

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

ADOPTED AND ENGROSSED 4/16/09

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

3 The definitions in this section apply throughout this chapter
4 unless the context clearly requires otherwise.

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

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

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

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

13 (5) "Direct emissions" means emissions of greenhouse gases from
14 sources of emissions, including stationary combustion sources, mobile
15 combustion emissions, process emissions, and fugitive emissions.

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

17 (7) "Greenhouse gas" and "greenhouse gases" includes carbon
18 dioxide, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons,
19 and sulfur hexafluoride.

20 (8) "Indirect emissions" means emissions of greenhouse gases
21 associated with the purchase of electricity, heating, cooling, or
22 steam.

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

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

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

35 (12) "Total emissions of greenhouse gases" means all direct
36 emissions and all indirect emissions.

37 ~~((+12))~~ (13) "Western climate initiative" means the collaboration
38 of states, Canadian provinces, Mexican states, and tribes to design a

1 multisector market-based mechanism as directed under the western
2 regional climate action initiative signed by the governor on February
3 22, 2007.

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

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

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

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

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

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

31 (1) The department shall develop an emissions calculator to assist
32 state agencies in estimating aggregate emissions as well as in
33 estimating the relative emissions from different ways in carrying out
34 activities.

35 (2) The department may use data such as totals of building space
36 occupied, energy purchases and generation, motor vehicle fuel purchases

1 and total mileage driven, and other reasonable sources of data to make
2 these estimates. The estimates may be derived from a single
3 methodology using these or other factors, except that for the top ten
4 state agencies in occupied building space and vehicle miles driven, the
5 estimates must be based upon the actual and projected operations of
6 those agencies. The estimates may be adjusted, and reasonable
7 estimates derived, when agencies have been created since 1990 or
8 functions reorganized among state agencies since 1990. The estimates
9 may incorporate projected emissions reductions that also affect state
10 agencies under the program authorized in RCW 70.235.020 and other
11 existing policies that will result in emissions reductions.

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

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

19 The director of financial management, after consultation with other
20 interested or affected state agencies, shall establish overall policies
21 governing the acquisition, operation, management, maintenance, repair,
22 and disposal of, all passenger motor vehicles owned or operated by any
23 state agency. Such policies shall include but not be limited to a
24 definition of what constitutes authorized use of a state owned or
25 controlled passenger motor vehicle and other motor vehicles on official
26 state business. The definition shall include, but not be limited to,
27 the use of state-owned motor vehicles for commuter ride sharing so long
28 as the entire capital depreciation and operational expense of the
29 commuter ride-sharing arrangement is paid by the commuters. Any use
30 other than such defined use shall be considered as personal use. By
31 June 15, 2010, the director of the department of general
32 administration, in consultation with the office and other interested or
33 affected state agencies, shall develop strategies to reduce fuel
34 consumption and emissions from all classes of vehicles. State agencies
35 shall use these strategies to:

36 (1) Phase in fuel economy standards for motor pools and leased

1 vehicles to achieve an average fuel economy standard of thirty-six
2 miles per gallon for passenger vehicle fleets by 2015;

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

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

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

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

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

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

31 NEW SECTION. Sec. 7. The department of general administration
32 must perform energy performance monitoring from July 2009 to July 2011
33 on each building that has completed an energy audit and installed
34 energy conservation measures within the last five years and report to
35 the legislature on the cost of the energy conservation measures, the
36 projected energy savings, and the actual energy savings realized.

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

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

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

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

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

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

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

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

36 (3) Applicable federal emissions reduction requirements.

1 NEW SECTION. **Sec. 10.** (1) The departments of ecology,
2 agriculture, community, trade, and economic development, fish and
3 wildlife, natural resources, and transportation shall develop an
4 integrated climate change response strategy to better enable state and
5 local agencies, public and private businesses, nongovernmental
6 organizations, and individuals to prepare for, address, and adapt to
7 the impacts of climate change. The integrated climate change response
8 strategy should be developed, where feasible and consistent with the
9 direction of the strategy, in collaboration with local government
10 agencies with climate change preparation and adaptation plans.

11 (2) The department of ecology shall serve as a central
12 clearinghouse for relevant scientific and technical information about
13 the impacts of climate change on Washington's ecology, economy, and
14 society, as well as serve as a central convener for the development of
15 vital programs and necessary policies to help the state adapt to a
16 rapidly changing climate.

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

22 NEW SECTION. **Sec. 11.** (1) The integrated climate change response
23 strategy should address the impact of and adaptation to climate change,
24 as well as the regional capacity to undertake actions, existing
25 ecosystem and resource management concerns, and health and economic
26 risks. In addition, the departments of ecology, agriculture,
27 community, trade, and economic development, fish and wildlife, natural
28 resources, and transportation should include a range of scenarios for
29 the purposes of planning in order to assess project vulnerability and,
30 to the extent feasible, reduce expected risks and increase resiliency
31 to the impacts of climate change.

32 (2)(a) By December 1, 2011, the department of ecology shall compile
33 an initial climate change response strategy, including information and
34 data from the departments of fish and wildlife, agriculture, community,
35 trade, and economic development, natural resources, and transportation
36 that: Summarizes the best known science on climate change impacts to
37 Washington; assesses Washington's vulnerability to the identified

1 climate change impacts; prioritizes solutions that can be implemented
2 within and across state agencies; and identifies recommended funding
3 mechanisms and technical and other essential resources for implementing
4 solutions.

5 (b) The initial strategy must include:

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

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

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

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

16 NEW SECTION. **Sec. 12.** The departments of ecology, agriculture,
17 community, trade, and economic development, fish and wildlife, natural
18 resources, and transportation may consult with qualified nonpartisan
19 experts from the scientific community as needed to assist with
20 developing an integrated climate change response strategy. The
21 qualified nonpartisan experts from the scientific community may assist
22 the department of ecology on the following components:

23 (1) Identifying the timing and extent of impacts from climate
24 change;

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

27 (3) Developing forecasting models;

28 (4) Determining the resilience of the environment, natural systems,
29 communities, and organizations to deal with potential or actual impacts
30 of climate change and the vulnerability to which a natural or social
31 system is susceptible to sustaining damage from climate change impacts;
32 and

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

1 NEW SECTION. **Sec. 13.** State agencies shall strive to incorporate
2 adaptation plans of action as priority activities when planning or
3 designing agency policies and programs. Agencies shall consider: The
4 integrated climate change response strategy when designing, planning,
5 and funding infrastructure projects; and incorporating natural resource
6 adaptation actions and alternative energy sources when designing and
7 planning infrastructure projects.

8 NEW__SECTION. **Sec. 14.** Sections 10 through 13 of this act
9 constitute a new chapter in Title 43 RCW.

10 NEW_SECTION. **Sec. 15.** If specific funding for the purposes of
11 this act, referencing this act by bill or chapter number, is not
12 provided by June 30, 2009, in the omnibus appropriations act, this act
13 is null and void."

14 Correct the title.

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