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SENATE BILL 5560

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State of Washington

61st Legislature

2009 Regular Session

By Senators Ranker, Swecker, Brown, Hargrove, Pridemore, Marr, Kilmer, Rockefeller, Kauffman, Haugen, Eide, Hobbs, Kohl-Welles, Jarrett, Fraser, Jacobsen, and Murray

Read first time 01/26/09. Referred to Committee on Government Operations & Elections.

1 AN ACT Relating to state agency climate leadership; amending RCW  
2 43.19.565, 43.41.130, 43.19.675, 43.19.680, 43.41.170, and 39.35D.010;  
3 adding new sections to chapter 70.235 RCW; adding a new section to  
4 chapter 39.35C RCW; and creating a new section.

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 exceed 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, 2017, reduce emissions to 1990 levels;

8           (b) By 2025, reduce emissions to twenty-five percent below 1990  
9 levels; and

10          (c) By 2035, reduce emissions to the greater reduction of fifty  
11 percent below 1990 levels, or seventy percent below the expected state  
12 government emissions that year.

13          (2) By June 30, 2010, the department, in consultation with the  
14 department of community, trade, and economic development and the  
15 department of general administration, shall develop estimates of  
16 emissions for each state agency, including estimates of the emissions  
17 in 1990, current levels of emissions, and projected emissions under a  
18 business as usual scenario through 2035. The departments may use data  
19 such as totals of building space occupied, electricity purchases and  
20 generation, motor vehicle fuel purchases and total mileage driven, and  
21 other reasonable sources of data to make these estimates. The  
22 estimates may be derived from a single methodology using these or other  
23 factors, except that for the top ten state agencies in occupied  
24 building space and vehicle miles driven the estimates must be based  
25 upon the actual and projected operations of those agencies. The  
26 estimates may be adjusted and reasonable estimates derived where  
27 agencies have been created since 1990 or functions reorganized among  
28 state agencies since 1990. The estimates may incorporate projected  
29 emission reductions that also affect state agencies under the program  
30 authorized in RCW 70.235.020 and other existing policies that will  
31 result in emission reductions.

32          (3) By June 30, 2011, the department shall establish a strategy to  
33 meet the limits in subsection (1) of this section. The strategy must  
34 allocate reductions among all state agencies and set forth the  
35 timelines for reductions to assist in meeting these reduction limits.  
36 The allocations may reflect changes in state government organization  
37 since 1990, including the creation of new state agencies and  
38 activities, and the reorganization of existing activities among state

1 agencies. The strategy may include elements that reward state agencies  
2 for exceeding their emission reduction targets and may incorporate a  
3 method to trade emission reductions from one agency to another where  
4 meeting a reduction target is not practicable. The strategy may allow  
5 an agency to obtain up to twenty-five percent of its emission  
6 reductions through the purchase of carbon offsets.

7 (4) By October 1st of each even-numbered year beginning in 2014,  
8 each state agency shall report to the department the actions taken to  
9 meet the emission reduction targets under the strategy for the  
10 preceding fiscal biennium. The department may authorize the department  
11 of general administration to report on behalf of any state agency  
12 having fewer than five hundred full-time equivalent employees at any  
13 time during the reporting period. The department shall cooperate with  
14 the department of general administration and the department of  
15 community, trade, and economic development to develop consolidated  
16 reporting methodologies that incorporate emission reduction actions  
17 taken across all or substantially all state agencies.

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

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

24 (1) The department shall develop an emissions calculator to assist  
25 state agencies in estimating aggregate emissions as well as in  
26 estimating the relative emissions from different ways in carrying out  
27 activities. The initial element of this calculator must address state  
28 employee travel activities and assist employees in estimating emissions  
29 from different methods of travel, including teleconferencing  
30 alternatives.

31 (2) By October 1, 2010, the department shall report to the  
32 appropriate fiscal and policy committees in the senate and house of  
33 representatives providing recommendations for budgetary and other  
34 incentives for state agencies to reduce emissions from employee travel.

35 **Sec. 4.** RCW 43.19.565 and 2005 c 214 s 1 are each amended to read  
36 as follows:

1        (1) The department of general administration shall establish a  
2 motor vehicle transportation service ((which is hereby)). The motor  
3 vehicle transportation service is empowered to:

4        ~~((1))~~ (a) Provide suitable motor vehicle transportation services  
5 to any state agency on either a temporary or permanent basis upon  
6 requisition from a state agency and upon such demonstration of need as  
7 the department may require;

8        ~~((2))~~ (b) Provide motor pools for the use of state agencies  
9 located in the Olympia area and such additional motor pools at other  
10 locations in the state as may be necessary to provide economic,  
11 efficient, and effective motor vehicle transportation services to state  
12 agencies. Such additional motor pools may be under either the direct  
13 control of the department or under the supervision of another state  
14 agency by agreement with the department;

15        ~~((3))~~ (c) Establish an equitable schedule of rental and mileage  
16 charges to agencies for motor vehicle transportation services furnished  
17 which shall be designed to provide funds to cover replacement of  
18 vehicles, the purchase of additional vehicles, and to recover the  
19 actual total costs of motor pool operations including but not limited  
20 to vehicle operation expense, depreciation expense, overhead, and  
21 nonrecoverable collision or other damage to vehicles; and

22        ~~((4))~~ (d) Establish guidelines, procedures, and standards for  
23 fleet operations that other state agencies and institutions of higher  
24 education may adopt. The guidelines, procedures, and standards shall  
25 be consistent with and carry out the objectives of any general policies  
26 adopted by the office of financial management under RCW 43.41.130.

27        (2) The department of general administration shall phase in fuel  
28 economy standards for motor pools in direct control of the department  
29 or under the supervision of another state agency. The motor pools must  
30 reach an average fuel economy of thirty-six miles per gallon by June 1,  
31 2015.

32        **Sec. 5.** RCW 43.41.130 and 1982 c 163 s 13 are each amended to read  
33 as follows:

34        The director of financial management, after consultation with other  
35 interested or affected state agencies, shall establish overall policies  
36 governing the acquisition, operation, management, maintenance, repair,  
37 and disposal of, all passenger motor vehicles owned or operated by any

1 state agency. Such policies shall include but not be limited to a  
2 definition of what constitutes authorized use of a state owned or  
3 controlled passenger motor vehicle and other motor vehicles on official  
4 state business. The definition shall include, but not be limited to,  
5 the use of state-owned motor vehicles for commuter ride sharing so long  
6 as the entire capital depreciation and operational expense of the  
7 commuter ride-sharing arrangement is paid by the commuters. Any use  
8 other than such defined use shall be considered as personal use.

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

14 The director of financial management, in establishing policies for  
15 passenger vehicles owned or operated by any state agency, shall require  
16 all agency motor vehicle pools and agencies with a fleet of ten  
17 vehicles or greater to achieve an average fuel economy standard of  
18 thirty-six miles per gallon by June 1, 2015.

19 **Sec. 6.** RCW 43.19.675 and 2001 c 214 s 26 are each amended to read  
20 as follows:

21 For each state-owned facility, the director of general  
22 administration, or the agency responsible for the facility if other  
23 than the department of general administration, shall conduct an energy  
24 audit of that facility. This energy audit may be conducted by contract  
25 or by other arrangement, including appropriate agency staff.  
26 Performance-based contracting shall be the preferred method for  
27 implementing and completing energy audits. For each state-owned  
28 facility, the energy consumption surveys shall be completed no later  
29 than October 1, ~~((2001))~~ 2009, and the walk-through surveys shall be  
30 completed no later than July 1, ~~((2002))~~ 2010.

31 **Sec. 7.** RCW 43.19.680 and 2001 c 214 s 27 are each amended to read  
32 as follows:

33 (1) Upon completion of each walk-through survey required by RCW  
34 43.19.675, the director of general administration or the agency  
35 responsible for the facility if other than the department of general  
36 administration shall implement energy conservation maintenance and

1 operation procedures that may be identified for any state-owned  
2 facility. These procedures shall be implemented as soon as possible  
3 but not later than twelve months after the walk-through survey.

4 (2) If a walk-through survey has identified potentially cost-  
5 effective energy conservation measures, the agency responsible for the  
6 facility shall undertake an investment grade audit of the facility.  
7 Investment grade audits shall be completed no later than December 1,  
8 ~~((2002))~~ 2010. Installation of cost-effective energy conservation  
9 measures recommended in the investment grade audit shall be completed  
10 no later than June 30, ~~((2004))~~ 2012.

11 (3) For each biennium until all measures are installed, the  
12 director of general administration shall report to the governor and  
13 legislature installation progress, ~~((and))~~ and measures planned for  
14 installation during the ensuing biennium. This report shall be  
15 submitted by December 31, ~~((2004))~~ 2010, or at the end of the following  
16 year whichever immediately precedes the capital budget adoption, and  
17 every two years thereafter until all measures are installed.

18 (4) Agencies may contract with energy service companies as  
19 authorized by chapter 39.35C RCW for energy audits and implementation  
20 of cost-effective energy conservation measures. The department shall  
21 provide technically qualified personnel to the responsible agency upon  
22 request. The department shall recover a fee for this service.

23 **Sec. 8.** RCW 43.41.170 and 1989 c 11 s 15 are each amended to read  
24 as follows:

25 The office of financial management shall ~~((ensure that))~~ require  
26 state agencies to perform energy audits as required under RCW  
27 43.19.675. To the extent possible through the budget process ~~((shall~~  
28 ~~allow))~~, state agencies implementing energy conservation ~~((to))~~  
29 measures as identified under RCW 43.19.680 may retain the resulting  
30 cost savings for other purposes, including further energy conservation.

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

33 (1) The legislature finds that public buildings can be built and  
34 renovated using high-performance methods that save money, improve  
35 school performance, and make workers more productive. High-performance

1 public buildings are proven to increase student test scores, reduce  
2 worker absenteeism, and cut energy and utility costs.

3 (2) It is the intent of the legislature that state-owned buildings  
4 and schools be improved by adopting recognized standards for high-  
5 performance public buildings, reducing energy consumption, and allowing  
6 flexible methods and choices in how to achieve those standards and  
7 reductions. The legislature also intends that public agencies and  
8 public school districts shall document costs and savings to monitor  
9 this program and ensure that economic, community, and environmental  
10 goals are achieved each year, and that an independent performance  
11 review be conducted to evaluate this program and determine the extent  
12 to which the results intended by this chapter are being met.

13 NEW SECTION. **Sec. 10.** A new section is added to chapter 39.35C  
14 RCW to read as follows:

15 (1) Each state agency must reduce energy consumption to achieve the  
16 following, using the estimates and strategy established in subsections  
17 (2) and (3) of this section:

18 (a) By July 1, 2017, reduce energy consumption by twenty percent  
19 below 2011 levels;

20 (b) By 2025, reduce energy consumption by thirty-five percent below  
21 2011 levels; and

22 (c) By 2035, reduce energy consumption to the greater reduction of  
23 fifty percent below 2011 levels or seventy percent below the expected  
24 state government energy consumption that year.

25 (2) By June 30, 2010, the department, in consultation with the  
26 department of community, trade, and economic development and the  
27 department of ecology, shall develop estimates of energy consumption  
28 for each state agency, and projected energy consumption under a  
29 business as usual scenario through 2035. The departments may use data  
30 such as totals of building space occupied, energy purchases and  
31 generation, and other reasonable sources of data to make these  
32 estimates. The estimates may be derived from a single methodology  
33 using these or other factors, except that for the top ten state  
34 agencies in occupied building space the estimates must be based upon  
35 the actual and projected operations of those agencies. The estimates  
36 may incorporate projections under other existing policies that will  
37 result in energy consumption reductions.

1 (3) By June 30, 2011, the department shall establish a strategy to  
2 meet the limits of subsection (1) of this section. The strategy must  
3 allocate reductions among all state agencies and set forth the  
4 timelines for reductions to assist in meeting these reduction limits.

5 (4) For the biennium ending June 30, 2011, and during the  
6 development of the longer-term strategy required under subsection (3)  
7 of this section, each state agency shall implement practical and  
8 affordable measures to increase energy efficiency. Each state agency  
9 shall identify opportunities for increasing efficiency during regular  
10 maintenance schedules, replacement of equipment, and in modifying  
11 agency activities and service delivery in ways that increase energy  
12 efficiency and have a near-term payback on investment.

13 (5) By October 1st of each even-numbered year beginning in 2014,  
14 each state agency shall report to the department the actions taken to  
15 meet the energy consumption reduction targets under the strategy for  
16 the preceding fiscal biennium. The department may report on behalf of  
17 any state agency having fewer than five hundred full-time equivalent  
18 employees at any time during the reporting period. The department  
19 shall cooperate with the department of ecology and the department of  
20 community, trade, and economic development to develop consolidated  
21 reporting methodologies that incorporate energy consumption reduction  
22 actions taken across all or substantially all state agencies.

23 (6) All state agencies shall cooperate in providing information to  
24 the department, the department of ecology, and the department of  
25 community, trade, and economic development for the purposes of this  
26 section.

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