

## **RULING ON SSB 5735: SCOPE AND OBJECT**

(March 9, 2015)

In ruling on the Point of Order raised by Senator Ericksen as to whether amendment #152 to SSB 5735 fits within the scope and object of the underlying bill, the President finds and rules as follows.

SSB 5735 would create a new category under the definition of “eligible renewable resource,” to allow certain utilities to claim carbon reduction investments as a means to meet the utilities’ goals under Initiative 937. The bill provides “incentives for carbon reduction investments” by allowing utilities to include investments that “reduce, prevent, or remove from the atmosphere the emissions of greenhouse gases in the state.” The bill further provides a technical definition describing the chemicals that constitute greenhouse gases.

Amendment 153 by Sen. Habib provides an intent section for the bill. It does not alter the substance of the bill. It includes findings that the state will be harmed if substantial reductions in greenhouse gases do not occur, ties the emission of greenhouse gases to climate change, notes that reduction in emissions helps to support the legislature’s 2008 emission limitations, and broadly supports efforts to reduce carbon emissions from all sectors. Most controversially, it includes a finding that climate change is real.

The underlying bill does not have an intent section that could assist the President in determining its object. Therefore the President must rely solely on the bill’s substantive content to determine its limits under Rule 66 (scope and object).

An intent section alters nothing about the statutory changes contained in a bill. If passed in its current form, SSB 5735 would allow certain expenses to be claimed as renewable resources; the bill would function the same with or without the intent section.

The President would caution that adding solely an intent section to a bill does have limitations. It would not be appropriate for an intent section to be entirely unrelated to the underlying bill. In this case, however, the relation between the bill and proposed amendment is sufficient. The bill provides for a specific form of credit available to utilities that make investments to reduce greenhouse gases, a goal that

the bill's proponents support. The proposed intent section builds upon that goal by describing its relationship to the issue of climate change. Although the intent section also provides a statement about applying such action to "all sectors" of the state, this aspirational statement does not alter the bill's goal of providing a means for utilities to reduce greenhouse emissions.

For these reasons, the President finds that the amendment is within the scope and object of the underlying bill, and Senator Ericksen's point is not well-taken.