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HOUSE BILL 1921

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State of Washington

57th Legislature

2001 Regular Session

By Representatives Linville, Kagi, Ruderman, Simpson, Dunshee, Murray and Veloria

Read first time 02/08/2001. Referred to Committee on Agriculture & Ecology.

1 AN ACT Relating to greenhouse gases affecting climate change;  
2 adding a new chapter to Title 70 RCW; providing an effective date;  
3 and declaring an emergency.

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

5 NEW SECTION. **Sec. 1.** The legislature makes the following  
6 findings:

7 (1) The overwhelming majority of scientific opinion, as  
8 expressed in a recent consensus report of the world's climate  
9 research community, has concluded that significant climate change  
10 arising from greenhouse gases generated by human activity is  
11 already underway.

12 (2) The best available analyses by northwest climate experts  
13 now indicate a projected doubling of carbon dioxide in the  
14 atmosphere is now expected to increase the average temperature in  
15 Washington state four to seven degrees over the next fifty  
16 years. This is the same amount of heating that normally occurs over  
17 a ten thousand to twenty thousand-year period and is expected to  
18 create:

1 (a) Substantial change in the timing, intensity, and  
2 distribution of the state's precipitation;

3 (b) Substantial reduction in the state's total snow pack;

4 (c) A thirty to fifty-percent reduction of the natural flow of  
5 the Columbia river during the summer; and

6 (d) Significant sea level rise around the state, including  
7 Puget Sound, for centuries to come.

8 (3) Such changes are likely to have major, adverse impacts on  
9 the state's: (a) Water supply; (b) ability to generate  
10 hydroelectricity; (c) air quality; (d) transportation; (e)  
11 infectious diseases and public health; (f) agriculture; (g)  
12 forestry; (h) fisheries; (i) coastal infrastructure; (j)  
13 recreation; and (k) all natural ecosystems including designated  
14 wilderness.

15 (4) Carbon dioxide, created by the burning of fossil fuels, is  
16 by far the largest source of disrupting greenhouse gases. Current  
17 trends indicate that, within fifty to one hundred years, there  
18 will be a doubling of atmospheric carbon dioxide over the  
19 preindustrial year of 1800. These trends, if left unchecked, will  
20 lead to a tripling and quadrupling of atmospheric carbon dioxide  
21 over the next century. Stabilizing the atmospheric concentration at  
22 twice the current level will require a worldwide capping of the  
23 growth of emissions within forty years with a reduction of  
24 emissions of over eighty percent thereafter.

25 (5) The citizens of Washington state have consistently  
26 demonstrated extraordinary scientific, technological, visionary,  
27 and creative leadership. This kind of leadership is necessary to  
28 successfully engage the entire global community in addressing  
29 climate change. Consequently, the state of Washington should strive  
30 to emit no net greenhouse gas emissions by the year 2020.

31 (6) The citizens of Washington state are being asked to host an  
32 enormous number of new fossil fuel power plants that will increase  
33 the state's total greenhouse gas emissions by over thirty percent  
34 within the next few years. These plants are projected to emit the  
35 equivalent emissions of five and one-half million cars. Over eighty-  
36 six percent of the state's emissions of dangerous greenhouse  
37 gases are from just two sectors, electricity and transportation.

38 (7) The failure to control pollution by greenhouse gases will

1 impact future generations for at least four hundred years. The cost  
2 of mitigating greenhouse gas emissions from natural gas plants and  
3 transportation is generally expected to cost between three and six  
4 percent of the price of the electricity and fuel. The companies  
5 that control the production of the electricity and fuel should  
6 undertake all reasonable efforts to reduce or mitigate their  
7 greenhouse gas emissions. The state should publicly recognize the  
8 efforts of the environmentally conscientious companies who reduce  
9 or mitigate their greenhouse gas emissions.

10 (8) For purposes of this section, "greenhouse gases" shall  
11 include all gases identified for regulation, as of January 1,  
12 2001, by the United Nations framework convention on climate  
13 change.

14 NEW SECTION. **Sec. 2.** The definitions in this section apply  
15 throughout this chapter unless the context clearly requires  
16 otherwise.

17 (1) "Board" means the board of directors of the Washington  
18 climate center.

19 (2) "Center" means the Washington climate center.

20 (3) "Climate change" means a change of climate attributed  
21 directly or indirectly to human activity that alters the  
22 composition of the global atmosphere.

23 (4) "Emissions" means the release of greenhouse gases.

24 (5) "Emitter" means the entity releasing greenhouse gases. The  
25 "emitter" for:

26 (a) Transportation fuels shall be that party which sells the  
27 fuel, not the purchaser; and

28 (b) Electricity produced outside of Washington state, shall be  
29 the wholesale seller.

30 (6) "Greenhouse gases" includes only the following gases:  
31 Carbon dioxide (CO<sub>2</sub>), methane and natural gas (CH<sub>4</sub>), and nitrous  
32 oxide (N<sub>2</sub>O). All carbon neutral emissions are exempt from this  
33 chapter, these are: Emissions of carbon dioxide from sources that  
34 originally captured the carbon from the atmosphere or hydrosphere  
35 within the last five hundred years. This includes, but is not  
36 limited to, human or animal respiration and the burning of  
37 biofuels.

1 (7) "Mitigate" emissions means to eliminate, or capture-and-  
2 store, or to ensure the elimination or capturing and storing of,  
3 greenhouse gases.

4 (8) "Most cost-effective" means obtaining the greatest  
5 reductions in greenhouse gases per dollar spent.

6 (9) "Permanent" mitigation means to avoid, or remove,  
7 greenhouse gases from the atmosphere for a period in excess of two  
8 hundred years.

9 (10) "Short-term" mitigation means to avoid, or remove,  
10 greenhouse gases from the atmosphere for a period of two hundred  
11 years or less.

12 NEW SECTION. **Sec. 3.** The state legislature authorizes the  
13 establishment of an independent, nonprofit organization known as  
14 the Washington climate center to serve as a central clearinghouse  
15 for all climate change activities in the state.

16 NEW SECTION. **Sec. 4.** The center shall be funded through grants  
17 and voluntary cash and in-kind contributions.

18 NEW SECTION. **Sec. 5.** (1) The activities of the center shall be  
19 directed by a board of directors appointed by the governor, for  
20 terms of four years, beginning November 1, 2001. The board shall  
21 include eleven members as follows:

22 (a) One member from each major party of the senate as  
23 recommended by their leadership;

24 (b) One member from each major party of the house of  
25 representatives as recommended by their leadership;

26 (c) One member from the office of the commissioner of public  
27 lands;

28 (d) Two members from the nonprofit, climate sector;

29 (e) Two members from the business sector; and

30 (f) Two members from the climate academic sector.

31 (2) The board shall retain and assign staff and volunteers as  
32 the board deems necessary. A vote of a majority of the members of  
33 the board shall bind the board.

34

1        NEW SECTION.    **Sec. 6.**    (1) The duties of the center may  
2 include, but are not limited to:

3        (a) Determining current and projected emissions of greenhouse  
4 gases in the state;

5        (b) Collecting and sharing scientific and technological data  
6 related to climate change;

7        (c) Assisting and collecting all climate contingency planning  
8 in the state;

9        (d) Advising relevant sectors of prospective commercial  
10 opportunities;

11        (e) Studying and recommending, by January 30, 2002, avenues for  
12 capping the total amount of greenhouse gas emissions in the state  
13 by December 31, 2003;

14        (f) Studying and recommending, by June 30, 2002, the most cost-  
15 effective methods for eliminating all net greenhouse gas emissions  
16 in the state by December 31, 2020;

17        (g) Studying and recommending, by January 1, 2002, the most  
18 cost-effective methods for reducing greenhouse gas emissions from  
19 the transportation sector consistent with federal law;

20        (h) Certifying the extent and degree of any mitigation  
21 projects;

22        (i) Developing adequate methods for the monitoring and  
23 verification of mitigation projects; and

24        (j) Serving as a central, independent registry available for  
25 the trading of emissions credits.

26        (2) The center shall:

27        (a) Adopt and publish its rules of operation, calculations, and  
28 methods;

29        (b) Accomplish any other duty assigned to it by the legislature  
30 for which adequate funding is provided; and

31        (c) Provide an annual report to the governor and legislature by  
32 December 31st regarding its operations, including the status of  
33 greenhouse gas emissions in the state.

34        (3) The center shall, within available funds, also:

35        (a) Identify key sectors within the state likely to be affected  
36 adversely by climate change;

37        (b) Notify and convene meetings of key members of those  
38 sectors;

1 (c) Provide relevant scientific and technological information  
2 to the public and key sectors;

3 (d) Support a collaborative response to assist those sectors;  
4 and

5 (e) Assist in the creation of effective contingency planning  
6 for those sectors.

7 (4) The following agencies and programs shall work with the  
8 center to establish contingency planning under subsection (3) of  
9 this section: The department of community, trade, and economic  
10 development, the department of ecology, the department of  
11 transportation, and the Washington State University energy  
12 program.

13 NEW SECTION. **Sec. 7.** (1) All emitters of greenhouse gases from  
14 the production of electricity and the burning of transportation  
15 fuels are encouraged to mitigate their emissions effective January  
16 1, 2002.

17 (2) Emissions of greenhouse gases from all other sectors,  
18 including, but not limited to, agriculture, aluminum, cement,  
19 forestry, natural gas for heating, and solid waste are exempt from  
20 the provisions of this chapter.

21 (3) Emitters are encouraged to secure their own mitigation  
22 projects, or request the assistance of the center in selecting  
23 mitigation projects.

24 (4) While emitters may support mitigation projects outside the  
25 state of Washington, they are encouraged to use mitigation  
26 projects located within the state of Washington.

27 (5) Upon a request, accompanied with adequate funding, the  
28 center may:

29 (a) Determine and certify the amount of mitigation accomplished  
30 by any mitigation project; and

31 (b) Determine what, if any, monitoring and verification should  
32 be required for any mitigation project.

33 NEW SECTION. **Sec. 8.** To encourage emitters to plan and  
34 substitute clean technologies, the center shall publicize  
35 successful mitigation projects and efforts to reduce the emission  
36 of greenhouse gases.

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2        NEW SECTION.    **Sec. 9.**    Sections 1 through 8 of this act  
3 constitute a new chapter in Title 70 RCW.

4        NEW SECTION.    **Sec. 10.**    This act is necessary for the immediate  
5 preservation of the public peace, health, or safety, or support of  
6 the state government and its existing public institutions, and  
7 takes effect July 1, 2001.

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