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**HOUSE BILL 1881**

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**State of Washington 64th Legislature 2015 Regular Session**

**By** Representatives Short, Harris, Parker, Chandler, Kretz, Scott, Young, Schmick, and Buys

AN ACT Relating to requiring express legislative authorization prior to the enactment of any regulation regarding the carbon content of fuel; amending RCW 70.120A.010; adding a new section to chapter 43.17 RCW; adding new sections to chapter 70.235 RCW; adding a new section to chapter 70.94 RCW; and declaring an emergency.

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

NEW SECTION. **Sec.**  A new section is added to chapter 43.17 RCW to read as follows:

 (1) The executive branch and its related agencies may not create rules related to or adopt, order, restrict, or otherwise implement any fuel standard or set carbon reduction requirements for fuel distributors or vehicles based upon or defined by the carbon intensity of the fuel or greenhouse gas emissions, nor may a low-carbon fuel standard be implemented in this state, without prior express direction from the legislature to do so.

(2) For the purposes of this section, express direction from the legislature is limited to the passage of a bill that is either signed by the governor or allowed to take effect absent a gubernatorial signature that includes express direction to an executive branch agency to either implement a state low-carbon fuel standard or to adopt, order, restrict, or otherwise implement any fuel standard or set carbon reduction requirements for fuel distributors or vehicles based upon or defined by the carbon intensity of the fuel or greenhouse gas emissions.

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

Nothing in this chapter provides legal authority for any person to adopt rules or issue orders or policies to implement a fuel standard based on carbon intensity, carbon content, or greenhouse gas emissions contrary to the provisions of section 1 of this act.

NEW SECTION. **Sec.**  A new section is added to chapter 70.94 RCW to read as follows:

Nothing in this chapter provides legal authority for the department, a board, or any other entity to adopt rules or issue orders or policies to implement a fuel standard based on carbon intensity, carbon content, or greenhouse gas emissions contrary to the provisions of section 1 of this act.

**Sec.**  RCW 70.120A.010 and 2010 c 76 s 1 are each amended to read as follows:

(1) Pursuant to the federal clean air act, the legislature adopts the California motor vehicle emission standards in Title 13 of the California Code of Regulations, effective January 1, 2005, except as provided in this chapter. The department of ecology shall adopt rules to implement the emission standards of the state of California for passenger cars, light duty trucks, and medium duty passenger vehicles, and shall amend the rules from time to time, to maintain consistency with the California motor vehicle emission standards and 42 U.S.C. Sec. 7507 (section 177 of the federal clean air act). Notwithstanding other provisions of this chapter, the department of ecology shall not adopt the zero emission vehicle program regulations contained in Title 13 section 1962 of the California Code of Regulations effective January 1, 2005. During rule development, the department of ecology shall convene an advisory group composed of industry and consumer group representatives. Any proposed rules or changes to rules shall be subject to review and comment by the advisory group, prior to rule adoption. The order of adoption for the rules required in this section shall include the signature of the governor. The rules shall be effective only for those model years for which the state of Oregon has adopted the California motor vehicle emission standards. This section does not limit the department of ecology's authority to regulate motor vehicle emissions for any other class of vehicle.

(2) Motor vehicles with a model year equal to or later than the first model year for which new vehicles sold to Washington state residents are required to comply with California motor vehicle emission standards are exempt from emission inspections under chapter 70.120 RCW.

(3) The provisions of this chapter do not apply with respect to the use by a resident of this state of a motor vehicle acquired and used while the resident is a member of the armed services and is stationed outside this state pursuant to military orders.

(4) Nothing in this chapter provides legal authority for the department or any other entity to adopt rules or issue orders or policies to implement a fuel standard based on carbon intensity, carbon content, or greenhouse gas emissions contrary to the provisions of section 1 of this act.

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

Sections 1 through 3 of this act and RCW 70.120A.010(4) are to be liberally construed to prevent the implementation of any form of low‑carbon fuel standard or other administrative rule on the carbon content of fuels on any person or vehicle without prior express legislative direction specifically enacting a low-carbon fuel standard.

NEW SECTION. **Sec.**  This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately.

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