
HOUSE BILL 1948

State of Washington 62nd Legislature 2011 Regular Session

By Representatives Shea, Short, Taylor, Condotta, Klippert,
Kristiansen, McCune, and Fagan

Read first time 02/14/11. Referred to Committee on Environment.

1 AN ACT Relating to adopting the Washington state energy freedom act
2 of 2011 and requiring express legislative authorization for any
3 greenhouse gas program or motor vehicle fuel economy program; adding
4 new sections to chapter 70.235 RCW; and creating new sections.

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

6 NEW SECTION. **Sec. 1.** This act may be known and cited as the
7 Washington state energy freedom act of 2011.

8 NEW SECTION. **Sec. 2.** It is the intent of the legislature that any
9 state, regional, or national program to implement a cap and trade
10 system or any other program to address greenhouse gas emissions or
11 motor vehicle fuel economy that has been or may be proposed by a state
12 agency requires express legislative authorization following a
13 comprehensive assessment of the fiscal and regulatory impacts of such
14 a system or program on Washington state's budget, economy, consumers,
15 families, and small and large businesses.

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

1 (1) Neither the department nor any other state agency may adopt or
2 enforce a state, regional, or national program to regulate the emission
3 of greenhouse gas or motor vehicle fuel economy, including rules
4 adopted under chapter 70.120A RCW, without express legislative
5 authorization that is enacted after the effective date of this section.

6 (2) For the purposes of this act, "greenhouse gas" means carbon
7 dioxide, methane, nitrous oxide, sulfur hexafluoride,
8 hydrofluorocarbon, or perfluorocarbon.

9 NEW SECTION. **Sec. 4.** A new section is added to chapter 70.235 RCW
10 to read as follows:

11 (1) The director shall provide a written report to the governor,
12 the president and minority leader of the senate, and the speaker and
13 minority leader of the house of representatives on each proposed
14 program to address greenhouse gas emissions or motor vehicle fuel
15 economy, including rules adopted under chapter 70.120A RCW, and also
16 including any program that is the subject of a pending or previous
17 rule-making proceeding within three months of either the effective date
18 of this section or the release of recommendations by the participants
19 in the western climate initiative for a regional cap and trade or other
20 program to regulate greenhouse gas emissions or motor vehicle fuel
21 economy.

22 (2) The report must include a detailed description of the proposed
23 program, a comprehensive analysis of the fiscal and regulatory impacts
24 of the proposed program on Washington state's budget, economy,
25 consumers, families, and small and large businesses, and the
26 legislation required to authorize the proposed program.

27 NEW SECTION. **Sec. 5.** Any federal law, rule, order, or other act
28 by the federal government violating the provisions of this act is
29 hereby declared to be invalid in this state, is not recognized by and
30 is specifically rejected by this state, and is considered as null and
31 void and of no effect in this state.

32 NEW SECTION. **Sec. 6.** If any provision of this act or its
33 application to any person or circumstance is held invalid, the

1 remainder of the act or the application of the provision to other
2 persons or circumstances is not affected.

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