
SENATE BILL 5416

State of Washington 60th Legislature 2007 Regular Session

By Senators Kohl-Welles, Poulsen, Rockefeller, Honeyford, Shin, Pridemore, Delvin, Tom and Kline

Read first time 01/18/2007. Referred to Committee on Water, Energy & Telecommunications.

1 AN ACT Relating to minimizing the environmental cost of greenhouse
2 gas emissions by encouraging mitigation for carbon dioxide; adding a
3 new section to chapter 82.04 RCW; and adding new sections to chapter
4 70.94 RCW.

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

6 NEW SECTION. **Sec. 1.** A new section is added to chapter 82.04 RCW
7 to read as follows:

8 (1) In computing the tax imposed under this chapter, a credit is
9 allowed against the amount of tax otherwise due as provided in this
10 section for voluntary efforts to mitigate carbon dioxide emissions.

11 (2) The credit allowed under this section is one dollar for every
12 ton of carbon emissions certified as mitigated under section 2 of this
13 act. The total credits granted under this section may not exceed one
14 million credits per year.

15 (3) No application is necessary for the tax credit allowed under
16 this section. The person must keep records for the department to
17 verify eligibility under this section, including all necessary
18 certification documentation required under section 2 of this act.

1 NEW SECTION. **Sec. 2.** A new section is added to chapter 70.94 RCW
2 to read as follows:

3 (1) The department shall generate and maintain, consistent with
4 section 4 of this act, a list of third party organizations that are
5 qualified to certify the successful completion of carbon dioxide
6 mitigation efforts undertaken by businesses or nonprofit organizations
7 in order to qualify for the tax credit allowed under section 1 of this
8 act.

9 (2)(a) Businesses or nonprofit organizations choosing to claim the
10 tax credit allowed under section 1 of this act must enter into a
11 business relationship with one of the third party organizations listed
12 by the department under subsection (1) of this section. The terms of
13 the relationship may not conflict with this section and must be
14 determined by the initiating business or nonprofit organization and the
15 third party organization.

16 (b) The third party organization shall be responsible for:

17 (i) Establishing the business or nonprofit organization's baseline
18 carbon dioxide emissions level;

19 (ii) Working with the initiating business or nonprofit organization
20 to establish a carbon dioxide mitigation plan that includes funding for
21 offset projects meeting the standards for offset projects required by
22 this section;

23 (iii) Conducting an emissions audit of the initiating business or
24 nonprofit organization to assess the business or nonprofit
25 organization's emitted baseline carbon dioxide equivalents, as that
26 term is defined in RCW 80.70.010.

27 (c) The third party organizations shall certify a business or
28 nonprofit organization if that business or nonprofit organization
29 satisfies the requirements of this section by either directly funding
30 and implementing specific mitigation offset projects, or by indirectly
31 funding mitigation offset projects by providing a monetary contribution
32 to the carbon dioxide mitigation account created in section 3 of this
33 act. The contribution amount required by the business or nonprofit
34 organization shall be established by the third party organization
35 consistent with this subsection.

36 (3) The department shall develop minimal standards for carbon
37 dioxide mitigation offset projects to be undertaken by a business or

1 nonprofit organization under this section. At a minimum, the standards
2 must require that all offset projects:

3 (a) Occur or take place within the state of Washington;

4 (b) Are in addition to projects that are likely to occur in the
5 absence of the tax credit allowed under section 1 of this act;

6 (c) Not include projects, except for project expansions, existing
7 or undertaken before the tax year in which the tax credit was claimed;

8 (d) Are not required by any other law or regulation;

9 (e) Do not claim emissions reductions under any other greenhouse
10 gas reduction programs; and

11 (f) Produce quantifiable and measurable results.

12 (4) The department may audit and inspect all aspects of the
13 business relationship entered into under this section by the business
14 or nonprofit organization and the third party organization. The
15 department may nullify or modify any certification provided by a third
16 party organization if the department finds that the certification does
17 not accurately reflect the requirements of this section.

18 NEW SECTION. **Sec. 3.** A new section is added to chapter 70.94 RCW
19 to read as follows:

20 (1) The carbon dioxide mitigation account is created in the state
21 treasury. All receipts from businesses or nonprofit organizations
22 choosing, under section 2 of this act, to indirectly fund carbon
23 dioxide mitigation offset projects must be deposited into the account.
24 Moneys in the account may only be spent after appropriation.
25 Expenditures from the account may only be used consistent with this
26 section.

27 (2) The department shall contract with a third party organization
28 or organizations to locate, design, and implement carbon dioxide
29 mitigation projects. Funding for the mitigation projects shall come
30 from the account created in this section. All projects funded under
31 this section must comply with the minimum standards for carbon dioxide
32 mitigation projects adopted by the department under section 2 of this
33 act.

34 NEW SECTION. **Sec. 4.** A new section is added to chapter 70.94 RCW
35 to read as follows:

36 (1) To administer section 2 of this act, the department shall

1 maintain a list of independent qualified organizations with proven
2 experience in certifying emissions mitigation activities in an
3 efficient, reliable, and cost-effective manner.

4 (2) To qualify for inclusion on the list, the department must find
5 that each organization listed is qualified to certify the successful
6 completion of carbon dioxide mitigation efforts undertaken by
7 businesses or nonprofit organizations attempting to qualify for the tax
8 credit allowed under section 1 of this act. The department may find an
9 organization qualified if it satisfies the following criteria:

10 (a) Maintains an open, public process that involves appropriate
11 stakeholders in criteria or standard development;

12 (b) Uses transparent standards, criteria, and processes;

13 (c) Uses a system of data verification and data quality;

14 (d) Uses a peer review process for developing standards, criteria,
15 and processes;

16 (e) Maintains a goal of updating standards or criteria as
17 technology and scientific knowledge advances;

18 (f) Retains the authority to inspect the facilities and business
19 operations of those entities seeking its certification; and

20 (g) Maintains a cost structure with its clients that ensures their
21 service is a legitimate option for both small business clients and
22 large business clients.

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