

8 (4) The department may assist municipal and county tree maintenance  
9 programs by making surplus equipment available on loan where feasible  
10 for community and urban forestry programs and cooperative projects.

11 (5) The department shall work with cities and counties in adopting  
12 ordinances and policies that promote the clustering of residential  
13 units through local granting of density bonuses that will help  
14 preserve, enhance, or rehabilitate natural features of the subject  
15 property such as significant woodlands, wildlife habitats, or streams.

16 **Sec. 11.** RCW 80.28.024 and 1980 c 149 s 1 are each amended to read  
17 as follows:

18 The legislature finds and declares that the potential for meeting  
19 future energy needs through conservation measures, including energy  
20 conservation loans, energy audits, and the use of renewable resources,  
21 such as solar energy, wind energy, wood, wood waste, municipal waste,  
22 agricultural products and wastes, hydroelectric energy, geothermal  
23 energy, and end-use waste heat, may not be realized without incentives  
24 to public and private energy utilities. The legislature further  
25 declares that findings and purposes detailed in RCW 76.15.005 and  
26 76.15.007 also apply to this chapter. The legislature therefore finds  
27 and declares that actions and incentives by state government to promote  
28 conservation and the use of renewable resources would be of great  
29 benefit to the citizens of this state by encouraging efficient energy  
30 use and a reliable supply of energy based upon renewable energy  
31 resources.

32 **Sec. 12.** RCW 80.28.025 and 1991 c 347 s 23 are each amended to  
33 read as follows:

34 (1) In establishing rates for each gas and electric company  
35 regulated by this chapter, the commission shall adopt policies to  
36 encourage meeting or reducing energy demand through cogeneration as  
37 defined in RCW 82.35.020, measures which improve the efficiency of

1 energy end use, and new projects which produce or generate energy from  
2 renewable resources, such as solar energy, wind energy, hydroelectric  
3 energy, geothermal energy, wood, wood waste, municipal wastes,  
4 agricultural products and wastes, and end-use waste heat. These  
5 policies shall include but are not limited to allowing a return on  
6 investment in measures to improve the efficiency of energy end use,  
7 cogeneration, or projects which produce or generate energy from  
8 renewable resources which return is established by adding an increment  
9 of two percent to the rate of return on common equity permitted on the  
10 company's other investment. Measures or projects encouraged under this  
11 section are those for which construction or installation is begun after  
12 June 12, 1980, and before January 1, 1990, and which, at the time they  
13 are placed in the rate base, are reasonably expected to save, produce,  
14 or generate energy at a total incremental system cost per unit of  
15 energy delivered to end use which is less than or equal to the  
16 incremental system cost per unit of energy delivered to end use from  
17 similarly available conventional energy resources which utilize nuclear  
18 energy or fossil fuels and which the gas or electric company could  
19 acquire to meet energy demand in the same time period. The rate of  
20 return increment shall be allowed for a period not to exceed thirty  
21 years after the measure or project is first placed in the rate base.  
22 This subsection shall apply to energy conservation through the use of  
23 landscaping with tree plantings for plantings begun after July 1, 1993,  
24 and completed by January 1, 2000.

25 (2) In establishing rates for water companies regulated by this  
26 chapter, the commission may consider the achievement of water  
27 conservation goals and the discouragement of wasteful water use  
28 practices.

29 **Sec. 13.** RCW 82.16.055 and 1980 c 149 s 3 are each amended to read  
30 as follows:

31 (1) In computing tax under this chapter there shall be deducted  
32 from the gross income:

33 (a) An amount equal to the cost of production at the plant for  
34 consumption within the state of Washington of:

35 (i) Electrical energy produced or generated from cogeneration as  
36 defined in RCW 82.35.020; and

37 (ii) Electrical energy or gas produced or generated from renewable  
38 energy resources such as solar energy, wind energy, hydroelectric

1 energy, geothermal energy, wood, wood wastes, municipal wastes,  
2 agricultural products and wastes, and end-use waste heat; and

3 (b) Those amounts expended to improve consumers' efficiency of  
4 energy end use or to otherwise reduce the use of electrical energy or  
5 gas by the consumer including the use of landscaping with tree  
6 plantings.

7 (2) This section applies only to new facilities for the production  
8 or generation of energy from cogeneration or renewable energy resources  
9 or measures to improve the efficiency of energy end use on which  
10 construction or installation is begun after June 12, 1980, and before  
11 January 1, 1990.

12 (3) Deductions under subsection (1)(a) of this section shall be  
13 allowed for a period not to exceed thirty years after the project is  
14 placed in operation.

15 (4) Measures or projects encouraged under this section shall at the  
16 time they are placed in service be reasonably expected to save,  
17 produce, or generate energy at a total incremental system cost per unit  
18 of energy delivered to end use which is less than or equal to the  
19 incremental system cost per unit of energy delivered to end use from  
20 similarly available conventional energy resources which utilize nuclear  
21 energy or fossil fuels and which the gas or electric utility could  
22 acquire to meet energy demand in the same time period.

23 (5) The department of revenue, after consultation with the  
24 utilities and transportation commission in the case of investor-owned  
25 utilities and the governing bodies of locally regulated utilities,  
26 shall determine the eligibility of individual projects and measures for  
27 deductions under this section.

28 NEW SECTION. Sec. 14. A new section is added to chapter 43.19 RCW  
29 to read as follows:

30 The director of the department of general administration shall seek  
31 to further energy conservation objectives among other landscape  
32 objectives in planting and maintaining trees upon grounds administered  
33 by the department.

34 NEW SECTION. Sec. 15. A new section is added to chapter 76.15 RCW  
35 to read as follows:

36 The department may enter one or more agreements with one or more  
37 nonprofit organizations whose primary purpose is urban tree planting.

1 The agreements shall be to further public education about and support  
2 for urban tree planting, and for obtaining voluntary activities by the  
3 local community organizations in tree planting programs. At least one  
4 of the agreements shall be with a state-wide organization incorporated  
5 as a Washington nonprofit corporation. The agreements shall ensure  
6 that such programs are consistent with the purposes of the community  
7 and urban forestry program under this chapter.

8 NEW SECTION. **Sec. 16.** A new section is added to chapter 76.15 RCW  
9 to read as follows:

10 The department shall encourage urban planting of tree varieties  
11 that provide the best combination of energy and water conservation,  
12 cost-effectiveness, fire safety and other safety, wildlife habitat, and  
13 aesthetic value.

14 NEW SECTION. **Sec. 17.** The Washington community and urban forestry  
15 council created by the department of natural resources under the  
16 authority of RCW 76.15.020 shall undertake a study of the following  
17 issues and report by January 1, 1994, to the legislature:

18 (1) Possible state public and private urban forestry funding  
19 sources; and

20 (2) Revenue and tax changes that would benefit urban forestry and  
21 encourage tree planting and maintenance.

22 NEW SECTION. **Sec. 18.** A new section is added to chapter 82.04 RCW  
23 to read as follows:

24 (1) A person shall be allowed a credit against the tax due under  
25 this chapter of an amount equal to the value of trees donated at no  
26 cost to a unit of local government or to a nonprofit organization for  
27 the purpose of planting upon public property in urban areas. A person  
28 claiming the credit shall submit documentation to the department  
29 establishing that the trees were planted upon public property in urban  
30 areas pursuant to a strategic planting plan. The department shall  
31 adopt rules providing for the documentation to be submitted when  
32 claiming the credit.

33 (2) No recipient is eligible for tax credits in excess of twenty-  
34 five thousand dollars.

35 (3) No recipient may receive a tax credit on taxes which have not  
36 been paid during the taxable year.

1 (4) No credit may be claimed for donations made after December 31,  
2 1996.

3 NEW SECTION. **Sec. 19.** The sum of four hundred sixty thousand  
4 dollars, or as much thereof as may be necessary, is appropriated for  
5 the biennium ending June 30, 1995, from the general fund to the  
6 department of natural resources for the purposes of this act and the  
7 administration of the community and urban forestry program under  
8 chapter 76.15 RCW.

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