

Initiative Measure No. 2117

Filed May 30, 2023

AN ACT Relating to prohibiting all state agencies, counties, and cities from implementing any type of carbon tax credit trading, also known as "cap and trade" or "cap and tax" scheme; adding a new section to chapter 70A.65 RCW; creating a new section; and repealing RCW 43.21C.520, 70A.15.1100, 70A.45.110, 70A.65.005, 70A.65.010, 70A.65.020, 70A.65.030, 70A.65.040, 70A.65.050, 70A.65.060, 70A.65.070, 70A.65.080, 70A.65.090, 70A.65.100, 70A.65.110, 70A.65.120, 70A.65.130, 70A.65.140, 70A.65.150, 70A.65.160, 70A.65.170, 70A.65.180, 70A.65.200, 70A.65.210, 70A.65.220, 70A.65.230, 70A.65.240, 70A.65.250, 70A.65.260, 70A.65.270, 70A.65.280, 70A.65.290, 70A.65.300, 70A.65.305, 70A.65.310, 70A.65.900, and 70A.65.901.

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

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

All state agencies are prohibited from implementing any type of carbon tax credit trading, also known as "cap and trade" or "cap and tax" scheme, including the climate commitment act previously codified as chapter 70A.65 RCW. This prohibition applies whether the resulting increased costs are imposed on fuel recipients or fuel suppliers.

NEW SECTION. **Sec. 2.** The following acts or parts of acts are each repealed:

(1) RCW 43.21C.520 (Review of greenhouse gas emissions from a new or expanded facility) and 2021 c 316 s 34;

(2) RCW 70A.15.1100 (Issuance of enforceable order—Overburdened communities) and 2021 c 316 s 35;

(3) RCW 70A.45.110 (Siting of certain facilities) and 2021 c 316 s 36;

(4) RCW 70A.65.005 (Findings—Intent) and 2021 c 316 s 1;

(5) RCW 70A.65.010 (Definitions) and 2022 c 181 s 10 & 2021 c 316 s 2;

(6) RCW 70A.65.020 (Environmental justice review) and 2022 c 181 s 5 & 2021 c 316 s 3;

(7) RCW 70A.65.030 (Environmental justice assessment) and 2023 c 475 s 1902, 2023 c 475 s 936, 2022 c 182 s 104, 2022 c 181 s 13, & 2021 c 316 s 4;

(8) RCW 70A.65.040 (Environmental justice council—Duties) and 2022 c 182 s 105, 2022 c 181 s 14, & 2021 c 316 s 5;

(9) RCW 70A.65.050 (Governance structure) and 2021 c 316 s 7;

(10) RCW 70A.65.060 (Cap on greenhouse gas emissions) and 2021 c 316 s 8;

(11) RCW 70A.65.070 (Annual allowance budget and timelines) and 2022 c 181 s 1 & 2021 c 316 s 9;

(12) RCW 70A.65.080 (Program coverage) and 2022 c 179 s 14 & 2021 c 316 s 10;

(13) RCW 70A.65.090 (Requirements) and 2021 c 316 s 11;

(14) RCW 70A.65.100 (Auctions of allowances) and 2023 c 475 s 937, 2022 c 181 s 3, & 2021 c 316 s 12;

(15) RCW 70A.65.110 (Allocation of allowances to emissions-intensive, trade-exposed industries) and 2021 c 316 s 13;

(16) RCW 70A.65.120 (Allocation of allowances to electric utilities) and 2021 c 316 s 14;

(17) RCW 70A.65.130 (Allocation of allowances to natural gas utilities) and 2021 c 316 s 15;

- (18) RCW 70A.65.140 (Emissions containment reserve withholding) and 2022 c 181 s 11 & 2021 c 316 s 16;
- (19) RCW 70A.65.150 (Allowance price containment) and 2022 c 181 s 6 & 2021 c 316 s 17;
- (20) RCW 70A.65.160 (Price ceiling) and 2022 c 181 s 7 & 2021 c 316 s 18;
- (21) RCW 70A.65.170 (Offsets) and 2022 c 181 s 12 & 2021 c 316 s 19;
- (22) RCW 70A.65.180 (Assistance program for offsets on tribal lands) and 2021 c 316 s 20;
- (23) RCW 70A.65.200 (Enforcement—Penalty) and 2022 c 181 s 4 & 2021 c 316 s 23;
- (24) RCW 70A.65.210 (Linkage with other jurisdictions) and 2021 c 316 s 24;
- (25) RCW 70A.65.220 (Adoption of rules) and 2021 c 316 s 25;
- (26) RCW 70A.65.230 (Investments—Legislative intent—Evaluation) and 2022 c 182 s 426, 2022 c 181 s 8, & 2021 c 316 s 26;
- (27) RCW 70A.65.240 (Carbon emissions reduction account) and 2022 c 182 s 101 & 2021 c 316 s 27;
- (28) RCW 70A.65.250 (Climate investment account) and 2023 c 475 s 938, 2023 c 435 s 12, 2022 c 253 s 2, & 2021 c 316 s 28;
- (29) RCW 70A.65.260 (Climate commitment account) and 2023 c 475 s 939, 2022 c 179 s 17, & 2021 c 316 s 29;
- (30) RCW 70A.65.270 (Natural climate solutions account) and 2021 c 316 s 30;
- (31) RCW 70A.65.280 (Air quality and health disparities improvement account) and 2021 c 316 s 31;
- (32) RCW 70A.65.290 (Joint legislative audit and review committee—Program implementation analysis. *(Expires June 30, 2030.)*) and 2021 c 316 s 32;
- (33) RCW 70A.65.300 (Distributions of moneys—Annual report) and 2021 c 316 s 46;
- (34) RCW 70A.65.305 (Tribal consultation) and 2022 c 253 s 1;

(35) RCW 70A.65.310 (Covered or opt-in entity compliance obligation) and 2022 c 181 s 2;

(36) RCW 70A.65.900 (Short title—2021 c 316) and 2021 c 316 s 37; and

(37) RCW 70A.65.901 (Suspension of certain sections and rules) and 2021 c 316 s 39.

NEW SECTION. **Sec. 3.** The provisions of this act are to be liberally construed to effectuate the policies, purposes, and intent of this act.

NEW SECTION. **Sec. 4.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

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