

SHB 1929 - S COMM AMD

By Committee on Water, Energy & Telecommunications

ADOPTED 04/02/2007

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

3 "NEW SECTION. **Sec. 1.** The legislature finds and declares that
4 greenhouse gases offset contracts, credits, and other greenhouse gases
5 mitigation efforts are a recognized utility purpose that confers a
6 direct benefit on the utility's ratepayers. The legislature declares
7 that section 2 of this act is intended to reverse the result of *Okeson*
8 *v. City of Seattle* (January 18, 2007), by expressly granting municipal
9 utilities the statutory authority to engage in mitigation activities to
10 offset their utility's impact on the environment.

11 NEW SECTION. **Sec. 2.** A new section is added to chapter 35.92 RCW
12 to read as follows:

13 (1) A city or town authorized to acquire and operate utilities for
14 the purpose of furnishing the city or town and its inhabitants and
15 other persons with water, with electricity for lighting and other
16 purposes, or with service from sewerage, storm water, surface water, or
17 solid waste handling facilities, may develop and make publicly
18 available a plan to reduce its greenhouse gases emissions or achieve
19 no-net emissions from all sources of greenhouse gases that the utility
20 owns, leases, uses, contracts for, or otherwise controls.

21 (2) A city or town authorized to acquire and operate utilities for
22 the purpose of furnishing the city or town and its inhabitants and
23 other persons with water, with electricity for lighting and other
24 purposes, or with service from sewerage, storm water, surface water, or
25 solid waste handling facilities, may, as part of its utility operation,
26 mitigate the environmental impacts, such as greenhouse gases emissions,
27 of its operation, including any power purchases. The mitigation may
28 include, but is not limited to, those greenhouse gases mitigation
29 mechanisms recognized by independent, qualified organizations with

1 proven experience in emissions mitigation activities. Mitigation
2 mechanisms may include the purchase, trade, and banking of greenhouse
3 gases offsets or credits. If a state greenhouse gases registry is
4 established, a utility that has purchased, traded, or banked greenhouse
5 gases mitigation mechanisms under this section shall receive credit in
6 the registry.

7 NEW SECTION. **Sec. 3.** The legislature finds and declares that
8 greenhouse gases offset contracts, credits, and other greenhouse gases
9 mitigation efforts are a recognized utility purpose that confers a
10 direct benefit on the utility's ratepayers. The legislature declares
11 that section 4 of this act is intended to reverse the result of *Okeson*
12 *v. City of Seattle* (January 18, 2007), by expressly granting public
13 utility districts the statutory authority to engage in mitigation
14 activities to offset their utility's impact on the environment.

15 NEW SECTION. **Sec. 4.** A new section is added to chapter 54.16 RCW
16 to read as follows:

17 (1) A public utility district may develop and make publicly
18 available a plan for the district to reduce its greenhouse gases
19 emissions or achieve no-net emissions from all sources of greenhouse
20 gases that the district owns, leases, uses, contracts for, or otherwise
21 controls.

22 (2) A public utility district may, as part of its utility
23 operation, mitigate the environmental impacts, such as greenhouse gases
24 emissions, of its operation and any power purchases. Mitigation may
25 include, but is not limited to, those greenhouse gases mitigation
26 mechanisms recognized by independent, qualified organizations with
27 proven experience in emissions mitigation activities. Mitigation
28 mechanisms may include the purchase, trade, and banking of greenhouse
29 gases offsets or credits. If a state greenhouse gases registry is
30 established, a public utility district that has purchased, traded, or
31 banked greenhouse gases mitigation mechanisms under this section shall
32 receive credit in the registry.

33 NEW SECTION. **Sec. 5.** The legislature finds and declares that
34 greenhouse gases offset contracts, credits, and other greenhouse gases
35 mitigation efforts are a recognized utility purpose that confers a

1 direct benefit on the utility's ratepayers. The legislature also finds
2 and declares that greenhouse gases offset contracts, credits, and other
3 greenhouse gases mitigation efforts are a recognized purpose of other
4 county proprietary activities that are funded by users and ratepayers,
5 and that such mitigation efforts confer a direct benefit on such
6 payers. The legislature declares that section 6 of this act is
7 intended to reverse the result of *Okeson v. City of Seattle* (January
8 18, 2007), by expressly granting counties the statutory authority to
9 engage in mitigation activities to offset the impact on the environment
10 of their utilities and certain other proprietary and user and ratepayer
11 funded activities.

12 NEW SECTION. **Sec. 6.** A new section is added to chapter 36.01 RCW
13 to read as follows:

14 (1) Any county authorized to acquire and operate utilities or
15 conduct other proprietary or user or ratepayer funded activities may
16 develop and make publicly available a plan for the county to reduce its
17 greenhouse gases emissions or achieve no-net emissions from all sources
18 of greenhouse gases that such county utility or proprietary or user or
19 ratepayer funded activity owns, operates, leases, uses, contracts for,
20 or otherwise controls.

21 (2) Any county authorized to acquire and operate utilities or
22 conduct other proprietary or user or ratepayer funded activities may,
23 as part of such utility or activity, reduce or mitigate the
24 environmental impacts, such as greenhouse gases emissions, of such
25 utility and other proprietary or user or ratepayer funded activity.
26 The mitigation may include, but is not limited to, all greenhouse gases
27 mitigation mechanisms recognized by independent, qualified
28 organizations with proven experience in emissions mitigation
29 activities. Mitigation mechanisms may include the purchase, trade, and
30 banking of carbon offsets or credits. Ratepayer funds, fees, or other
31 revenue dedicated to a county utility or other proprietary or user or
32 ratepayer funded activity may be spent to reduce or mitigate the
33 environmental impacts of greenhouse gases emitted as a result of that
34 function. If a state greenhouse gases registry is established, the
35 county that has purchased, traded, or banked greenhouse gases
36 mitigation mechanisms under this section shall receive credit in the
37 registry."

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1 On page 1, line 2 of the title, after "efforts;" strike the
2 remainder of the title and insert "adding a new section to chapter
3 35.92 RCW; adding a new section to chapter 54.16 RCW; adding a new
4 section to chapter 36.01 RCW; and creating new sections."

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