

E2SSB 5560 - H COMM AMD
By Committee on Ways & Means

ADOPTED AS AMENDED 04/16/2009

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

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

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

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

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

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

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

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

4 (b) State agencies required to report under RCW 70.94.151 must
5 estimate emissions from methodologies recommended by the department and
6 must be based on actual operation of those agencies. Agencies not
7 required to report under RCW 70.94.151 shall derive emissions estimates
8 using an emissions calculator provided by the department.

9 (3) By June 30, 2011, each state agency shall submit to the
10 department a strategy to meet the requirements in subsection (1) of
11 this section. The strategy must address employee travel activities,
12 teleconferencing alternatives, and include existing and proposed
13 actions, a timeline for reductions, and recommendations for budgetary
14 and other incentives to reduce emissions, especially from employee
15 business travel.

16 (4) By October 1st of each even-numbered year beginning in 2012,
17 each state agency shall report to the department the actions taken to
18 meet the emission reduction targets under the strategy for the
19 preceding fiscal biennium. The department may authorize the department
20 of general administration to report on behalf of any state agency
21 having fewer than five hundred full-time equivalent employees at any
22 time during the reporting period. The department shall cooperate with
23 the department of general administration and the department of
24 community, trade, and economic development to develop consolidated
25 reporting methodologies that incorporate emission reduction actions
26 taken across all or substantially all state agencies.

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

31 (6) The governor shall designate a person as the single point of
32 accountability for all energy and climate change initiatives within
33 state agencies. This position must be funded from current full-time
34 equivalent allocations without increasing budgets or staffing levels.
35 If duties must be shifted within an agency, they must be shifted among
36 current full-time equivalent allocations. All agencies, councils, or
37 work groups with energy or climate change initiatives shall coordinate
38 with this designee.

1 NEW SECTION. **Sec. 3.** A new section is added to chapter 70.235 RCW
2 to read as follows:

3 (1) The department shall develop an emissions calculator to assist
4 state agencies in estimating aggregate emissions as well as in
5 estimating the relative emissions from different ways in carrying out
6 activities.

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

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

25 **Sec. 4.** RCW 43.41.130 and 1982 c 163 s 13 are each amended to read
26 as follows:

27 The director of financial management, after consultation with other
28 interested or affected state agencies, shall establish overall policies
29 governing the acquisition, operation, management, maintenance, repair,
30 and disposal of, all passenger motor vehicles owned or operated by any
31 state agency. Such policies shall include but not be limited to a
32 definition of what constitutes authorized use of a state owned or
33 controlled passenger motor vehicle and other motor vehicles on official
34 state business. The definition shall include, but not be limited to,
35 the use of state-owned motor vehicles for commuter ride sharing so long
36 as the entire capital depreciation and operational expense of the
37 commuter ride-sharing arrangement is paid by the commuters. Any use

1 other than such defined use shall be considered as personal use. By
2 June 15, 2010, the director of the department of general
3 administration, in consultation with the office and other interested or
4 affected state agencies, shall develop strategies to reduce fuel
5 consumption and emissions from all classes of vehicles. State agencies
6 shall use these strategies to:

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

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

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

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

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

24 For the purposes of this section, light duty vehicles refers to
25 cars, sport utility vehicles, and passenger vans. The following
26 vehicles are excluded from the agency fleet average fuel economy
27 calculation: Emergency response vehicles, passenger vans with a gross
28 vehicle weight of eight thousand five hundred pounds or greater,
29 vehicles that are purchased for off-pavement use, and vehicles that are
30 driven less than two thousand miles per year. Average fuel economy
31 calculations must be based upon the current United States environmental
32 protection agency composite city and highway mile per gallon rating.

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

1 **Sec. 5.** RCW 43.19.675 and 2001 c 214 s 26 are each amended to read
2 as follows:

3 (1) For each state-owned facility greater than ten thousand square
4 feet that has not had an energy audit completed in the past five years,
5 the director of general administration, or the agency responsible for
6 the facility if other than the department of general administration,
7 shall conduct an energy audit of that facility. This energy audit may
8 be conducted by contract or by other arrangement, including appropriate
9 agency staff. Performance-based contracting shall be the preferred
10 method for implementing and completing energy audits. ~~((For each~~
11 ~~state-owned facility, the energy consumption surveys shall be completed~~
12 ~~no later than October 1, 2001, and the walk-through surveys shall be~~
13 ~~completed no later than July 1, 2002.))~~

14 (2)(a) The director of general administration shall develop a
15 schedule for conducting and completing state agency energy audits. All
16 energy audits must be completed by December 1, 2013.

17 (b) The director of general administration shall develop procedures
18 to ensure that consistent methods for energy benchmarks are used when
19 conducting energy audits.

20 **Sec. 6.** RCW 43.19.680 and 2001 c 214 s 27 are each amended to read
21 as follows:

22 (1) Upon completion of each walk-through survey required by RCW
23 43.19.675, the director of general administration or the agency
24 responsible for the facility if other than the department of general
25 administration shall implement energy conservation maintenance and
26 operation procedures that may be identified for any state-owned
27 facility. These procedures shall be implemented as soon as possible
28 but not later than twelve months after the walk-through survey.

29 (2) If a walk-through survey has identified potentially cost-
30 effective energy conservation measures, the agency responsible for the
31 facility shall undertake an investment grade audit of the facility.
32 Investment grade audits shall be completed no later than December 1,
33 ~~((2002))~~ 2013. Installation of cost-effective energy conservation
34 measures recommended in the investment grade audit shall be completed
35 no later than June 30, ~~((2004))~~ 2016.

36 ~~((For each biennium until all measures are installed,))~~ The
37 director of general administration shall report to the governor and the

1 legislature (~~((installation progress, [and]))~~) on the progress of energy
2 audits, development of energy benchmarks, and energy efficiency
3 measures planned for installation during the ensuing biennium. This
4 report shall be submitted by December 31, (~~((2004))~~) 2014, or at the end
5 of the following year whichever immediately precedes the capital budget
6 adoption, and (~~((every two years thereafter until all measures are~~
7 ~~installed))~~) a final report by December 31, 2016.

8 (4) Agencies may contract with energy service companies as
9 authorized by chapter 39.35C RCW for energy audits and implementation
10 of cost-effective energy conservation measures. State agencies must
11 complete an energy audit prior to or as part of a request for state
12 funds on any energy efficiency project for an agency-owned or leased
13 facility. The department shall provide technically qualified personnel
14 to the responsible agency upon request. The department shall recover
15 a fee for this service.

16 **Sec. 7.** RCW 43.41.170 and 1989 c 11 s 15 are each amended to read
17 as follows:

18 The office of financial management shall (~~((ensure that))~~) require
19 state agencies to perform energy audits as required under RCW
20 43.19.675. To the extent possible through the budget process (~~((shall~~
21 ~~allow))~~), state agencies implementing energy conservation ((to))
22 measures as identified under RCW 43.19.680 may retain the resulting
23 cost savings for other purposes, including further energy conservation.

24 **Sec. 8.** RCW 43.82.045 and 2007 c 506 s 5 are each amended to read
25 as follows:

26 (1) State agencies are prohibited from entering into lease
27 agreements for privately owned buildings that are in the planning stage
28 of development or under construction unless there is prior written
29 approval by the director of the office of financial management.
30 Approval of such leases shall not be delegated. Lease agreements
31 described in this section must comply with RCW 43.82.035.

32 (2) The director of the office of financial management shall
33 require that all state agencies enter into lease agreements for
34 privately owned buildings greater than ten thousand square feet only
35 if:

1 (a) The lessor has had an investment grade energy audit completed
2 on the building in the past five years and has installed the cost-
3 effective energy conservation measures recommended by the audit; or

4 (b) The lessor agrees to complete an investment grade energy audit
5 on the building and install the cost-effective energy conservation
6 measures recommended by the audit within the first five years of the
7 lease.

8 **Sec. 9.** RCW 39.35D.010 and 2005 c 12 s 1 are each amended to read
9 as follows:

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

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

25 NEW SECTION. **Sec. 10.** 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."

29 Correct the title.

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