

CERTIFICATION OF ENROLLMENT  
ENGROSSED SECOND SUBSTITUTE SENATE BILL 5560

61st Legislature  
2009 Regular Session

Passed by the Senate April 21, 2009  
YEAS 28 NAYS 19

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**President of the Senate**

Passed by the House April 16, 2009  
YEAS 60 NAYS 37

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**Speaker of the House of Representatives**

Approved

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**Governor of the State of Washington**

CERTIFICATE

I, Thomas Hoemann, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **ENGROSSED SECOND SUBSTITUTE SENATE BILL 5560** as passed by the Senate and the House of Representatives on the dates hereon set forth.

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**Secretary**

FILED

**Secretary of State  
State of Washington**

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**ENGROSSED SECOND SUBSTITUTE SENATE BILL 5560**

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AS AMENDED BY THE HOUSE

Passed Legislature - 2009 Regular Session

**State of Washington                      61st Legislature                      2009 Regular Session**

**By** Senate Ways & Means (originally sponsored by Senators Ranker, Swecker, Brown, Hargrove, Pridemore, Marr, Kilmer, Rockefeller, Kauffman, Haugen, Eide, Hobbs, Kohl-Welles, Jarrett, Fraser, Jacobsen, and Murray)

READ FIRST TIME 03/02/09.

1            AN ACT Relating to state agency climate leadership; amending RCW  
2 70.235.010, 43.41.130, and 39.35D.010; adding new sections to chapter  
3 70.235 RCW; adding a new chapter to Title 43 RCW; and creating new  
4 sections.

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

6            NEW SECTION.    **Sec. 1.** The legislature finds that in chapter 14,  
7 Laws of 2008, the legislature established greenhouse gas emission  
8 reduction limits for Washington state, including a reduction of overall  
9 emissions by 2020 to emission levels in 1990, a reduction by 2035 to  
10 levels twenty-five percent below 1990 levels, and by 2050 a further  
11 reduction below 1990 levels. Based upon estimated 2006 emission levels  
12 in Washington, this will require a reduction from present emission  
13 levels of over twenty-five percent in the next eleven years. The  
14 legislature further finds that state government activities are a  
15 significant source of emissions, and that state government should meet  
16 targets for reducing emissions from its buildings, vehicles, and all  
17 operations that demonstrate that these reductions are achievable, cost-  
18 effective, and will help to promote innovative energy efficiency  
19 technologies and practices.

1        NEW SECTION.    **Sec. 2.**    A new section is added to chapter 70.235 RCW  
2 to read as follows:

3        (1) All state agencies shall meet the statewide greenhouse gas  
4 emission limits established in RCW 70.235.020 to achieve the following,  
5 using the estimates and strategy established in subsections (2) and (3)  
6 of this section:

7        (a) By July 1, 2020, reduce emissions by fifteen percent from 2005  
8 emission levels;

9        (b) By 2035, reduce emissions to thirty-six percent below 2005  
10 levels; and

11        (c) By 2050, reduce emissions to the greater reduction of fifty-  
12 seven and one-half percent below 2005 levels, or seventy percent below  
13 the expected state government emissions that year.

14        (2)(a) By June 30, 2010, all state agencies shall report estimates  
15 of emissions for 2005 to the department, including 2009 levels of  
16 emissions, and projected emissions through 2035.

17        (b) State agencies required to report under RCW 70.94.151 must  
18 estimate emissions from methodologies recommended by the department and  
19 must be based on actual operation of those agencies. Agencies not  
20 required to report under RCW 70.94.151 shall derive emissions estimates  
21 using an emissions calculator provided by the department.

22        (3) By June 30, 2011, each state agency shall submit to the  
23 department a strategy to meet the requirements in subsection (1) of  
24 this section. The strategy must address employee travel activities,  
25 teleconferencing alternatives, and include existing and proposed  
26 actions, a timeline for reductions, and recommendations for budgetary  
27 and other incentives to reduce emissions, especially from employee  
28 business travel.

29        (4) By October 1st of each even-numbered year beginning in 2012,  
30 each state agency shall report to the department the actions taken to  
31 meet the emission reduction targets under the strategy for the  
32 preceding fiscal biennium. The department may authorize the department  
33 of general administration to report on behalf of any state agency  
34 having fewer than five hundred full-time equivalent employees at any  
35 time during the reporting period. The department shall cooperate with  
36 the department of general administration and the department of  
37 community, trade, and economic development to develop consolidated

1 reporting methodologies that incorporate emission reduction actions  
2 taken across all or substantially all state agencies.

3 (5) All state agencies shall cooperate in providing information to  
4 the department, the department of general administration, and the  
5 department of community, trade, and economic development for the  
6 purposes of this section.

7 (6) The governor shall designate a person as the single point of  
8 accountability for all energy and climate change initiatives within  
9 state agencies. This position must be funded from current full-time  
10 equivalent allocations without increasing budgets or staffing levels.  
11 If duties must be shifted within an agency, they must be shifted among  
12 current full-time equivalent allocations. All agencies, councils, or  
13 work groups with energy or climate change initiatives shall coordinate  
14 with this designee.

15 **Sec. 3.** RCW 70.235.010 and 2008 c 14 s 2 are each amended to read  
16 as follows:

17 The definitions in this section apply throughout this chapter  
18 unless the context clearly requires otherwise.

19 (1) "Carbon dioxide equivalents" means a metric measure used to  
20 compare the emissions from various greenhouse gases based upon their  
21 global warming potential.

22 (2) "Climate advisory team" means the stakeholder group formed in  
23 response to executive order 07-02.

24 (3) "Climate impacts group" means the University of Washington's  
25 climate impacts group.

26 (4) "Department" means the department of ecology.

27 (5) "Direct emissions" means emissions of greenhouse gases from  
28 sources of emissions, including stationary combustion sources, mobile  
29 combustion emissions, process emissions, and fugitive emissions.

30 (6) "Director" means the director of the department.

31 (7) "Greenhouse gas" and "greenhouse gases" includes carbon  
32 dioxide, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons,  
33 and sulfur hexafluoride.

34 (8) "Indirect emissions" means emissions of greenhouse gases  
35 associated with the purchase of electricity, heating, cooling, or  
36 steam.

1 (9) "Person" means an individual, partnership, franchise holder,  
2 association, corporation, a state, a city, a county, or any subdivision  
3 or instrumentality of the state.

4 (10) "Program" means the department's climate change program.

5 (11) "Small-scale powered equipment" means a tool or other nonroad  
6 or marine machine powered by a gasoline, diesel, or propane spark  
7 ignition engine that has a standard manufacturer's listed horsepower  
8 rating of fifty horsepower or less. Examples of the term "small-scale  
9 powered equipment" include, but are not limited to, the following items  
10 when the components of the definition are satisfied: Lawnmowers,  
11 string trimmers, leaf blowers, air compressors, chainsaws, turf  
12 equipment, and lawn and garden tractors.

13 (12) "Total emissions of greenhouse gases" means all direct  
14 emissions and all indirect emissions.

15 ((+12)) (13) "Western climate initiative" means the collaboration  
16 of states, Canadian provinces, Mexican states, and tribes to design a  
17 multisector market-based mechanism as directed under the western  
18 regional climate action initiative signed by the governor on February  
19 22, 2007.

20 NEW SECTION. Sec. 4. A new section is added to chapter 70.235 RCW  
21 to read as follows:

22 (1) As part of satisfying the requirements of section 2 of this  
23 act, state agencies are, except as otherwise provided in this section,  
24 prohibited from purchasing small-scale powered equipment if the market  
25 offers an alternative item that is powered by an electrical cord or  
26 rechargeable battery.

27 (2)(a) The top administrative official of a state agency may waive  
28 the provisions of this section on a case-by-case basis if the top  
29 administrative official of the agency publishes a finding in the  
30 Washington State Register explaining the details as to why the purchase  
31 or use of the small-scale powered equipment was necessary and why the  
32 use of an electric-based alternative would have been impractical.

33 (b) The Washington State Register publication requirements of this  
34 section may be satisfied with one annual publication summarizing all  
35 instances where the requirements of this section were waived by the top  
36 administrative official in the preceding year.

1 (3) As a demonstration to other state agencies as to how the  
2 requirements of this section may be achieved, the department of general  
3 administration shall suspend the use of all spark ignition push  
4 lawnmowers, string trimmers, and leaf blowers on the capitol campus by  
5 October 1, 2009. The department of general administration shall  
6 document its transition from small-scale powered equipment to  
7 electrical or manual alternatives to aid other state agencies in their  
8 implementation of this section.

9 NEW SECTION. **Sec. 5.** A new section is added to chapter 70.235 RCW  
10 to read as follows:

11 (1) The department shall develop an emissions calculator to assist  
12 state agencies in estimating aggregate emissions as well as in  
13 estimating the relative emissions from different ways in carrying out  
14 activities.

15 (2) The department may use data such as totals of building space  
16 occupied, energy purchases and generation, motor vehicle fuel purchases  
17 and total mileage driven, and other reasonable sources of data to make  
18 these estimates. The estimates may be derived from a single  
19 methodology using these or other factors, except that for the top ten  
20 state agencies in occupied building space and vehicle miles driven, the  
21 estimates must be based upon the actual and projected operations of  
22 those agencies. The estimates may be adjusted, and reasonable  
23 estimates derived, when agencies have been created since 1990 or  
24 functions reorganized among state agencies since 1990. The estimates  
25 may incorporate projected emissions reductions that also affect state  
26 agencies under the program authorized in RCW 70.235.020 and other  
27 existing policies that will result in emissions reductions.

28 (3) By December 31st of each even-numbered year beginning in 2010,  
29 the department shall report to the governor and to the appropriate  
30 committees of the senate and house of representatives the total state  
31 agencies' emissions of greenhouse gases for 2005 and the preceding two  
32 years and actions taken to meet the emissions reduction targets.

33 **Sec. 6.** RCW 43.41.130 and 1982 c 163 s 13 are each amended to read  
34 as follows:

35 The director of financial management, after consultation with other  
36 interested or affected state agencies, shall establish overall policies

1 governing the acquisition, operation, management, maintenance, repair,  
2 and disposal of, all passenger motor vehicles owned or operated by any  
3 state agency. Such policies shall include but not be limited to a  
4 definition of what constitutes authorized use of a state owned or  
5 controlled passenger motor vehicle and other motor vehicles on official  
6 state business. The definition shall include, but not be limited to,  
7 the use of state-owned motor vehicles for commuter ride sharing so long  
8 as the entire capital depreciation and operational expense of the  
9 commuter ride-sharing arrangement is paid by the commuters. Any use  
10 other than such defined use shall be considered as personal use. By  
11 June 15, 2010, the director of the department of general  
12 administration, in consultation with the office and other interested or  
13 affected state agencies, shall develop strategies to reduce fuel  
14 consumption and emissions from all classes of vehicles. State agencies  
15 shall use these strategies to:

16 (1) Phase in fuel economy standards for motor pools and leased  
17 vehicles to achieve an average fuel economy standard of thirty-six  
18 miles per gallon for passenger vehicle fleets by 2015;

19 (2) Achieve an average fuel economy of forty miles per gallon for  
20 light duty passenger vehicles purchased after June 15, 2010; and

21 (3) Achieve an average fuel economy standard of twenty-seven miles  
22 per gallon for light duty vans and sport utility vehicles purchased  
23 after June 15, 2010.

24 State agencies must report annually on the progress made to achieve  
25 the goals under subsections (1) through (3) of this section beginning  
26 October 31, 2011.

27 The department of general administration, in consultation with the  
28 office and other affected or interested agencies, shall develop a  
29 separate fleet fuel economy standard for all other classes of vehicles  
30 and report the progress made toward meeting the fuel consumption and  
31 emissions goals established by this section to the governor and the  
32 relevant legislative committees by December 1, 2012.

33 For the purposes of this section, light duty vehicles refers to  
34 cars, sport utility vehicles, and passenger vans. The following  
35 vehicles are excluded from the agency fleet average fuel economy  
36 calculation: Emergency response vehicles, passenger vans with a gross  
37 vehicle weight of eight thousand five hundred pounds or greater,  
38 vehicles that are purchased for off-pavement use, and vehicles that are

1 driven less than two thousand miles per year. Average fuel economy  
2 calculations must be based upon the current United States environmental  
3 protection agency composite city and highway mile per gallon rating.

4 ~~((Such policies shall also include the widest possible use of~~  
5 ~~gasohol and cost effective alternative fuels in all motor vehicles~~  
6 ~~owned or operated by any state agency. As used in this section,~~  
7 ~~"gasohol" means motor vehicle fuel which contains more than nine and~~  
8 ~~one half percent alcohol by volume.))~~

9 NEW SECTION. Sec. 7. The department of general administration  
10 must perform energy performance monitoring from July 2009 to July 2011  
11 on each building that has completed an energy audit and installed  
12 energy conservation measures within the last five years and report to  
13 the legislature on the cost of the energy conservation measures, the  
14 projected energy savings, and the actual energy savings realized.

15 **Sec. 8.** RCW 39.35D.010 and 2005 c 12 s 1 are each amended to read  
16 as follows:

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

22 (2) It is the intent of the legislature that state-owned buildings  
23 and schools be improved by adopting recognized standards for high-  
24 performance public buildings, reducing energy consumption, and allowing  
25 flexible methods and choices in how to achieve those standards and  
26 reductions. The legislature also intends that public agencies and  
27 public school districts shall document costs and savings to monitor  
28 this program and ensure that economic, community, and environmental  
29 goals are achieved each year, and that an independent performance  
30 review be conducted to evaluate this program and determine the extent  
31 to which the results intended by this chapter are being met.

32 (3) The legislature further finds that state agency leadership is  
33 needed in the development of preparation and adaptation actions for  
34 climate change to ensure the economic health, safety, and environmental  
35 well-being of the state and its citizens.



1        NEW SECTION.    **Sec. 9.**    A new section is added to chapter 70.235 RCW  
2 to read as follows:

3        Beginning in 2010, when distributing capital funds through  
4 competitive programs for infrastructure and economic development  
5 projects, all state agencies must consider whether the entity receiving  
6 the funds has adopted policies to reduce greenhouse gas emissions.  
7 Agencies also must consider whether the project is consistent with:

8        (1) The state's limits on the emissions of greenhouse gases  
9 established in RCW 70.235.020;

10        (2) Statewide goals to reduce annual per capita vehicle miles  
11 traveled by 2050, in accordance with RCW 47.01.440, except that the  
12 agency shall consider whether project locations in rural counties, as  
13 defined in RCW 43.160.020, will maximize the reduction of vehicle miles  
14 traveled; and

15        (3) Applicable federal emissions reduction requirements.

16        NEW SECTION.    **Sec. 10.**    (1) The departments of ecology,  
17 agriculture, community, trade, and economic development, fish and  
18 wildlife, natural resources, and transportation shall develop an  
19 integrated climate change response strategy to better enable state and  
20 local agencies, public and private businesses, nongovernmental  
21 organizations, and individuals to prepare for, address, and adapt to  
22 the impacts of climate change. The integrated climate change response  
23 strategy should be developed, where feasible and consistent with the  
24 direction of the strategy, in collaboration with local government  
25 agencies with climate change preparation and adaptation plans.

26        (2) The department of ecology shall serve as a central  
27 clearinghouse for relevant scientific and technical information about  
28 the impacts of climate change on Washington's ecology, economy, and  
29 society, as well as serve as a central convener for the development of  
30 vital programs and necessary policies to help the state adapt to a  
31 rapidly changing climate.

32        (3) The department of ecology shall consult and collaborate with  
33 the departments of fish and wildlife, agriculture, community, trade,  
34 and economic development, natural resources, and transportation in  
35 developing an integrated climate change response strategy and plans of  
36 action to prepare for and adapt to climate change impacts.

1        NEW SECTION.    **Sec. 11.**    (1) The integrated climate change response  
2 strategy should address the impact of and adaptation to climate change,  
3 as well as the regional capacity to undertake actions, existing  
4 ecosystem and resource management concerns, and health and economic  
5 risks. In addition, the departments of ecology, agriculture,  
6 community, trade, and economic development, fish and wildlife, natural  
7 resources, and transportation should include a range of scenarios for  
8 the purposes of planning in order to assess project vulnerability and,  
9 to the extent feasible, reduce expected risks and increase resiliency  
10 to the impacts of climate change.

11        (2)(a) By December 1, 2011, the department of ecology shall compile  
12 an initial climate change response strategy, including information and  
13 data from the departments of fish and wildlife, agriculture, community,  
14 trade, and economic development, natural resources, and transportation  
15 that: Summarizes the best known science on climate change impacts to  
16 Washington; assesses Washington's vulnerability to the identified  
17 climate change impacts; prioritizes solutions that can be implemented  
18 within and across state agencies; and identifies recommended funding  
19 mechanisms and technical and other essential resources for implementing  
20 solutions.

21        (b) The initial strategy must include:

22        (i) Efforts to identify priority planning areas for action, based  
23 on vulnerability and risk assessments;

24        (ii) Barriers challenging state and local governments to take  
25 action, such as laws, policies, regulations, rules, and procedures that  
26 require revision to adequately address adaptation to climate change;

27        (iii) Opportunities to integrate climate science and projected  
28 impacts into planning and decision making; and

29        (iv) Methods to increase public awareness of climate change, its  
30 projected impacts on the community, and to build support for meaningful  
31 adaptation policies and strategies.

32        NEW SECTION.    **Sec. 12.**    The departments of ecology, agriculture,  
33 community, trade, and economic development, fish and wildlife, natural  
34 resources, and transportation may consult with qualified nonpartisan  
35 experts from the scientific community as needed to assist with  
36 developing an integrated climate change response strategy. The

1 qualified nonpartisan experts from the scientific community may assist  
2 the department of ecology on the following components:

3 (1) Identifying the timing and extent of impacts from climate  
4 change;

5 (2) Assessing the effects of climate variability and change in the  
6 context of multiple interacting stressors or impacts;

7 (3) Developing forecasting models;

8 (4) Determining the resilience of the environment, natural systems,  
9 communities, and organizations to deal with potential or actual impacts  
10 of climate change and the vulnerability to which a natural or social  
11 system is susceptible to sustaining damage from climate change impacts;  
12 and

13 (5) Identifying other issues, as determined by the department of  
14 ecology, necessary to develop policies and actions for the integrated  
15 climate change response strategy.

16 NEW SECTION. **Sec. 13.** State agencies shall strive to incorporate  
17 adaptation plans of action as priority activities when planning or  
18 designing agency policies and programs. Agencies shall consider: The  
19 integrated climate change response strategy when designing, planning,  
20 and funding infrastructure projects; and incorporating natural resource  
21 adaptation actions and alternative energy sources when designing and  
22 planning infrastructure projects.

23 NEW SECTION. **Sec. 14.** Sections 10 through 13 of this act  
24 constitute a new chapter in Title 43 RCW.

25 NEW SECTION. **Sec. 15.** If specific funding for the purposes of  
26 this act, referencing this act by bill or chapter number, is not  
27 provided by June 30, 2009, in the omnibus appropriations act, this act  
28 is null and void.

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