

NEW SECTION. Sec. 27. If any provision of this chapter or its application to any person or circumstance is held invalid, the remainder of the chapter or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 28. Sections 5, 6, 8, 17, 18, 20 through 25, and 27 of this act are each added to chapter 18.11 RCW.

NEW SECTION. Sec. 29. This act shall take effect on July 1, 1986.

Passed the Senate March 12, 1986.

Passed the House March 4, 1986.

Approved by the Governor April 4, 1986, with the exception of certain items which were vetoed.

Filed in Office of Secretary of State April 4, 1986.

Note: Governor's explanation of partial veto is as follows:

"I am returning herewith, without my approval of sections 18 and 24, Substitute Senate Bill No. 4779, entitled:

"AN ACT Relating to auctions."

The intent of this legislation is to retain the current licensing and bonding and trust accounts systems for auctioneers and add consumer protection by establishing standards for certain business practices and declaring that deviations from these practices constitute violations of the Consumers Protection Act.

Auctioneering is a growing industry in this state. The rapid growth of such service industries in which the service provider has substantial responsibilities for handling the merchandise and cash flow of clients frequently creates the potential for abuse. This legislation is intended to put in place appropriate protections for consumers before such abuses become a serious problem.

Section 18 of this legislation would establish a new Disciplinary Review Committee. This disciplinary committee is premature and would have no enforcement powers.

Section 24 of this legislation would forbid any regulation of auctioneers by cities and counties. This may interfere with the power of local governments to require business licenses and the payment of business taxes.

For the above reasons, sections 18 and 24 are vetoed.

With the exception of sections 18 and 24, Substitute Senate Bill No. 4779 is approved."

CHAPTER 325

[Second Substitute Senate Bill No. 3487]

ENERGY CONSERVATION IN STATE BUILDINGS

AN ACT Relating to energy consumption in state agencies; amending RCW 43.19.680; adding new sections to chapter 43.41 RCW; and creating a new section.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. Sec. 1. The legislature finds that:

(1) Capital investments in energy conservation in buildings can produce significant reductions in energy use, reducing the need to import or extract fossil fuels and lowering the cost of operating buildings.

(2) The state of Washington has an obligation to operate state buildings efficiently and to implement all cost-effective energy conservation measures so that citizens are assured that public funds are spent wisely and so that citizens have an example of the savings possible from energy conservation.

(3) The state has completed energy consumption and walk-through surveys of its buildings and other facilities and has established a schedule for technical assistance studies which is the basis for implementing energy conservation measure installations to meet the milestones in RCW 43.19-.680. However, there is uncertainty that the milestones will be met.

(4) The potential savings from energy conservation can be more readily realized by explicitly considering conservation measures and procedures in the state's budgeting and long-range planning process.

*Sec. 2. Section 5, chapter 172, Laws of 1980 as last amended by section 1, chapter 313, Laws of 1983 and RCW 43.19.680 are each amended to read as follows:

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

(2) By December 31, 1981, for the capitol campus the director of general administration, in cooperation with the director of the state energy office, shall prepare and transmit to the governor and the legislature an implementation plan.

(3) By December 31, 1983, for all other state-owned facilities, the director of general administration in cooperation with the director of the state energy office shall prepare and transmit to the governor and the legislature the results of the energy consumption and walk-through surveys and a schedule for the conduct of technical assistance studies. This submission shall contain the energy conservation measures planned for installation during the ensuing biennium. Priority considerations for scheduling technical assistance studies shall include but not be limited to a facility's energy efficiency, responsible agency participation, comparative cost and type of fuels, possibility of outside funding, logistical considerations such as possible need to vacate the facility for installation of energy conservation measures, coordination with other planned facility modifications, and the total cost of a facility modification, including other work which would have to be done as a result of installing energy conservation measures. Energy conservation measure acquisitions and installations shall be scheduled to be twenty-five percent complete by June 30, 1985, or at the end of the capital budget biennium which includes that date, whichever is later, fifty-five percent complete by

June 30, 1989, or at the end of the capital budget biennium which includes that date, whichever is later, eighty-five percent complete by June 30, 1993, or at the end of the capital budget biennium which includes that date, whichever is later, and fully complete by June 30, 1995, or at the end of the capital budget biennium which includes that date, whichever is later. Each state agency shall implement energy conservation measures with a payback period of twenty-four months or less that have a positive cash flow in the same biennium.

For each biennium until all measures are installed, the director of general administration shall report to the governor and legislature installation progress, measures planned for installation during the ensuing biennium, and changes, if any, to the technical assistance study schedule. This report shall be submitted by December 31, 1984, or at the end of the following year whichever immediately precedes the capital budget adoption, and every two years thereafter until all measures are installed. The office of financial management shall indicate which of the measures in the foregoing report are included in the biennial budget request and the total cost to accomplish those measures which are not included.

(4) The director of general administration shall adopt rules to facilitate private investment in energy conservation measures for state-owned buildings consistent with state law.

*Sec. 2 was partially vetoed, see message at end of chapter.

***NEW SECTION.** Sec. 3. (1) *The office of financial management shall develop policy guidelines for state agencies to use in budgeting for and implementing energy conservation maintenance and operation procedures and energy conservation measures, including those mandated under RCW 43.19.680;*

(2) *The guidelines shall require that agencies budget for the timely implementation of cost-effective measures and procedures or explain why any measures or procedures should not be funded;*

(3) In developing the guidelines the office of financial management shall ensure that to the extent possible the budget process shall allow state agencies implementing energy conservation to retain the resulting cost savings for other purposes, including further energy conservation; and

(4) *The office of financial management shall consult with the state energy office and the department of general administration, as necessary, to administer this section properly. The office of financial management shall establish the guidelines by December 31, 1986.*

*Sec. 3 was partially vetoed, see message at end of chapter.

NEW SECTION. Sec. 4. The state energy office shall provide the office of financial management with energy consumption data necessary to implement section 3 of this act. Facilities or the agencies responsible for them shall report accurate monthly energy consumption and cost figures for

all fuels to the state energy office quarterly, including any changes in total space served or facility operations.

NEW SECTION. Sec. 5. Sections 3 and 4 of this act are each added to chapter 43.41 RCW.

Passed the Senate March 8, 1986.

Passed the House March 5, 1986.

Approved by the Governor April 4, 1986, with the exception of certain items which were vetoed.

Filed in Office of Secretary of State April 4, 1986.

Note: Governor's explanation of partial veto is as follows:

"I am returning herewith, without my approval as to section 2(3) and section 3(1), (2) and (4), Second Substitute Senate Bill No. 3487, entitled:

"AN ACT Relating to energy consumption in state agencies."

I have vetoed the amendatory language "and the total cost to accomplish those measures which are not included" from the last sentence in section 2(3). This language would require explanatory information regarding items not included in the biennial budget request. Such a provision would be contrary to traditional budgetary practice.

I have also vetoed 3(1), (2) and (4) which would require the Office of Financial Management to develop guidelines for budgeting and implementation of state agency energy conservation initiatives. It would be inappropriate for the Office of Financial Management to be involved in such detailed operational matters. Agency management must be allowed to prioritize among competing state goals if they are to be held accountable for achieving the desired results. Notwithstanding these vetoed provisions, I will direct the Office of Financial Management to develop budget guidelines for energy related items.

With the exception of section 2(3) and section 3(1), (2) and (4), Second Substitute Senate Bill No. 3487 is approved."