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HOUSE BILL 1187

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State of Washington

62nd Legislature

2011 Regular Session

By Representatives Hinkle, Short, Buys, Orcutt, Warnick, Schmick, Angel, McCune, and Harris

Read first time 01/14/11. Referred to Committee on Environment.

1 AN ACT Relating to accountability of climate change expenditures;  
2 amending RCW 70.235.010; adding a new section to chapter 70.235 RCW;  
3 and creating new sections.

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

5 NEW SECTION. **Sec. 1.** The legislature finds that in order to  
6 improve efficiency and the use of scarce resources, the state must  
7 receive the greatest return on the environmental investments it makes.  
8 Projects that do not return the expected environmental benefits waste  
9 not only the funds given to the project but also prevent funding from  
10 being available for projects that would have a positive environmental  
11 impact.

12 The legislature further finds that reliable information and  
13 accountability are critical to ensuring that environmental projects are  
14 effective. By setting clear goals, the state can determine what  
15 projects best promote environmental sustainability and allow the state  
16 to hold contractors and agencies accountable if those goals are not  
17 met.

18 The legislature believes that by promoting climate accountability,

1 the state can make the most of its resources in the effort to reduce  
2 greenhouse gas emissions and promote energy efficiency.

3 **Sec. 2.** RCW 70.235.010 and 2010 c 146 s 1 are each amended to read  
4 as follows:

5 The definitions in this section apply throughout this chapter  
6 unless the context clearly requires otherwise.

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

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

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

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

15 (5) "Director" means the director of the department.

16 (6) "Greenhouse gas" and "greenhouse gases" includes carbon  
17 dioxide, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons,  
18 sulfur hexafluoride, and any other gas or gases designated by the  
19 department by rule.

20 (7) "Person" means an individual, partnership, franchise holder,  
21 association, corporation, a state, a city, a county, or any subdivision  
22 or instrumentality of the state.

23 (8) "Program" means the department's climate change program.

24 (9) "Western climate initiative" means the collaboration of states,  
25 Canadian provinces, Mexican states, and tribes to design a multisector  
26 market-based mechanism as directed under the western regional climate  
27 action initiative signed by the governor on February 22, 2007.

28 (10) "Climate expenditure" means any state expenditure designed to  
29 address or reduce greenhouse gas emissions.

30 (11) "CO2e" means carbon dioxide equivalent calculated as  
31 greenhouse gases normalized to metric tons of carbon dioxide.

32 (12) "Certified carbon offsets" means carbon credits certified by  
33 programs that have demonstrated fungibility in voluntary,  
34 precompliance, or compliance carbon markets that are widely accepted  
35 and verified by third parties, or carbon credits certified pursuant to  
36 a state or federal program that provides for carbon offsets.

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

3        (1) Any climate expenditure intended to reduce greenhouse gas  
4 emissions must, prior to implementation and expenditure, provide the  
5 following information:

- 6            (a) The number of tons of CO2e reduction by the climate action;
- 7            (b) The total cost to implement the climate action; and
- 8            (c) The cost per ton of CO2e reduction.

9        (2)(a) The state shall regularly audit any climate expenditure  
10 contracts to ensure the contracts are meeting performance standards for  
11 cost per ton of CO2e, and report its findings. If contractors are not  
12 in compliance, the contractor shall:

13            (i) Provide certified carbon offset equivalents in an amount equal  
14 to the difference between the actual emissions reductions and the  
15 contracted emissions reductions; or

16            (ii) Refund a portion of the contracted funds until the cost per  
17 ton of CO2e reduction is equivalent to the emission reduction amount  
18 included in the contract associated with the climate expenditure.

19        (b) Agencies managing climate expenditure contracts shall regularly  
20 provide reports to the legislature outlining the performance of those  
21 individual contracts, including:

- 22            (i) Total tons of CO2e reduced;
- 23            (ii) Total contract amount; and
- 24            (iii) Cost per ton of CO2e reduced.

25        (c) Agencies that fail to complete audits and legislative reports  
26 will have all funding for all climate expenditures suspended until the  
27 agencies meet the requirements of this section.

28        NEW SECTION.    **Sec. 4.**    This act may be known and cited as the  
29 climate change accountability act.

30        NEW SECTION.    **Sec. 5.**    If any provision of this act or its  
31 application to any person or circumstance is held invalid, the  
32 remainder of the act or the application of the provision to other  
33 persons or circumstances is not affected.

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