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**ENGROSSED SECOND SUBSTITUTE HOUSE BILL 2251**

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**State of Washington**

**69th Legislature**

**2026 Regular Session**

**By** House Transportation (originally sponsored by Representatives Fitzgibbon, Gregerson, Parshley, and Thomas)

1        AN ACT Relating to climate commitment act accounts; amending RCW  
2 70A.65.100, 70A.65.230, 70A.65.280, 70A.65.300, 70A.65.040,  
3 70A.65.060, 70A.65.200, 70A.65.305, 76.04.196, and 76.13.120;  
4 reenacting and amending RCW 43.21B.300 and 70A.65.030; adding new  
5 sections to chapter 70A.65 RCW; creating a new section; repealing RCW  
6 70A.65.250, 70A.65.260, and 70A.65.270; and providing an effective  
7 date.

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

9        NEW SECTION.    **Sec. 1.** A new section is added to chapter 70A.65  
10 RCW to read as follows:

11        (1) The climate commitment act operating account is created in  
12 the state treasury. Receipts from the auction of allowances  
13 authorized in this chapter must be deposited into the account as  
14 provided in RCW 70A.65.100. Moneys in the account may be spent only  
15 after appropriation. The legislature intends expenditures from the  
16 account to supplement, not supplant, existing expenditures for  
17 similar purposes. Expenditures from the account may be used only for  
18 the following purposes:

19        (a) The department's costs to administer the program under this  
20 chapter, in an amount not to exceed \$25,000,000 per fiscal year

1 adjusted by the fiscal growth factor as defined in RCW 43.135.025, as  
2 described in RCW 70A.65.100(7) (a);

3 (b) Programs, activities, and projects in the operating budget  
4 that reduce greenhouse gas emissions, increase resilience to the  
5 impacts of climate change, result in long-term environmental  
6 benefits, or otherwise achieve the purposes of this chapter;

7 (c) Tribal capacity grants for tribal consultation under RCW  
8 70A.65.305 or tribal projects and activities related to climate  
9 resilience and adaptation, clean energy, state or federal grant  
10 funding applications, or other related work;

11 (d) The working families' tax credit in RCW 82.08.0206;

12 (e) The same authorized uses as the growth management planning  
13 and environmental review fund established in RCW 36.70A.490;

14 (f) Reduction and mitigation of impacts from greenhouse gases and  
15 copollutants in overburdened communities, including strengthening the  
16 air quality monitoring network required in RCW 70A.65.020;

17 (g) Projects or activities to promote electrification or reduce  
18 the greenhouse gas emissions associated with electricity production,  
19 distribution, or consumption, including: (i) Utility-scale renewable  
20 resources and nonemitting electric generation, as those terms are  
21 defined in RCW 19.405.020; (ii) distributed generation; (iii)  
22 utility-scale and behind-the-meter energy storage; (iv) demand-side  
23 technologies and strategies; (v) grid modernization projects; and  
24 (vi) research, development, demonstration, or deployment of new and  
25 emerging clean firm energy generation or storage technologies;

26 (h) Increased energy efficiency or reduced greenhouse gas  
27 emissions for industrial facilities including, but not limited to,  
28 combined heat and power, district energy, on-site renewables such as  
29 solar and wind power, and less emissions-intensive fuel sources;

30 (i) Increased energy efficiency or reduced greenhouse gas  
31 emissions for the agricultural sector including, but not limited to,  
32 fertilizer management, soil management, bioenergy, biofuels, grants  
33 and other financial incentives for agricultural equipment or food  
34 processing, renewable energy projects, farmworker housing  
35 weatherization programs, dairy digester research and development,  
36 alternative manure management, and the sustainable farms and fields  
37 grant program under RCW 89.08.615;

38 (j) Increased energy efficiency or reduced greenhouse gas  
39 emissions in new and existing residential, commercial, and industrial  
40 buildings, including low carbon architecture, alternative building

1 materials that result in a lower carbon footprint over the life cycle  
2 of the building and component building materials, electric  
3 appliances, and equipment for space and water heating;

4 (k) The expansion of clean manufacturing capacity in communities  
5 across Washington, including related community investments such as  
6 transportation, municipal service delivery, and technology  
7 investments, with an emphasis on communities in greatest need of job  
8 creation and economic development and potential for commute  
9 reduction;

10 (l) Improved energy affordability and reduced energy burden for  
11 people with lower incomes, including bill assistance, energy  
12 efficiency and weatherization programs, and community renewable  
13 energy projects that allow qualifying participants to own or receive  
14 the benefits of those projects at reduced or no cost;

15 (m) Assistance for affected fossil fuel workers during the  
16 transition to a clean energy economy, including (i) full wage  
17 replacement, health benefits, and pension contributions for every  
18 worker within five years of retirement; (ii) full wage replacement,  
19 health benefits, and pension contributions for every worker with at  
20 least one year of service for each year of service up to five years  
21 of service; (iii) wage insurance for up to five years for workers  
22 reemployed who have more than five years of service; (iv) up to two  
23 years of retraining costs, including tuition and related costs, based  
24 on in-state community and technical college costs; (v) peer  
25 counseling services during transition; (vi) employment placement  
26 services, prioritizing employment in the clean energy sector; (vii)  
27 relocation expenses; and (viii) workforce development, including  
28 forest health workforce initiatives under RCW 76.04.521 and education  
29 or jobs related to the clean energy economy;

30 (n) Reduced emissions from landfills and waste-to-energy  
31 facilities through diversion of organic materials, methane capture or  
32 conversion strategies, installation of gas collection devices and gas  
33 control systems, monitoring and reporting of methane emissions, or  
34 other means, prioritizing funding needed for any activities by local  
35 governments to comply with chapter 70A.540 RCW;

36 (o) Carbon dioxide removal and carbon dioxide capture and  
37 mineralization or sequestration;

38 (p) Activities to support efforts to mitigate and adapt to the  
39 effects of climate change affecting Indian tribes;

1 (q) Environmental justice activities, including implementation of  
2 chapter 70A.02 RCW;

3 (r) Electric vehicles and related costs, such as equipment and  
4 infrastructure, and alternative fuel;

5 (s) Clean water investments that improve resilience from climate  
6 impacts. Funding under this subsection (1)(s) must be used to:

7 (i) Restore and protect estuaries, fisheries, and marine  
8 shoreline habitats and prepare for sea level rise;

9 (ii) Increase carbon storage in the ocean or aquatic and coastal  
10 ecosystems;

11 (iii) Increase the ability to remediate and adapt to the impacts  
12 of ocean acidification;

13 (iv) Reduce flood risk and restore natural floodplain ecological  
14 function;

15 (v) Increase the sustainable supply of water and improve aquatic  
16 habitat, including groundwater mapping and modeling;

17 (vi) Improve infrastructure treating stormwater from previously  
18 developed areas within an urban growth boundary designated under  
19 chapter 36.70A RCW, with a preference given to projects that use  
20 green stormwater infrastructure;

21 (vii) Either retain or increase, or both, greenhouse gas  
22 sequestration and storage benefits from forests, forested wetlands,  
23 agricultural soils, tidally influenced agricultural or grazing lands,  
24 or freshwater, saltwater, or brackish aquatic lands; or

25 (viii) Either preserve or establish, or both, greenhouse gas  
26 sequestration by protecting or planting trees in marine shorelines  
27 and freshwater riparian areas sufficient to promote climate  
28 resilience, protect cold water fisheries, and achieve water quality  
29 standards;

30 (t) Healthy forest investments to improve resilience from climate  
31 impacts, including but not limited to: (i) Increased forest and  
32 community resilience to wildfire; and (ii) improved forest health,  
33 including reduced vulnerability to changes in hydrology, insect  
34 infestation, and other impacts of climate change; and

35 (u) Payments to agricultural fuel purchasers.

36 (2) The legislature intends that at least 25 percent of the total  
37 appropriations each biennium from this account and the climate  
38 commitment act capital account created in section 2 of this act are  
39 made for the purposes of the clean water and healthy forest

1 investments in subsection (1)(s) and (t) of this section or section  
2 2(1) (m) and (n) of this act.

3 (3) Moneys in the account may not be used for projects or  
4 activities that would violate tribal treaty rights or result in  
5 significant long-term damage to critical habitat or ecological  
6 functions.

7 (4) Projects or activities funded from the account must meet high  
8 labor standards, including: (a) Employer-paid sick leave programs and  
9 other health care benefits; (b) employer-contributed retirement  
10 plans; (c) pay practices in relation to living wage indicators, such  
11 as the federal poverty level; (d) efforts to evaluate pay equity  
12 based on gender identity, race, and other protected status under  
13 Washington law; (e) career development opportunities, such as  
14 apprenticeship programs, internships, job-shadowing, and on-the-job  
15 training; and (f) employment assistance and employment barriers for  
16 justice-affected individuals.

17 (5) Projects or activities funded from the account must maximize  
18 access to economic benefits from such projects for local workers and  
19 diverse businesses.

20 NEW SECTION. **Sec. 2.** A new section is added to chapter 70A.65  
21 RCW to read as follows:

22 (1) The climate commitment act capital account is created in the  
23 state treasury. Receipts from the auction of allowances authorized in  
24 this chapter must be deposited into the account as provided in RCW  
25 70A.65.100. Moneys in the account may be spent only after  
26 appropriation. The legislature intends expenditures from the account  
27 to supplement, not supplant, existing expenditures for similar  
28 purposes. Expenditures from the account may be used only for the  
29 following purposes:

30 (a) Programs, activities, and projects in the capital budget that  
31 reduce greenhouse gas emissions, increase resilience to the impacts  
32 of climate change, result in long-term environmental benefits, or  
33 otherwise achieve the purposes of this chapter;

34 (b) Reduction and mitigation of impacts from greenhouse gases and  
35 copollutants in overburdened communities, including strengthening the  
36 air quality monitoring network required in RCW 70A.65.020;

37 (c) Projects or activities to promote electrification or reduce  
38 the greenhouse gas emissions associated with electricity production,  
39 distribution, or consumption, including: (i) Utility-scale renewable

1 resources and nonemitting electric generation, as those terms are  
2 defined in RCW 19.405.020; (ii) distributed generation; (iii)  
3 utility-scale and behind-the-meter energy storage; (iv) demand-side  
4 technologies and strategies; (v) grid modernization projects; and  
5 (vi) research, development, demonstration, or deployment of new and  
6 emerging clean firm energy generation or storage technologies;

7 (d) Increased energy efficiency or reduced greenhouse gas  
8 emissions for industrial facilities including, but not limited to,  
9 combined heat and power, district energy, on-site renewables such as  
10 solar and wind power, and less emissions-intensive fuel sources;

11 (e) Increased energy efficiency or reduced greenhouse gas  
12 emissions for the agricultural sector including, but not limited to,  
13 fertilizer management, soil management, bioenergy, biofuels, grants  
14 and other financial incentives for agricultural equipment or food  
15 processing, renewable energy projects, farmworker housing  
16 weatherization programs, dairy digester research and development, and  
17 alternative manure management;

18 (f) Increased energy efficiency or reduced greenhouse gas  
19 emissions in new and existing residential, commercial, and industrial  
20 buildings, including low carbon architecture, alternative building  
21 materials that result in a lower carbon footprint over the life cycle  
22 of the building and component building materials, electric  
23 appliances, and equipment for space and water heating;

24 (g) The expansion of clean manufacturing capacity in communities  
25 across Washington, including related community investments such as  
26 transportation, municipal service delivery, and technology  
27 investments, with an emphasis on communities in greatest need of job  
28 creation and economic development and potential for commute  
29 reduction;

30 (h) Improved energy affordability and reduced energy burden for  
31 people with lower incomes, including energy efficiency and  
32 weatherization programs, and community renewable energy projects that  
33 allow qualifying participants to own or receive the benefits of those  
34 projects at reduced or no cost;

35 (i) Reduced emissions from landfills and waste-to-energy  
36 facilities through diversion of organic materials, methane capture or  
37 conversion strategies, installation of gas collection devices and gas  
38 control systems, monitoring and reporting of methane emissions, or  
39 other means, prioritizing funding needed for any activities by local  
40 governments to comply with chapter 70A.540 RCW;

1 (j) Carbon dioxide removal and carbon dioxide capture and  
2 mineralization or sequestration;

3 (k) Activities to support efforts to mitigate and adapt to the  
4 effects of climate change affecting Indian tribes, including capital  
5 investments in support of the relocation of Indian tribes located in  
6 areas at heightened risk due to anticipated sea level rise, flooding,  
7 or other disturbances caused by climate change. The legislature  
8 intends to dedicate at least \$50,000,000 per biennium from the  
9 account for purposes of this subsection when the department's most  
10 recent baseline climate commitment act forecast projects  
11 \$1,000,000,000 or more for the biennium in total revenue to the  
12 state. When the department's most recent baseline climate commitment  
13 act forecast projects less than \$1,000,000,000 for the biennium, the  
14 legislature intends to dedicate at least five percent of total  
15 projected revenue to the state for the biennium for the purposes of  
16 this subsection;

17 (l) Electric vehicle infrastructure, including infrastructure in  
18 buildings;

19 (m) Clean water investments that improve resilience from climate  
20 impacts. Funding under this subsection (1)(m) must be used to:

21 (i) Restore and protect estuaries, fisheries, and marine  
22 shoreline habitats and prepare for sea level rise;

23 (ii) Make fish passage correction investments, such as those  
24 identified in the cost-share barrier removal program for small  
25 forestland owners created in RCW 76.13.150 and those that are  
26 considered by the fish passage barrier removal board created in RCW  
27 77.95.160;

28 (iii) Increase carbon storage in the ocean or aquatic and coastal  
29 ecosystems;

30 (iv) Increase the ability to mitigate, remediate, and adapt to  
31 the impacts of ocean acidification;

32 (v) Reduce flood risk and restore natural floodplain ecological  
33 function;

34 (vi) Increase the sustainable supply of water and improve aquatic  
35 habitat, including groundwater mapping and modeling;

36 (vii) Improve infrastructure treating stormwater from previously  
37 developed areas within an urban growth boundary designated under  
38 chapter 36.70A RCW, with a preference given to projects that use  
39 green stormwater infrastructure;

1 (viii) Either preserve or increase, or both, greenhouse gas  
2 sequestration and storage benefits in forests, forested wetlands,  
3 agricultural soils, tidally influenced agricultural or grazing lands,  
4 or freshwater, saltwater, or brackish aquatic lands; or

5 (ix) Either preserve or establish, or both, greenhouse gas  
6 sequestration by protecting or planting trees in marine shorelines  
7 and freshwater riparian areas sufficient to promote climate  
8 resilience, protect cold water fisheries, and achieve water quality  
9 standards;

10 (n) Healthy forest investments to improve resilience from climate  
11 impacts. Funding under this subsection (1)(n) must be used for  
12 projects that will:

13 (i) Increase forest and community resilience to wildfire in the  
14 face of increased seasonal temperatures and drought;

15 (ii) Improve forest health and reduce vulnerability to changes in  
16 hydrology, insect infestation, and other impacts of climate change;  
17 or

18 (iii) Prevent emissions by retaining natural and working lands  
19 against the threat of conversion to development or loss of critical  
20 habitat, through actions that include, but are not limited to, the  
21 creation of new conservation lands, community forests, or increased  
22 support to small forestland owners through assistance programs  
23 including, but not limited to, the forest riparian easement program  
24 and the family forest fish passage program. It is the intent of the  
25 legislature that not less than \$10,000,000 be expended each biennium  
26 for the forestry riparian easement program created in chapter 76.13  
27 RCW or for riparian easement projects funded under the agricultural  
28 conservation easements program established under RCW 89.08.530, or  
29 similar riparian enhancement programs when the department's most  
30 recent baseline climate commitment act forecast projects  
31 \$1,000,000,000 or more for that biennium in total revenue to the  
32 state. When the department's most recent baseline climate commitment  
33 act forecast projects less than \$1,000,000,000 for that biennium, the  
34 legislature intends to dedicate at least one percent of total  
35 projected revenue to the state for the biennium for the purposes of  
36 the forestry riparian easement program and similar programs; and

37 (o) Housing that reduces commute times and distances for low-  
38 income households.

39 (2) The legislature intends that at least 25 percent of the total  
40 appropriations each biennium from this account and the climate

1 commitment act operating account created in section 1 of this act are  
2 made for the purposes of the clean water and healthy forest  
3 investments in subsection (1)(m) and (n) of this section and section  
4 1(1)(s) and (t) of this act.

5 (3) Moneys in the account may not be used for projects or  
6 activities that would violate tribal treaty rights or result in  
7 significant long-term damage to critical habitat or ecological  
8 functions.

9 (4) Moneys in the account must be spent in a manner that is  
10 consistent with scientific assessment of current and future climate  
11 risks such as those encompassed in the state's current climate  
12 resilience strategy developed under chapter 70A.05 RCW.

13 **Sec. 3.** RCW 70A.65.100 and 2024 c 352 s 5 are each amended to  
14 read as follows:

15 (1) Except as provided in RCW 70A.65.110, 70A.65.120, and  
16 70A.65.130, the department shall distribute allowances through  
17 auctions as provided in this section and in rules adopted by the  
18 department to implement these sections. An allowance is not a  
19 property right.

20 (2)(a) The department shall hold a maximum of four auctions  
21 annually, plus any necessary reserve auctions. An auction may include  
22 allowances from the annual allowance budget of the current year and  
23 allowances from the annual allowance budgets from prior years that  
24 remain to be distributed. The department must transmit to the  
25 environmental justice council an auction notice at least 60 days  
26 prior to each auction, as well as a summary results report and a  
27 postauction public proceeds report within 60 days after each auction.  
28 The department must communicate the results of the previous calendar  
29 year's auctions to the environmental justice council on an annual  
30 basis beginning in 2024.

31 (b) The department must make future vintage allowances available  
32 through parallel auctions at least twice annually in addition to the  
33 auctions through which current vintage allowances are exclusively  
34 offered under (a) of this subsection.

35 (3) The department shall engage a qualified, independent  
36 contractor to run the auctions. The department shall also engage a  
37 qualified financial services administrator to hold the bid  
38 guarantees, evaluate bid guarantees, and inform the department of the  
39 value of bid guarantees once the bids are accepted.

1 (4) Auctions are open to covered entities, opt-in entities, and  
2 general market participants that are registered entities in good  
3 standing. The department shall adopt by rule the requirements for a  
4 registered entity to register and participate in a given auction.

5 (a) Registered entities intending to participate in an auction  
6 must submit an application to participate at least 30 days prior to  
7 the auction. The application must include the documentation required  
8 for review and approval by the department. A registered entity is  
9 eligible to participate only after receiving a notice of approval by  
10 the department.

11 (b) Each registered entity that elects to participate in the  
12 auction must have a different representative. Only a representative  
13 with an approved auction account is authorized to access the auction  
14 platform to submit an application or confirm the intent to bid for  
15 the registered entity, submit bids on behalf of the registered entity  
16 during the bidding window, or to download reports specific to the  
17 auction.

18 (5) The department may require a bid guarantee, payable to the  
19 financial services administrator, in an amount greater than or equal  
20 to the sum of the maximum value of the bids to be submitted by the  
21 registered entity.

22 (6) To protect the integrity of the auctions, a registered entity  
23 or group of registered entities with a direct corporate association  
24 are subject to auction purchase and holding limits. The department  
25 may impose additional limits if it deems necessary to protect the  
26 integrity and functioning of the auctions:

27 (a) A covered entity or an opt-in entity may not buy more than 25  
28 percent of the allowances offered during a single auction;

29 (b) A general market participant may not buy more than four  
30 percent of the allowances offered during a single auction;

31 (c) Until Washington links with a jurisdiction that does not have  
32 this requirement, a general market participant may not in aggregate  
33 own more than 10 percent of total allowances to be issued in a  
34 calendar year;

35 (d) No registered entity may buy more than the entity's bid  
36 guarantee; and

37 (e) No registered entity may buy allowances that would exceed the  
38 entity's holding limit at the time of the auction.

39 ~~(7) ((a) For fiscal year 2023, upon completion and verification~~  
40 ~~of the auction results, the financial services administrator shall~~

1 ~~notify winning bidders and transfer the auction proceeds to the state~~  
2 ~~treasurer for deposit as follows: (i) \$127,341,000 must first be~~  
3 ~~deposited into the carbon emissions reduction account created in RCW~~  
4 ~~70A.65.240; and (ii) the remaining auction proceeds to the climate~~  
5 ~~investment account created in RCW 70A.65.250 and the air quality and~~  
6 ~~health disparities improvement account created in RCW 70A.65.280.~~

7 ~~(b) For fiscal year 2024, upon completion and verification of the~~  
8 ~~auction results, the financial services administrator shall notify~~  
9 ~~winning bidders and transfer the auction proceeds to the state~~  
10 ~~treasurer for deposit as follows: (i) \$356,697,000 must first be~~  
11 ~~deposited into the carbon emissions reduction account created in RCW~~  
12 ~~70A.65.240, except during fiscal year 2024, the deposit as provided~~  
13 ~~in this subsection (7)(b)(i) may be prorated equally across each of~~  
14 ~~the auctions occurring in fiscal year 2024; and (ii) the remaining~~  
15 ~~auction proceeds to the climate investment account created in RCW~~  
16 ~~70A.65.250 and the air quality and health disparities improvement~~  
17 ~~account created in RCW 70A.65.280, which may be prorated equally~~  
18 ~~across each of the auctions occurring in fiscal year 2024.~~

19 ~~(c) For fiscal year 2025, upon completion and verification of the~~  
20 ~~auction results, the financial services administrator shall notify~~  
21 ~~winning bidders and transfer the auction proceeds to the state~~  
22 ~~treasurer for deposit as follows: (i) \$366,558,000 must first be~~  
23 ~~deposited into the carbon emissions reduction account created in RCW~~  
24 ~~70A.65.240, except that during fiscal year 2025, the deposit as~~  
25 ~~provided in this subsection (7)(c)(i) may be prorated equally across~~  
26 ~~each of the auctions occurring in fiscal year 2025; and (ii) the~~  
27 ~~remaining auction proceeds to the climate investment account created~~  
28 ~~in RCW 70A.65.250 and the air quality and health disparities~~  
29 ~~improvement account created in RCW 70A.65.280, which may be prorated~~  
30 ~~equally across each of the auctions occurring in fiscal year 2025.~~

31 ~~(d) For fiscal years 2026 through 2037, upon)) Upon completion~~  
32 ~~and verification of the results of each auction ((~~results~~)), the~~  
33 ~~financial services administrator shall notify winning bidders and~~  
34 ~~transfer the auction proceeds to the state treasurer for deposit as~~  
35 ~~follows:~~

36 ~~((~~(i) \$359,117,000 per year must first be deposited into the~~~~  
37 ~~carbon emissions reduction account created in RCW 70A.65.240; and~~  
38 ~~(ii) the remaining auction proceeds to the climate investment account~~  
39 ~~created in RCW 70A.65.250 and the air quality and health disparities~~  
40 ~~improvement account created in RCW 70A.65.280.~~

1       ~~(e) The deposits into the carbon emissions reduction account~~  
2 ~~pursuant to (a) through (d) of this subsection must not exceed~~  
3 ~~\$5,200,000,000 over the first 16 fiscal years and any remaining~~  
4 ~~auction proceeds must be deposited into the climate investment~~  
5 ~~account created in RCW 70A.65.250 and the air quality and health~~  
6 ~~disparities improvement account created in RCW 70A.65.280.~~

7       ~~(f) For fiscal year 2038 and each year thereafter, upon~~  
8 ~~completion and verification of the auction results, the financial~~  
9 ~~services administrator shall notify winning bidders and transfer the~~  
10 ~~auction proceeds to the state treasurer for deposit as follows: (i)~~  
11 ~~50 percent of the auction proceeds to the carbon emissions reduction~~  
12 ~~account created in RCW 70A.65.240; and (ii) the remaining auction~~  
13 ~~proceeds to the climate investment account created in RCW 70A.65.250~~  
14 ~~and the air quality and health disparities improvement account~~  
15 ~~created in RCW 70A.65.280)) (a) First, each fiscal year an amount~~  
16 ~~must be deposited in the climate commitment act operating account~~  
17 ~~created in section 1 of this act as follows: \$25,000,000 for fiscal~~  
18 ~~year 2028, increased each subsequent fiscal year by the fiscal growth~~  
19 ~~factor as defined in RCW 43.135.025 for that fiscal year. The~~  
20 ~~department must calculate this amount for every fiscal year and~~  
21 ~~communicate it to the state treasurer, the office of financial~~  
22 ~~management, and legislative staff. The legislature intends the~~  
23 ~~funding in (a) of this subsection to be used primarily for the~~  
24 ~~department's costs to administer this chapter.~~

25       (b) The remaining auction proceeds each fiscal year after the  
26 distribution in (a) of this subsection must be deposited as follows:

27       (i) 68 percent to the carbon emissions reduction account created  
28 in RCW 70A.65.240. When total revenue to the carbon emissions  
29 reduction account under this subsection reaches a maximum of  
30 \$359,117,000 for the fiscal year, revenue under this subsection  
31 (7)(b)(i) is instead deposited into the climate commitment act  
32 capital account created in section 2 of this act;

33       (ii) 15 percent to the climate commitment act operating account  
34 created in section 1 of this act. When total revenue to the climate  
35 commitment act operating account under (a) and (b)(ii) of this  
36 subsection reaches a maximum of \$80,000,000 for the fiscal year,  
37 revenue under this subsection (7)(b)(ii) is instead deposited into  
38 the climate commitment act capital account created in section 2 of  
39 this act;

1 (iii) Two percent to the air quality and health disparities  
2 improvement account created in RCW 70A.65.280. When total revenue to  
3 the air quality and health disparities improvement account under this  
4 subsection reaches a maximum of \$10,000,000 for the fiscal year,  
5 revenue under this subsection (7)(b)(iii) is instead deposited into  
6 the climate commitment act capital account created in section 2 of  
7 this act; and

8 (iv) 15 percent to the climate commitment act capital account  
9 created in section 2 of this act.

10 (8) The department shall adopt by rule provisions to guard  
11 against bidder collusion and minimize the potential for market  
12 manipulation. A registered entity may not release or disclose any  
13 bidding information including: Intent to participate or refrain from  
14 participation; auction approval status; intent to bid; bidding  
15 strategy; bid price or bid quantity; or information on the bid  
16 guarantee provided to the financial services administrator. The  
17 department may cancel or restrict a previously approved auction  
18 participation application or reject a new application if the  
19 department determines that a registered entity has:

20 (a) Provided false or misleading facts;

21 (b) Withheld material information that could influence a decision  
22 by the department;

23 (c) Violated any part of the auction rules;

24 (d) Violated registration requirements; or

25 (e) Violated any of the rules regarding the conduct of the  
26 auction.

27 (9) Records containing the following information are confidential  
28 and are exempt from public disclosure in their entirety:

29 (a) Bidding information as identified in subsection (8) of this  
30 section;

31 (b) Information contained in the secure, online electronic  
32 tracking system established by the department pursuant to RCW  
33 70A.65.090(6);

34 (c) Financial, proprietary, and other market sensitive  
35 information as determined by the department that is submitted to the  
36 department pursuant to this chapter;

37 (d) Financial, proprietary, and other market sensitive  
38 information as determined by the department that is submitted to the  
39 independent contractor or the financial services administrator

1 engaged by the department pursuant to subsection (3) of this section;  
2 and

3 (e) Financial, proprietary, and other market sensitive  
4 information as determined by the department that is submitted to a  
5 jurisdiction with which the department has entered into a linkage  
6 agreement pursuant to RCW 70A.65.210, and which is shared with the  
7 department, the independent contractor, or the financial services  
8 administrator pursuant to a linkage agreement.

9 (10) Any cancellation or restriction approved by the department  
10 under subsection (8) of this section may be permanent or for a  
11 specified number of auctions and the cancellation or restriction  
12 imposed is not exclusive and is in addition to the remedies that may  
13 be available pursuant to chapter 19.86 RCW or other state or federal  
14 laws, if applicable.

15 (11) The department shall design allowance auctions so as to  
16 allow, to the maximum extent practicable, linking with external  
17 greenhouse gas emissions trading programs in other jurisdictions and  
18 to facilitate the transfer of allowances when the state's program has  
19 entered into a linkage agreement with other external greenhouse gas  
20 emissions trading programs. The department may conduct auctions  
21 jointly with linked jurisdictions.

22 (12) In setting the number of allowances offered at each auction,  
23 the department shall consider the allowances in the marketplace due  
24 to the marketing of allowances issued as required under RCW  
25 70A.65.110, 70A.65.120, and 70A.65.130 in the department's  
26 determination of the number of allowances to be offered at auction.  
27 The department shall offer only such number of allowances at each  
28 auction as will enhance the likelihood of achieving the goals of RCW  
29 70A.45.020.

30 **Sec. 4.** RCW 70A.65.230 and 2025 c 417 s 806 are each amended to  
31 read as follows:

32 (1) It is the intent of the legislature that each ((~~year~~))  
33 biennium the total investments made through the carbon emissions  
34 reduction account created in RCW 70A.65.240, the ((~~climate commitment~~  
35 ~~account created in RCW 70A.65.260, the natural climate solutions~~  
36 ~~account created in RCW 70A.65.270)) climate commitment act operating  
37 account created in section 1 of this act, the climate commitment act  
38 capital account created in section 2 of this act, and the air quality~~

1 and health disparities improvement account created in RCW 70A.65.280,  
2 achieve the following:

3 (a) A minimum of not less than 35 percent and a goal of 40  
4 percent of total investments that provide direct and meaningful  
5 benefits to vulnerable populations within the boundaries of  
6 overburdened communities identified under chapter 70A.02 RCW; and

7 (b) In addition to the requirements of (a) of this subsection, a  
8 minimum of not less than 10 percent of total investments that are  
9 used for programs, activities, or projects (~~formally~~) supported by  
10 (~~a resolution of~~) an Indian tribe, with priority given to otherwise  
11 qualifying projects directly administered or proposed by an Indian  
12 tribe. Investments that meet the requirement of this subsection  
13 (1)(b) may include a letter of support from an Indian tribe, funding  
14 provided to or requested by an Indian tribe, a formal resolution of  
15 an Indian tribe, or similar expressions of support from an Indian  
16 tribe. An investment that meets the requirements of both this  
17 subsection (1)(b) and (a) of this subsection may count toward the  
18 minimum percentage targets for both subsections.

19 (2) The expenditure of moneys under this chapter must be  
20 consistent with applicable federal, state, and local laws, and treaty  
21 rights including, but not limited to, prohibitions on uses of funds  
22 imposed by the state Constitution.

23 (3) For the purposes of this section, "benefits" means  
24 investments or activities that:

25 (a) Reduce vulnerable population characteristics, environmental  
26 burdens, or associated risks that contribute significantly to the  
27 cumulative impact designation of overburdened communities;

28 (b) Meaningfully protect an overburdened community from, or  
29 support community response to, the impacts of air pollution or  
30 climate change; or

31 (c) Meet a community need identified by vulnerable members of the  
32 overburdened community that is consistent with the intent of this  
33 chapter.

34 (~~(4) The state must develop a process by which to evaluate the~~  
35 ~~impacts of the investments made under this chapter, work across state~~  
36 ~~agencies to develop and track priorities across the different~~  
37 ~~eligible funding categories, and work with the environmental justice~~  
38 ~~council pursuant to RCW 70A.65.040.))~~

1       **Sec. 5.** RCW 70A.65.280 and 2021 c 316 s 31 are each amended to  
2 read as follows:

3       (1) The air quality and health disparities improvement account is  
4 created in the state treasury. Moneys in the account may be spent  
5 only after appropriation. Expenditures from the account are intended  
6 to:

7       (a) Improve air quality through the reduction of criteria  
8 pollutants, including through effective air quality monitoring and  
9 the establishment of adequate baseline emissions data; and

10       (b) Reduce health disparities in overburdened communities by  
11 improving health outcomes through the reduction or elimination of  
12 environmental harms and the promotion of environmental benefits.

13       (2) Moneys in the account may be used for ~~((either))~~ operating  
14 budget, capital budget, or transportation budget purposes ~~((, — or~~  
15 ~~both))~~. Moneys in the account may not be used for projects that would  
16 violate tribal treaty rights or result in significant long-term  
17 damage to critical habitat or ecological functions. Investments from  
18 the account must result in long-term environmental benefits and  
19 increased resilience to the impacts of climate change.

20       ~~((3) It is the intent of the legislature that not less than~~  
21 ~~\$20,000,000 per biennium be dedicated to the account for the purposes~~  
22 ~~of the account.))~~

23       **Sec. 6.** RCW 70A.65.300 and 2025 c 424 s 975 are each amended to  
24 read as follows:

25       (1) The department shall prepare, post on the department website,  
26 and submit to the appropriate committees of the legislature ~~((an~~  
27 ~~annual))~~ a report that identifies all distributions of moneys from  
28 the accounts created in RCW 70A.65.240 ~~((through))~~, 70A.65.280,  
29 section 1 of this act, and section 2 of this act.

30       (2) The report must identify, at a minimum ~~((, — the))~~ :

31       (a) The recipient of the funding, the amount of the funding, the  
32 purpose of the funding, the actual end result or use of the funding,  
33 whether the project that received the funding produced any verifiable  
34 reduction in greenhouse gas emissions or other long-term impact to  
35 emissions, and if so, the quantity of reduced greenhouse gas  
36 emissions, the cost per carbon dioxide equivalent metric ton of  
37 reduced greenhouse gas emissions, and a comparison to other  
38 greenhouse gas emissions reduction projects in order to facilitate

1 the development of cost-benefit ratios for greenhouse gas emissions  
2 reduction projects; and

3 (b) The expenditures that provide direct and meaningful benefits  
4 to vulnerable populations within the boundaries of overburdened  
5 communities as described in RCW 70A.65.030 and 70A.65.230, and the  
6 expenditures that are supported by an Indian tribe as described in  
7 RCW 70A.65.230, including:

8 (i) The amount of each expenditure that provides direct and  
9 meaningful benefits to vulnerable populations within the boundaries  
10 of overburdened communities;

11 (ii) An explanation of how the expenditure provides such  
12 benefits;

13 (iii) The methods by which overburdened communities and  
14 vulnerable populations were identified by the agency and an  
15 explanation of the outcomes of those identification processes,  
16 including the geographic location impacted by the expenditure where  
17 relevant, and the geographic boundaries of overburdened communities  
18 identified by the agency; and

19 (iv) The amount of each expenditure used for programs,  
20 activities, or projects supported by an Indian tribe.

21 (3) The department shall require by rule that recipients of funds  
22 from the accounts created in RCW 70A.65.240 through 70A.65.280,  
23 section 1 of this act, and section 2 of this act report to the  
24 department, in a form and manner prescribed by the department, the  
25 information required for the department to carry out the department's  
26 duties established in this section.

27 ~~(4) ((The department shall update its website with the~~  
28 ~~information described in subsection (2) of this section as~~  
29 ~~appropriate but no less frequently than once per calendar year.~~

30 ~~(5) The))~~ After the conclusion of each fiscal year through fiscal  
31 year 2027, the department shall submit ((its)) the report under this  
32 section to the appropriate committees of the legislature ((with the  
33 information described in subsection (2) of this section)) and update  
34 its website no later than ((September 30)) December 31st of each  
35 year. ((For fiscal year 2025, the report must be submitted no later  
36 than November 30, 2024. During the 2025-2027 fiscal biennium, the  
37 report must be submitted no later than November 30 of each fiscal  
38 year.)) Beginning with the 2027-2029 biennium, after the conclusion  
39 of each biennium the department shall submit the report on a biennial  
40 basis by December 31st of each odd-numbered year.

1        NEW SECTION.    **Sec. 7.**    (1) Following the fiscal closure of the  
2 2025-2027 biennium, the state treasurer must transfer the remaining  
3 balance of the climate investment account created in RCW 70A.65.250,  
4 the climate commitment account created in RCW 70A.65.260, and the  
5 natural climate solutions account created in RCW 70A.65.270 as  
6 follows: (1) 80 percent into the climate commitment act capital  
7 account created in section 2 of this act; and (2) 20 percent to the  
8 carbon emissions reduction account created in RCW 70A.65.240, to be  
9 used for infrastructure and incentives that support transportation  
10 electrification.

11        (2) After the effective date of this section, the state treasurer  
12 must transfer any amounts directed to be deposited into the climate  
13 investment account created in RCW 70A.65.250, the climate commitment  
14 account created in RCW 70A.65.260, or the natural climate solutions  
15 account created in RCW 70A.65.270 as follows: (a) 80 percent into the  
16 climate commitment act capital account created in section 2 of this  
17 act; and (b) 20 percent to the carbon emissions reduction account  
18 created in RCW 70A.65.240, to be used for infrastructure and  
19 incentives that support transportation electrification.

20        **Sec. 8.**    RCW 43.21B.300 and 2025 c 316 s 302 and 2025 c 58 s 3008  
21 are each reenacted and amended to read as follows:

22        (1) Any civil penalty provided in RCW 18.104.155, 70A.15.3160,  
23 70A.205.280, 70A.230.080, 70A.300.090, 70A.20.050, 70A.245.040,  
24 70A.245.050, 70A.245.070, 70A.245.080, 70A.245.130, 70A.245.140,  
25 70A.65.200, 70A.430.070, 70A.455.090, 70A.500.260, 70A.505.110,  
26 70A.555.110, 70A.560.020, 70A.208.230, 70A.565.030, 86.16.081,  
27 88.46.090, 90.03.600, 90.46.270, 90.48.144, 90.56.310, 90.56.330, and  
28 90.64.102 and chapter 70A.355 RCW shall be imposed by a notice in  
29 writing, either by certified mail with return receipt requested or by  
30 personal service, to the person incurring the penalty from the  
31 department or the local air authority, describing the violation with  
32 reasonable particularity. For penalties issued by local air  
33 authorities, within 30 days after the notice is received, the person  
34 incurring the penalty may apply in writing to the authority for the  
35 remission or mitigation of the penalty. Upon receipt of the  
36 application, the authority may remit or mitigate the penalty upon  
37 whatever terms the authority in its discretion deems proper. The  
38 authority may ascertain the facts regarding all such applications in  
39 such reasonable manner and under such rules as it may deem proper and

1 shall remit or mitigate the penalty only upon a demonstration of  
2 extraordinary circumstances such as the presence of information or  
3 factors not considered in setting the original penalty.

4 (2) Any penalty imposed under this section may be appealed to the  
5 pollution control hearings board in accordance with this chapter if  
6 the appeal is filed with the hearings board and served on the  
7 department or authority 30 days after the date of receipt by the  
8 person penalized of the notice imposing the penalty or 30 days after  
9 the date of receipt of the notice of disposition by a local air  
10 authority of the application for relief from penalty.

11 (3) A penalty shall become due and payable on the later of:

12 (a) 30 days after receipt of the notice imposing the penalty;

13 (b) 30 days after receipt of the notice of disposition by a local  
14 air authority on application for relief from penalty, if such an  
15 application is made; or

16 (c) 30 days after receipt of the notice of decision of the  
17 hearings board if the penalty is appealed.

18 (4) If the amount of any penalty is not paid to the department  
19 within 30 days after it becomes due and payable, the attorney  
20 general, upon request of the department, shall bring an action in the  
21 name of the state of Washington in the superior court of Thurston  
22 county, or of any county in which the violator does business, to  
23 recover the penalty. If the amount of the penalty is not paid to the  
24 authority within 30 days after it becomes due and payable, the  
25 authority may bring an action to recover the penalty in the superior  
26 court of the county of the authority's main office or of any county  
27 in which the violator does business. In these actions, the procedures  
28 and rules of evidence shall be the same as in an ordinary civil  
29 action.

30 (5) All penalties recovered shall be paid into the state treasury  
31 and credited to the general fund except the following:

32 (a) Penalties imposed pursuant to RCW 18.104.155 must be credited  
33 to the reclamation account as provided in RCW 18.104.155(7);

34 (b) Penalties imposed pursuant to RCW 70A.15.3160 must be  
35 disposed of pursuant to RCW 70A.15.3160;

36 (c) Penalties imposed pursuant to RCW 70A.230.080, 70A.300.090,  
37 70A.430.070, 70A.555.110, 70A.560.020, and 70A.565.030 must be  
38 credited to the model toxics control operating account created in RCW  
39 70A.305.180;

1 (d) Penalties imposed pursuant to RCW 70A.245.040, 70A.245.050,  
2 and chapter 70A.208 RCW must be credited to the recycling enhancement  
3 account created in RCW 70A.245.100;

4 (e) Penalties imposed pursuant to RCW 70A.500.260 must be  
5 deposited into the electronic products recycling account created in  
6 RCW 70A.500.130;

7 (f) Penalties imposed pursuant to RCW 70A.65.200 must be credited  
8 to the climate ~~((investment))~~ commitment act operating account  
9 created in ~~((RCW 70A.65.250))~~ section 1 of this act;

10 (g) Penalties imposed pursuant to RCW 90.56.330 must be credited  
11 to the coastal protection fund established in RCW 90.48.390; and

12 (h) Penalties imposed pursuant to RCW 70A.355.070 must be  
13 credited to the underground storage tank account created in RCW  
14 70A.355.090.

15 **Sec. 9.** RCW 70A.65.030 and 2025 c 424 s 972, 2025 c 417 s 804,  
16 and 2025 c 58 s 3011 are each reenacted and amended to read as  
17 follows:

18 (1) Except as provided in subsection (4) of this section, each  
19 year or biennium, as appropriate, when allocating funds from the  
20 carbon emissions reduction account created in RCW 70A.65.240, the  
21 climate commitment act operating account created in ~~((RCW~~  
22 ~~70A.65.260))~~ section 1 of this act, the ~~((natural climate solutions))~~  
23 climate commitment act capital account created in ~~((RCW 70A.65.270))~~  
24 section 2 of this act, ~~((the climate investment account created in~~  
25 ~~RCW 70A.65.250,))~~ or the air quality and health disparities  
26 improvement account created in RCW 70A.65.280, or administering  
27 grants or programs funded by the accounts, agencies shall conduct an  
28 environmental justice assessment consistent with the requirements of  
29 RCW 70A.02.060 and establish a minimum of not less than 35 percent  
30 and a goal of 40 percent of total investments that provide direct and  
31 meaningful benefits to vulnerable populations within the boundaries  
32 of overburdened communities through: (a) The direct reduction of  
33 environmental burdens in overburdened communities; (b) the reduction  
34 of disproportionate, cumulative risk from environmental burdens,  
35 including those associated with climate change; (c) the support of  
36 community led project development, planning, and participation costs;  
37 or (d) meeting a community need identified by the community that is  
38 consistent with the intent of this chapter or RCW 70A.02.010.

1 (2) The allocation of funding under subsection (1) of this  
2 section must adhere to the following principles, additional to the  
3 requirements of RCW 70A.02.080: (a) Benefits and programs should be  
4 directed to areas and targeted to vulnerable populations and  
5 overburdened communities to reduce statewide disparities; (b)  
6 investments and benefits should be made roughly proportional to the  
7 health disparities that a specific community experiences, with a goal  
8 of eliminating the disparities; (c) investments and programs should  
9 focus on creating environmental benefits, including eliminating  
10 health burdens, creating community and population resilience, and  
11 raising the quality of life of those in the community; and (d)  
12 efforts should be made to balance investments and benefits across the  
13 state and within counties, local jurisdictions, and unincorporated  
14 areas as appropriate to reduce disparities by location and to ensure  
15 efforts contribute to a reduction in disparities that exist based on  
16 race or ethnicity, socioeconomic status, or other factors.

17 (3) Except as provided in subsection (4) of this section, state  
18 agencies allocating funds or administering grants or programs from  
19 the carbon emissions reduction account created in RCW 70A.65.240, the  
20 climate commitment act operating account created in ((RCW  
21 ~~70A.65.260~~)) section 1 of this act, the ((natural climate solutions))  
22 climate commitment act capital account created in ((RCW ~~70A.65.270~~))  
23 section 2 of this act, ((the climate investment account created in  
24 ~~RCW 70A.65.250,~~)) or the air quality and health disparities  
25 improvement account created in RCW 70A.65.280, must:

26 (a) Report ((~~annually~~)) biennially to the environmental justice  
27 council created in RCW 70A.02.110 regarding progress toward meeting  
28 environmental justice and environmental health goals;

29 (b) Consider recommendations by the environmental justice  
30 council; and

31 (c) (i) If the agency is not a covered agency subject to the  
32 requirements of chapter 70A.02 RCW, create and adopt a community  
33 engagement plan to describe how it will engage with overburdened  
34 communities and vulnerable populations in allocating funds or  
35 administering grants or programs from the climate investment account.

36 (ii) The plan must include methods for outreach and communication  
37 with those who face barriers, language or otherwise, to  
38 participation.

39 (4) ((~~During the 2023-2025 and 2025-2027 fiscal biennia:~~))

1 (a) The requirement of subsection (1) of this section to conduct  
2 an environmental justice assessment applies only to covered agencies  
3 as defined in RCW 70A.02.010 and to significant agency actions as  
4 defined in RCW 70A.02.010.

5 (b) Agencies shall coordinate with the department and the office  
6 of financial management to achieve total statewide spending from the  
7 accounts listed in subsection (1) of this section of not less than 35  
8 percent and a goal of 40 percent of total investments that provide  
9 direct and meaningful benefits to vulnerable populations within the  
10 boundaries of overburdened communities as otherwise described in  
11 subsection (1)(a) through (d) of this section and in accordance with  
12 RCW 70A.65.230.

13 (c) The requirements of subsection (3)(c) of this section for  
14 agencies other than covered agencies to create and adopt community  
15 engagement plans apply only to executive branch agencies and  
16 institutions of higher education, as defined in RCW 28B.10.016,  
17 receiving total appropriations of more than \$2,000,000 (~~for the~~  
18 ~~2023-2025 fiscal~~) per biennium from the accounts listed in  
19 subsection (1) of this section.

20 **Sec. 10.** RCW 70A.65.040 and 2025 c 417 s 805 are each amended to  
21 read as follows:

22 (1) The environmental justice council created in RCW 70A.02.110  
23 must provide recommendations to the legislature, agencies, and the  
24 governor in the development and implementation of the program  
25 established in RCW 70A.65.060 through 70A.65.210, and the programs  
26 funded from the carbon emissions reduction account created in RCW  
27 70A.65.240, the climate commitment act operating account created in  
28 (~~RCW 70A.65.260~~) section 1 of this act, and the (~~natural climate~~  
29 ~~solutions~~) climate commitment act capital account created in (~~RCW~~  
30 ~~70A.65.270~~, and the ~~climate investment account created in RCW~~  
31 ~~70A.65.250~~) section 2 of this act.

32 (2) In addition to the duties and authorities granted in chapter  
33 70A.02 RCW to the environmental justice council, the environmental  
34 justice council must:

35 (a) Provide recommendations to the legislature, agencies, and the  
36 governor in the development of:

37 (i) The program established in RCW 70A.65.060 through 70A.65.210  
38 including, but not limited to, linkage with other jurisdictions,  
39 protocols for establishing offset projects and securing offset

1 credits, designation of emissions-intensive and trade-exposed  
2 industries under RCW 70A.65.110, and administration of allowances  
3 under the program; and

4 (ii) Investment plans and funding proposals for the programs  
5 funded from the climate (~~(investment)~~) commitment act operating  
6 account created in (~~(RCW 70A.65.250)~~) section 1 of this act for the  
7 purpose of providing environmental benefits and reducing  
8 environmental health disparities within overburdened communities;

9 (b) Provide a forum to analyze policies adopted under this  
10 chapter to determine if the policies lead to improvements within  
11 overburdened communities;

12 (c) Recommend procedures and criteria for evaluating programs,  
13 activities, or projects;

14 (d) Recommend copollutant emissions reduction goals in  
15 overburdened communities;

16 (e) Evaluate the level of funding provided to assist vulnerable  
17 populations, low-income individuals, and impacted workers and the  
18 funding of projects and activities located within or benefiting  
19 overburdened communities;

20 (f) Recommend environmental justice and environmental health  
21 goals for programs, activities, and projects funded from the climate  
22 investment account, and review agency annual reports on outcomes and  
23 progress toward meeting these goals;

24 (g) Provide recommendations to implementing agencies for  
25 meaningful consultation with vulnerable populations, including  
26 community engagement plans under RCW 70A.65.020 and 70A.65.030; and

27 (h) Recommend how to support public participation through  
28 capacity grants for participation.

29 (3) For the purpose of performing the duties under subsection (2)  
30 of this section, two additional tribal members are added to the  
31 council.

32 **Sec. 11.** RCW 70A.65.060 and 2024 c 352 s 2 are each amended to  
33 read as follows:

34 (1) In order to ensure that greenhouse gas emissions are reduced  
35 by covered entities consistent with the limits established in RCW  
36 70A.45.020, the department must implement a cap on greenhouse gas  
37 emissions from covered entities and a program to track, verify, and  
38 enforce compliance through the use of compliance instruments.

39 (2) The program must consist of:

1 (a) Annual allowance budgets that limit emissions from covered  
2 entities, as provided in this section and RCW 70A.65.070 and  
3 70A.65.080;

4 (b) Defining those entities covered by the program, and those  
5 entities that may voluntarily opt into coverage under the program, as  
6 provided in this section and RCW 70A.65.070 and 70A.65.080;

7 (c) Distribution of emission allowances, as provided in RCW  
8 70A.65.100, and through the allowance price containment provisions  
9 under RCW 70A.65.140 and 70A.65.150;

10 (d) Providing for offset credits as a method for meeting a  
11 compliance obligation, pursuant to RCW 70A.65.170;

12 (e) Defining the compliance obligations of covered entities, as  
13 provided in chapter 316, Laws of 2021;

14 (f) Establishing the authority of the department to enforce the  
15 program requirements, as provided in RCW 70A.65.200;

16 ~~(g) ((Creating a climate investment account for the deposit of  
17 receipts from the distribution of emission allowances, as provided in  
18 RCW 70A.65.250;~~

19 ~~(h))~~ Providing for the transfer of allowances and recognition of  
20 compliance instruments, including those issued by jurisdictions with  
21 which Washington has linkage agreements;

22 ~~((i))~~ (h) Providing monitoring and oversight of the sale and  
23 transfer of allowances by the department;

24 ~~((j))~~ (i) Creating a price ceiling and associated mechanisms as  
25 provided in RCW 70A.65.160; and

26 ~~((k))~~ (j) Providing for the allocation of allowances to  
27 emissions-intensive, trade-exposed industries pursuant to RCW  
28 70A.65.110.

29 (3) The department shall consider opportunities to implement the  
30 program in a manner that allows linking the state's program with  
31 those of other jurisdictions. The department must evaluate whether  
32 such linkage will provide for a more cost-effective means for covered  
33 entities to meet their compliance obligations in Washington while  
34 recognizing the special characteristics of the state's economy,  
35 communities, and industries. The department is authorized to enter  
36 into a linkage agreement with another jurisdiction after conducting  
37 an environmental justice assessment and after formal notice and  
38 opportunity for a public hearing, and when consistent with the  
39 requirements of RCW 70A.65.210. The department is authorized to  
40 withdraw from a linkage agreement and every linkage agreement must

1 provide that the department reserves the right to withdraw from the  
2 agreement.

3 (4) During the 2022 regular legislative session, the department  
4 must bring forth agency request legislation developed in consultation  
5 with emissions-intensive, trade-exposed businesses, covered entities,  
6 environmental advocates, and overburdened communities that outlines a  
7 compliance pathway specific to emissions-intensive, trade-exposed  
8 businesses for achieving their proportionate share of the state's  
9 emissions reduction limits through 2050.

10 (5) By December 1, 2027, and by December 1st of each year that is  
11 one year after the end of a compliance period, and in compliance with  
12 RCW 43.01.036, the department must submit a report to the legislature  
13 that includes a comprehensive review of the implementation of the  
14 program to date, including but not limited to outcomes relative to  
15 the state's emissions reduction limits, overburdened communities,  
16 covered entities, and emissions-intensive, trade-exposed businesses.  
17 The department must transmit the report to the environmental justice  
18 council at the same time it is submitted to the legislature.

19 (6) The department must bring forth agency request legislation if  
20 the department finds that any provision of this chapter prevents  
21 linking Washington's cap and invest program with that of any other  
22 jurisdiction.

23 **Sec. 12.** RCW 70A.65.200 and 2024 c 352 s 8 are each amended to  
24 read as follows:

25 (1) All covered and opt-in entities are required to submit  
26 compliance instruments in a timely manner to meet the entities'  
27 compliance obligations and shall comply with all requirements for  
28 monitoring, reporting, holding, and transferring emission allowances  
29 and other provisions of this chapter.

30 (2) If a covered or opt-in entity does not submit sufficient  
31 compliance instruments to meet its compliance obligation by the  
32 specified transfer dates, a penalty of four allowances for every one  
33 compliance instrument that is missing must be submitted to the  
34 department within six months. When a covered entity or opt-in entity  
35 reasonably believes that it will be unable to meet a compliance  
36 obligation, the entity shall immediately notify the department. Upon  
37 receiving notification, the department shall issue an order requiring  
38 the entity to submit the penalty allowances.

1 (3) If a covered entity or opt-in entity fails to submit penalty  
2 allowances as required by subsection (2) of this section, the  
3 department must issue an order or issue a penalty of up to \$10,000  
4 per day per violation, or both, for failure to submit penalty  
5 allowances as required by subsection (2) of the section. The order  
6 may include a plan and schedule for coming into compliance.

7 (4) The department may issue a penalty of up to \$50,000 per day  
8 per violation for violations of RCW 70A.65.100(8) (a) through (e).

9 (5) Except as provided in subsections (3) and (4) of this  
10 section, any person that violates the terms of this chapter or an  
11 order issued under this chapter incurs a penalty of up to \$10,000 per  
12 day per violation for each day that the person does not comply. All  
13 penalties under subsections (3) and (4) of this section and this  
14 subsection must be deposited into the climate ~~((investment))~~  
15 commitment act operating account created in ~~((RCW 70A.65.250))~~  
16 section 1 of this act.

17 (6) Orders and penalties issued under this chapter are appealable  
18 to the pollution control hearings board under chapter 43.21B RCW.

19 (7) Until the department enters into a linkage agreement or until  
20 the end of the first compliance period, whichever is sooner, the  
21 department may reduce the amount of the penalty by adjusting the  
22 monetary amount or the number of penalty allowances described in  
23 subsections (2) and (3) of this section.

24 (8) An electric utility or natural gas utility must notify its  
25 retail customers and the environmental justice council in published  
26 form within three months of paying a monetary penalty under this  
27 section.

28 (9)(a) No city, town, county, township, or other subdivision or  
29 municipal corporation of the state may implement a charge or tax  
30 based exclusively upon the quantity of greenhouse gas emissions.

31 (b) No state agency may adopt or enforce a greenhouse gas pricing  
32 or market-based emissions cap and reduce program for stationary  
33 sources, or adopt or enforce emission limitations on greenhouse gas  
34 emissions from stationary sources except as:

35 (i) Provided in this chapter;

36 (ii) Authorized or directed by a state statute in effect as of  
37 July 1, 2022; or

38 (iii) Required to implement a federal statute, rule, or program.

39 (c) This chapter preempts the provisions of chapter 173-442 WAC,  
40 and the department shall repeal chapter 173-442 WAC.

1 (10) (a) By December 1, 2023, the office of financial management  
2 must submit a report to the appropriate committees of the legislature  
3 that summarizes two categories of state laws other than this chapter:

4 (i) Laws that regulate greenhouse gas emissions from stationary  
5 sources, and the greenhouse gas emission reductions attributable to  
6 each chapter, relative to a baseline in which this chapter and all  
7 other state laws that regulate greenhouse gas emissions are presumed  
8 to remain in effect; and

9 (ii) Laws whose implementation may effectuate reductions in  
10 greenhouse gas emissions from stationary sources.

11 (b) The state laws that the office of financial management may  
12 address in completing the report required in this subsection include,  
13 but are not limited to:

14 (i) Chapter 19.27A RCW;

15 (ii) Chapter 19.280 RCW;

16 (iii) Chapter 19.405 RCW;

17 (iv) Chapter 36.165 RCW;

18 (v) Chapter 43.21F RCW;

19 (vi) Chapter 70.30 RCW;

20 (vii) Chapter 70A.15 RCW;

21 (viii) Chapter 70A.45 RCW;

22 (ix) Chapter 70A.60 RCW;

23 (x) Chapter 70A.535 RCW;

24 (xi) Chapter 80.04 RCW;

25 (xii) Chapter 80.28 RCW;

26 (xiii) Chapter 80.70 RCW;

27 (xiv) Chapter 80.80 RCW; and

28 (xv) Chapter 81.88 RCW.

29 (c) The office of financial management may contract for all or  
30 part of the work product required under this subsection.

31 **Sec. 13.** RCW 70A.65.305 and 2024 c 375 s 8004 are each amended  
32 to read as follows:

33 (1) Agencies that allocate funding or administer grant programs  
34 appropriated from the climate (~~(investment)~~) commitment act operating  
35 account created in ((RCW 70A.65.250,)) section 1 of this act and the  
36 climate commitment act capital account created in ((RCW 70A.65.260,  
37 and the natural climate solutions account created in RCW 70A.65.270))  
38 section 2 of this act, including any new appropriations greater than  
39 \$2,000,000 per biennium which fit the description of executive order

1 21-02, must offer early, meaningful, and individual consultation with  
2 any affected federally recognized tribe on all funding decisions and  
3 funding programs that may impact tribal resources, including tribal  
4 cultural resources, archaeological sites, sacred sites, fisheries, or  
5 other rights and interests in tribal lands and lands within which a  
6 tribe or tribes possess rights reserved or protected by federal  
7 treaty, statute, or executive order. The consultation is independent  
8 of, and in addition to, any public participation process required by  
9 federal or state law, or by a federal or state agency, including the  
10 requirements of Executive Order 21-02 related to archaeological and  
11 cultural resources, and regardless of whether the agency receives a  
12 request for consultation from a federally recognized tribe. The goal  
13 of the consultation process is to identify tribal resources or rights  
14 potentially affected by the funding decisions and funding programs,  
15 assess their effects, and seek ways to avoid, minimize, or mitigate  
16 any adverse effects on tribal resources or rights.

17 (2) At the earliest possible date prior to submittal of an  
18 application, applicants for funding from the accounts created in  
19 (~~RCW 70A.65.250, 70A.65.260, and 70A.65.270~~) sections 1 and 2 of  
20 this act shall engage in a preapplication process with all affected  
21 federally recognized tribes within the project area. (~~During the~~  
22 ~~2023-2025 fiscal biennium, salmon habitat and climate resilience~~  
23 ~~projects funded from the natural climate solutions account created in~~  
24 ~~RCW 70A.65.270 that went through the application and prioritization~~  
25 ~~process before July 1, 2023, are exempt from the preapplication~~  
26 ~~requirements under this subsection.~~)

27 (a) The preapplication process must include the applicant  
28 notifying the department of archaeology and historic preservation,  
29 the department of fish and wildlife, and all affected federally  
30 recognized tribes within the project area. The notification must  
31 include geographical location, detailed scope of the proposed  
32 project, preliminary application details available to federal, state,  
33 or local governmental jurisdictions, and all publicly available  
34 materials, including public funding sources.

35 (b) The applicant must also offer to discuss the project with the  
36 department of archaeology and historic preservation, the department  
37 of fish and wildlife, and all affected federally recognized tribes  
38 within the project area. Discussions may include the project's impact  
39 to tribal resources, including tribal cultural resources,  
40 archaeological sites, sacred sites, fisheries, or other rights and

1 interests in tribal lands and lands within which a tribe or tribes  
2 possess rights reserved or protected by federal treaty, statute, or  
3 executive order.

4 (c) All affected federally recognized tribes may submit to the  
5 appropriate agency or agencies a summary of tribal issues, questions,  
6 concerns, or other statements regarding the project, which must  
7 become part of the official application file. The summary does not  
8 limit what issues affected federally recognized tribes may raise in  
9 the consultation process identified in subsections (1), (3) through  
10 (7), and (9) of this section.

11 (d) The notification and offer to initiate discussion must be  
12 documented with the application when it is filed, and a copy of the  
13 application must be delivered to the department of archaeology and  
14 historic preservation, the department of fish and wildlife, and to  
15 the affected federally recognized tribe or tribes. If the discussions  
16 pursuant to (b) of this subsection do not occur, the applicant must  
17 document the reason why the discussion or discussions did not occur.

18 (e) Nothing in this section may be interpreted to require the  
19 disclosure of information that is exempt from disclosure pursuant to  
20 RCW 42.56.300 or federal law, including section 304 of the national  
21 historic preservation act of 1966. Any information that is exempt  
22 from disclosure pursuant to RCW 42.56.300 or federal law, including  
23 section 304 of the national historic preservation act of 1966, shall  
24 not become part of the official application file.

25 (3) If any funding decision, program, project, or activity that  
26 may impact tribal resources, including tribal cultural resources,  
27 archaeological sites, sacred sites, fisheries, or other rights and  
28 interests in tribal lands and lands within which a tribe or tribes  
29 possess rights reserved by federal treaty, statute, or executive  
30 order is funded from the accounts created in (~~RCW 70A.65.250,~~  
31 ~~70A.65.260,~~ and ~~70A.65.270~~) sections 1 and 2 of this act without  
32 such a consultation with an affected federally recognized tribe, the  
33 affected federally recognized tribe may request that all further  
34 action on the decision, program, project, or activity cease until  
35 meaningful consultation is completed. Upon receipt of such a request  
36 by an agency or agencies with the authority to allocate funding or  
37 administer grant programs from the accounts listed in subsection (1)  
38 of this section in support of the proposed project, further action by  
39 the agency or agencies on any decision, program, project, or activity  
40 that would result in significant physical disturbance of the tribal

1 resource or resources described in this subsection must cease until  
2 the consultation has been completed.

3 (4) Upon completion of agency and tribal consultation, an  
4 affected federally recognized tribe may request a formal review of  
5 the consultation by submitting a request to the governor's office of  
6 Indian affairs and notifying the appropriate agencies and the  
7 department of archaeology and historic preservation. The state  
8 agencies and tribe must meet to initiate discussion within no more  
9 than 20 days of the request. This consultation must be offered and  
10 conducted separately with each affected federally recognized tribe,  
11 unless the tribes agree to conduct a joint consultation with the  
12 state.

13 (5) After the state agencies and tribe or tribes have conducted a  
14 formal review under subsection (4) of this section, an affected  
15 federally recognized tribe or state agency may request that the  
16 governor and an elected tribal leader or leaders of a federally  
17 recognized tribal government meet to formally consider the  
18 recommendations from the parties. If requested, this meeting must  
19 occur within 30 days of the request, except that a federally  
20 recognized tribe may choose to opt out of the meeting. This timeline  
21 may be extended by mutual agreement between the governor and the  
22 tribal leaders.

23 (6) After the meeting identified in subsection (5) of this  
24 section has occurred, the governor or an elected tribal leader of a  
25 federally recognized tribe may call for the state and tribe or tribes  
26 to enter into formal mediation, except that a federally recognized  
27 tribe may choose to opt out of the mediation. If entered into, the  
28 mediation must be conducted as a government-to-government proceeding,  
29 with each sovereign government retaining their right to a final  
30 decision that meets their separate obligations and interests.  
31 Mediators must be jointly selected by the parties to the mediation.  
32 An agreement between the governor and a tribal leader or leaders  
33 resulting from the mediation is formally recognized and binding on  
34 the signatory parties. Absent an agreement, participation in  
35 mediation does not preclude any additional steps that any party can  
36 initiate, including legal review, to resolve a continuing  
37 disagreement.

38 (7) During the proceedings outlined in subsections (4) through  
39 (6) of this section, the agency or agencies with the authority to  
40 allocate funding or administer grant programs from the accounts

1 listed in subsection (1) of this section in support of the proposed  
2 project may not approve or release funding, or make other formal  
3 decisions, including permitting, that advance the proposed project  
4 except where required by law.

5 (8) By June 30, 2023, the governor's office of Indian affairs, in  
6 coordination with the department of archaeology and historic  
7 preservation and federally recognized tribes, shall develop a state  
8 agency tribal consultation process, including best practices for  
9 early, meaningful, and effective consultation, early notification and  
10 engagement by applicants with federally recognized tribes as a part  
11 of the preapplication process in subsection (2) of this section, and  
12 protocols for communication and collaboration with federally  
13 recognized tribes. The consultation process developed under this  
14 section must be periodically reviewed and updated in coordination  
15 with federally recognized tribes. The governor's office of Indian  
16 affairs must provide training and other technical assistance to state  
17 agencies, as they implement the required consultation.  
18 Notwithstanding the governor's office of Indian affairs' ongoing work  
19 pursuant to this subsection, the provisions of subsections (1)  
20 through (7) and (9) of this section become effective as of June 9,  
21 2022.

22 (9) The requirements of this section apply to local governments  
23 that receive funding from the accounts created in (~~RCW 70A.65.250,~~  
24 ~~70A.65.260, and 70A.65.270~~) sections 1 and 2 of this act, where that  
25 funding is disbursed to project and program applicants. Where  
26 requested, the governor's office of Indian affairs must provide  
27 training and other technical assistance to local government agencies  
28 as they implement the consultation requirements of this section.

29 (10) Any agency subject to or implementing this section may adopt  
30 rules in furtherance of its duties under this section.

31 (11) Subject to the availability of amounts appropriated for this  
32 specific purpose, the department must establish a tribal capacity  
33 grant program to provide funding to federally recognized tribes for  
34 the costs of implementing this section.

35 **Sec. 14.** RCW 76.04.196 and 2025 c 93 s 2 are each amended to  
36 read as follows:

37 (1) Subject to the availability of amounts appropriated for this  
38 specific purpose, the office of risk management shall, in

1 consultation with the department, establish a prescribed fire claims  
2 fund pilot program for the purposes of:

3 (a) Supporting coverage for losses from prescribed fires and  
4 cultural burning on department protected lands and on tribal lands  
5 where an agreement exists between the Indian tribe and the department  
6 or where approved by the Indian tribe. The fund would not be utilized  
7 when prescribed fires or cultural burning have federal tort claims  
8 act coverage under a federally recognized burn plan; and

9 (b) Supporting nonstate and nonfederal entities that are alleged  
10 to have caused damages resulting from appropriately conducted  
11 prescribed fires or cultural burning on department protected lands  
12 and tribal lands as described in (a) of this subsection.

13 (2) To be eligible for reimbursement under this section, a claim  
14 must meet the criteria in (a) and (b) of this subsection.

15 (a) The claim results from a prescribed fire or cultural burn  
16 conducted on department protected lands and tribal lands as described  
17 in subsection (1)(a) of this section:

18 (i) By a certified burn manager, under an approved burn plan,  
19 with applicable permits and in accordance with any other applicable  
20 conditions or requirements as determined by the department; or

21 (ii) By a cultural fire practitioner, in accordance with any  
22 applicable burn plan or permit.

23 (b) The claim is for:

24 (i) Property or economic damage, as described under RCW  
25 76.04.760(3) (a), (c), and (d), suffered by the claimant as a result  
26 of the prescribed fire or cultural burn;

27 (ii) Reasonable costs authorized for reimbursement by the  
28 department under RCW 76.04.475, related to the prescribed fire or  
29 cultural burn; or

30 (iii) Costs of suppression of an escapement for which a person is  
31 liable to a third party.

32 (c) A claim for damage suffered as a result of a prescribed fire  
33 or cultural burn started, spread, or otherwise caused by a criminal  
34 or negligent act is not eligible for reimbursement under this  
35 section.

36 (3) Upon submission of a claim, the department shall determine  
37 and certify to the office of risk management whether the claim meets  
38 the criteria in subsection (2) of this section.

39 (4) The office of risk management may reimburse an eligible claim  
40 in an amount equal to or less than the actual losses suffered by the

1 claimant, not to exceed \$2,000,000 per claim. The payment of a claim  
2 under this section is conditional on the availability of specific  
3 funding for this purpose, and nothing in this section shall be  
4 construed to create an entitlement to reimbursement or payment of any  
5 claim. The total amount paid for claims may not exceed the amounts  
6 available in the account established in subsection (7) of this  
7 section.

8 (5) (a) The office of risk management shall collaborate with the  
9 department, other relevant state agencies, the Washington prescribed  
10 fire council, cultural fire practitioners, and certified burn  
11 managers to establish guidelines governing the pilot program and the  
12 administration of the account established in subsection (7) of this  
13 section, including:

- 14 (i) Procedures for the submission of claims;
- 15 (ii) Any additional criteria for claim eligibility, as  
16 appropriate; and
- 17 (iii) A methodology or structure for how the payment of claims  
18 will be prioritized in the event that eligible claims exceed the  
19 amounts available in the account established in subsection (7) of  
20 this section.

21 (b) The office of risk management and the department may adopt  
22 rules to implement this section.

23 (c) Guidelines and any rules adopted under this section must be  
24 made publicly available on the websites of the office of risk  
25 management and the department.

26 (6) This section does not limit the ability of a person to assert  
27 a claim for damages arising from a prescribed fire under any other  
28 law. A court shall offset any award of damages to a claimant under an  
29 action arising from the same set of alleged facts by the amount of  
30 reimbursement provided under this section.

31 (7) (a) The prescribed fire claims account is created in the state  
32 treasury. Moneys in the account may be spent only after  
33 appropriation. Expenditures from the account may only be used for the  
34 reimbursement of claims under this section.

35 (b) Upon the expiration of this section, any remaining amounts in  
36 the account must be deposited in the ~~((natural climate solutions))~~  
37 climate commitment act capital account created in section 2 of this  
38 act.

39 (8) For the purposes of this section:

1 (a) "Certified burn manager" means a prescribed burn manager  
2 certified under RCW 76.04.183 or a prescribed fire burn boss  
3 certified under the national wildfire coordinating group standards.

4 (b) "Cultural fire practitioner" means a person approved by an  
5 Indian tribe as having experience in burning to meet cultural goals  
6 or objectives, including subsistence, ceremonial activities,  
7 biodiversity, or other benefits.

8 (c) "Department protected lands" has the same meaning as in RCW  
9 76.04.005.

10 (d) "Indian tribe" has the same meaning as in RCW 43.376.010.

11 (9) This section expires June 30, 2033.

12 **Sec. 15.** RCW 76.13.120 and 2024 c 158 s 1 are each amended to  
13 read as follows:

14 (1) The legislature finds that the state should acquire easements  
15 primarily along riparian and other sensitive aquatic areas from  
16 qualifying small forestland owners willing to sell or donate  
17 easements to the state provided that the state will not be required  
18 to acquire the easements if they are subject to unacceptable  
19 liabilities. Therefore the legislature establishes a forestry  
20 riparian easement program.

21 (2) The definitions in this subsection apply throughout this  
22 section and RCW 76.13.100, 76.13.110, 76.13.140, and 76.13.160 unless  
23 the context clearly requires otherwise.

24 (a) "Forestry riparian easement" means an easement covering  
25 qualifying timber granted voluntarily to the state by a qualifying  
26 small forestland owner.

27 (b) "Qualifying small forestland owner" means a landowner meeting  
28 all of the following characteristics as of the date the department  
29 offers compensation for a forestry riparian easement:

30 (i) Is a small forestland owner as defined in (d) of this  
31 subsection; and

32 (ii) Is an individual, partnership, corporation, or other  
33 nongovernmental for-profit legal entity.

34 (c) "Qualifying timber" means those forest trees on land owned by  
35 a qualifying small forestland owner for which the small forestland  
36 owner is willing to grant the state a forestry riparian easement and  
37 meets all of the following:

38 (i) The forest trees are covered by a forest practices  
39 application that the small forestland owner is required to leave

1 unharvested under the rules adopted under RCW 76.09.040, 76.09.055,  
2 and 76.09.370 or that is made uneconomic to harvest by those rules;

3 (ii) The forest trees are within or bordering a commercially  
4 reasonable harvest unit as determined under rules adopted by the  
5 forest practices board, or for which an approved forest practices  
6 application for timber harvest cannot be obtained because of  
7 restrictions under the forest practices rules;

8 (iii) The forest trees are located within, or affected by forest  
9 practices rules pertaining to any one, or all, of the following:

10 (A) Riparian or other sensitive aquatic areas;

11 (B) Channel migration zones; or

12 (C) Areas of potentially unstable slopes or landforms, verified  
13 by the department, and must meet all of the following:

14 (I) Are addressed in a forest practices application;

15 (II) Are adjacent to a commercially reasonable harvest area; and

16 (III) Have the potential to deliver sediment or debris to a  
17 public resource or threaten public safety.

18 (d) "Small forestland owner" means a landowner meeting all of the  
19 following characteristics:

20 (i) A forestland owner as defined in RCW 76.09.020 whose interest  
21 in the land and timber is in fee or who has rights to the timber to  
22 be included in the forestry riparian easement that extend at least 40  
23 years from the date the completed forestry riparian easement  
24 application associated with the easement is submitted;

25 (ii) An entity that has harvested from its own lands in this  
26 state during the three years prior to the year of application an  
27 average timber volume that would qualify the owner as a small  
28 harvester under RCW 84.33.035; and

29 (iii) An entity that certifies at the time of application that it  
30 does not expect to harvest from its own lands more than the volume  
31 allowed by RCW 84.33.035 during the 10 years following application.  
32 If a landowner's prior three-year average harvest exceeds the limit  
33 of RCW 84.33.035, or the landowner expects to exceed this limit  
34 during the 10 years following application, and that landowner  
35 establishes to the department's reasonable satisfaction that the  
36 harvest limits were or will be exceeded to raise funds to pay estate  
37 taxes or equally compelling and unexpected obligations such as court-  
38 ordered judgments or extraordinary medical expenses, the landowner  
39 shall be deemed to be a small forestland owner. For purposes of  
40 determining whether a person qualifies as a small forestland owner,

1 the small forestland owner office, created in RCW 76.13.110, shall  
2 evaluate the landowner under this definition, pursuant to RCW  
3 76.13.160, as of the date that the forest practices application is  
4 submitted and the date that the department offers compensation for  
5 the forestry riparian easement. A small forestland owner can include  
6 an individual, partnership, corporation, or other nongovernmental  
7 legal entity. If a landowner grants timber rights to another entity  
8 for less than five years, the landowner may still qualify as a small  
9 forestland owner under this section. If a landowner is unable to  
10 obtain an approved forest practices application for timber harvest  
11 for any of his or her land because of restrictions under the forest  
12 practices rules, the landowner may still qualify as a small  
13 forestland owner under this section.

14 (e) "Completion of harvest" means that the trees have been  
15 commercially harvested from an area and that further entry into that  
16 area by mechanized logging or slash treating equipment is not  
17 expected.

18 (3) Nothing in the eligibility limit identified in subsection  
19 (2)(c)(i) through (iii) of this section precludes inclusion of land  
20 in future mitigation programs.

21 (4) The department is authorized and directed to accept and hold  
22 in the name of the state of Washington forestry riparian easements  
23 granted by qualifying small forestland owners covering qualifying  
24 timber and to pay compensation to the landowners in accordance with  
25 this section. The department may not transfer the easements to any  
26 entity other than another state agency.

27 (5) Forestry riparian easements shall be effective for 40 years  
28 from the date of the completed forestry riparian easement  
29 application, unless the easement is voluntarily terminated earlier by  
30 the department, based on a determination that termination is in the  
31 best interest of the state, or under the terms of a termination  
32 clause in the easement.

33 (6) Forestry riparian easements shall be restrictive of the  
34 timber only, and shall preserve all lawful uses of the easement  
35 premises by the landowner that are consistent with the terms of the  
36 easement and the requirement to protect riparian functions during the  
37 term of the easement, subject to the restriction that the leave trees  
38 required by the rules to be left on the easement premises may not be  
39 cut during the term of the easement. No right of public access to or  
40 across, or any public use of the easement premises is created by this

1 statute or by the easement. Forestry riparian easements shall not be  
2 deemed to trigger the compensating tax of or otherwise disqualify  
3 land from being taxed under chapter 84.33 or 84.34 RCW.

4 (7) The small forestland owner office shall determine what  
5 constitutes a completed application for a forestry riparian easement.  
6 An application shall, at a minimum, include documentation of the  
7 owner's status as a qualifying small forestland owner, identification  
8 of location and the types of qualifying timber, and notification of  
9 completion of harvest, if applicable.

10 (8) Upon receipt of the qualifying small forestland owner's  
11 forestry riparian easement application, and subject to the  
12 availability of amounts appropriated for this specific purpose, the  
13 following must occur:

14 (a) The small forestland owner office must determine the  
15 compensation to be offered to the qualifying small forestland owner  
16 for qualifying timber after the department accepts the completed  
17 forestry riparian easement application and the landowner has  
18 completed marking the boundary of the area containing the qualifying  
19 timber. The legislature recognizes that there is not readily  
20 available market transaction evidence of value for easements of the  
21 nature required by this section, and thus establishes the methodology  
22 provided in this subsection to ascertain the value for forestry  
23 riparian easements. Values so determined may not be considered  
24 competent evidence of value for any other purpose.

25 (b) The small forestland owner office, subject to the  
26 availability of amounts appropriated for this specific purpose, is  
27 responsible for assessing the volume of qualifying timber. However,  
28 no more than 50 percent of the total amounts appropriated for the  
29 forestry riparian easement program may be applied to determine the  
30 volume of qualifying timber for completed forestry riparian easement  
31 applications. Based on the volume established by the small forestland  
32 owner office and using data obtained or maintained by the department  
33 of revenue under RCW 84.33.074 and 84.33.091, the small forestland  
34 owner office shall attempt to determine the fair market value of the  
35 qualifying timber as of the date of the completed harvest. To the  
36 extent reasonably possible, the forestry riparian easement  
37 applications should be processed in the order received. Removal of  
38 any qualifying timber before the expiration of the easement must be  
39 in accordance with the forest practices rules and the terms of the  
40 easement. There shall be no reduction in compensation for reentry.

1 (9) (a) Subject to the availability of amounts appropriated for  
2 this specific purpose, the small forestland owner office shall offer  
3 compensation for qualifying timber to the qualifying small forestland  
4 owner in the amount of 90 percent of the value determined by the  
5 small forestland owner office, plus the compliance and reimbursement  
6 costs as determined in accordance with RCW 76.13.140. However,  
7 compensation for any qualifying small forestland owner for qualifying  
8 timber located on potentially unstable slopes or landforms may not  
9 exceed a total of \$150,000 during any biennial funding period.

10 (b) If the landowner accepts the offer for qualifying timber, the  
11 department shall pay the compensation promptly upon:

12 (i) Completion of harvest in the area within a commercially  
13 reasonable harvest unit with which the forestry riparian easement is  
14 associated under an approved forest practices application, unless an  
15 approved forest practices application for timber harvest cannot be  
16 obtained because of restrictions under the forest practices rules;

17 (ii) Verification that the landowner has no outstanding  
18 violations under chapter 76.09 RCW or any associated rules; and

19 (iii) Execution and delivery of the easement to the department.

20 (c) Upon donation or payment of compensation, the department may  
21 record the easement.

22 (10) (a) The forest practices board shall adopt rules under the  
23 administrative procedure act, chapter 34.05 RCW, to implement the  
24 forestry riparian easement program, including the following:

25 (i) A standard version of a forestry riparian easement  
26 application as well as all additional documents necessary or  
27 advisable to create the forestry riparian easements as provided for  
28 in this section;

29 (ii) Standards for descriptions of the easement premises with a  
30 degree of precision that is reasonable in relation to the values  
31 involved;

32 (iii) Methods and standards for cruises and valuation of forestry  
33 riparian easements for purposes of establishing the compensation. The  
34 department shall perform the timber cruises of forestry riparian  
35 easements required under this chapter and chapter 76.09 RCW. Timber  
36 cruises are subject to amounts appropriated for this purpose.  
37 However, no more than 50 percent of the total appropriated funding  
38 for the forestry riparian easement program may be applied to  
39 determine the volume of qualifying timber for completed forestry  
40 riparian easement applications. Any rules concerning the methods and

1 standards for valuations of forestry riparian easements shall apply  
2 only to the department, qualifying small forestland owners, and the  
3 small forestland owner office;

4 (iv) A method to determine that a forest practices application  
5 involves a commercially reasonable harvest, and adopt criteria for  
6 entering into a forestry riparian easement where a commercially  
7 reasonable harvest is not possible or a forest practices application  
8 that has been submitted cannot be approved because of restrictions  
9 under the forest practices rules;

10 (v) A method to address blowdown of qualified timber falling  
11 outside the easement premises;

12 (vi) A formula for sharing of proceeds in relation to the  
13 acquisition of qualified timber covered by an easement through the  
14 exercise or threats of eminent domain by a federal or state agency  
15 with eminent domain authority, based on the present value of the  
16 department's and the landowner's relative interests in the qualified  
17 timber;

18 (vii) A method to determine timber that is qualifying timber  
19 because it is rendered uneconomic to harvest by the rules adopted  
20 under RCW 76.09.055 and 76.09.370;

21 (viii) A method for internal department review of small  
22 forestland owner office compensation decisions under this section;  
23 and

24 (ix) Consistent with RCW 76.13.180, a method to collect  
25 reimbursement from landowners who received compensation for a  
26 forestry riparian easement and who, within the first 10 years after  
27 receipt of compensation for a forestry riparian easement, sells the  
28 land on which an easement is located to a nonqualifying landowner.

29 (b) At least semiannually, the department shall consult with the  
30 small forestland owner advisory committee established in RCW  
31 76.13.110(4) to review landowner complaints, administrative  
32 processes, rule recommendations, and related issues where the  
33 department is actively seeking the small forestland owner advisory  
34 committee's advice on potential improved efficiencies and  
35 effectiveness.

36 (11) The legislature finds that the overall societal benefits of  
37 economically viable working forests are multiple, and include the  
38 protection of clean, cold water, the provision of wildlife habitat,  
39 the sheltering of cultural resources from development, and the  
40 natural carbon storage potential of growing trees. As such, working

1 forests and the forestry riparian easement program may be part of the  
2 state's overall carbon sequestration strategy. If the state creates a  
3 climate strategy, the department must share information regarding the  
4 carbon sequestration benefits of the forestry riparian easement  
5 program with other state programs using methods and protocols  
6 established in the state climate strategy that attempt to quantify  
7 carbon storage or account for carbon emissions. The department must  
8 promote the expansion of funding for the forestry riparian easement  
9 program and the ecosystem services supported by the program based on  
10 the findings stated in RCW 76.13.100. Nothing in this subsection  
11 allows a landowner to be reimbursed by the state more than once for  
12 the same forest riparian easement application.

13 (12) It is the intent of the legislature that the small  
14 forestland owner office complete forestry riparian easement program  
15 application transactions within two years of the application receipt  
16 consistent with the goals of (~~RCW 70A.65.270(2)(b)(iii)~~) section  
17 2(1)(n)(iii) of this act.

18 NEW SECTION. **Sec. 16.** The following acts or parts of acts are  
19 each repealed:

20 (1) RCW 70A.65.250 (Climate investment account) and 2025 c 424 s  
21 973 & 2024 c 376 s 911;

22 (2) RCW 70A.65.260 (Climate commitment account) and 2025 c 424 s  
23 974, 2023 c 475 s 939, 2022 c 179 s 17, & 2021 c 316 s 29; and

24 (3) RCW 70A.65.270 (Natural climate solutions account) and 2021 c  
25 316 s 30.

26 NEW SECTION. **Sec. 17.** This act takes effect July 1, 2027.

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