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Superior Court
Linda Myhre Enlow
Thurston County Clerk

Hearing date: Friday, Jan 7th, 2022
Hearing time: 9:00 a.m.
Judge/Calendar: Hon. Carol Murphy

RECEIVED

21 DEC 20 P3:05

STATE OF WASHINGTON
THURSTON COUNTY COUNTY SUPERIOR COURT

In the Matter of:

TIM EYMAN,

Plaintiff

v.

JAY INSLEE, in his official capacity as
Governor of the State of Washington,
LAURA WATSON, in her official capacity
as director of the Department of Ecology,
and the STATE OF WASHINGTON

Defendants.

No. 21-2-01945-34

FIRST AMENDED COMPLAINT
FOR INJUNCTIVE RELIEF AND
DECLARATORY JUDGMENT

COMES NOW Plaintiff Tim Eyman and alleges and avers as follows.

I. INTRODUCTION

The Governor exceeded his constitutional authority multiple times this session and cannot be allowed to get away with it. There must be judicial review whenever there is an abuse of power.

On April 25, 2021, the house and senate passed the Low Carbon Fuel

FIRST AMENDED COMPLAINT
FOR INJUNCTIVE RELIEF AND
DECLARATORY JUDGMENT

Page 1 of 12

TIM EYMAN
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1 Standard in Engrossed Third Substitute House Bill No. 1091 (E3SHB 1091)
2 which included subsection 8 in section 3 which delayed its implementation. Then,
3 on May 17, 2021, the Governor vetoed *that single subsection* in order to
4 implement this policy immediately rather than delaying it as the Legislature
5 required. His partial veto of *that single subsection* is impermissible under the
6 Constitution and so it constitutes an unconstitutional action inflicting –
7 immediately and contrary to the express will of the Legislature – a costly policy
8 harming me as explained in the next section (II. PARTIES, VENUE, AND
9 JURISDICTION).

10 Similarly, the Governor took even more egregious unconstitutional
11 actions on the Cap-and-Tax Scheme (Engrossed Second Substitute Senate Bill
12 No. 5126 – E2SSB 5126). This legislation was passed and it also included a
13 delay in its implementation (subsection 7 of section 22). Governor Inslee not only
14 vetoed that subsection, but he also vetoed *three words* in section 8 on page 20, a
15 *single sentence* in section 9 on page 22, *three words* in section 13 on page 39,
16 and *three words* in section 19 on page 47.

17 The Constitution does not grant the Governor the power to rewrite
18 legislation. But in his veto message for E3SHB 1091 (the Low Carbon Fuel
19 Standard), the Governor admitted that's exactly what he was doing. He went
20 further and provided his justification for his unconstitutional action: " ... the
21 delayed effective date established in subsection (7) unnecessarily hinders our
22 state's ability to combat climate change" So to him, the end justifies the

1 means. But no matter how much he wants his policy priorities, his desires do not
2 justify violating the Constitution and disregarding the Legislature and the courts
3 to achieve them.

4 There are supposed to be three *co-equal* branches of government –
5 legislative, judicial, and executive. Our system of government guarantees
6 checks-and-balances and therefore stops one branch of government (or one
7 person) from being judge, jury, and executioner. No one in the executive branch
8 should be allowed to sidestep the Constitution and co-opt the powers of the
9 Legislature and the courts. Such actions must be challenged and overturned.

10 With both bills, the Legislature clearly, obviously, and expressly required
11 delays in the implementation of the Low Carbon Fuel Standard and Cap-and-Tax
12 Scheme. The Governor's partial vetoes exceeded his constitutional authority.
13 This Court should grant declaratory judgment invalidating the Governor's vetoes
14 and declaring the identified vetoed portions of the bills to be part of the validly
15 enacted laws and grant injunctive relief preventing the Defendants from defying
16 the will of the Legislature and the courts.

17 This is an issue of substantial public interest affecting the constitutional
18 roles and prerogatives of the people, the people's elected representatives in the
19 Legislature and of the Governor as the State's chief executive officer.

20 II. PARTIES, VENUE, AND JURISDICTION

21 1.1 Plaintiff is a lifelong resident of Washington state, a taxpayer, a licensed
22 driver, and a professional initiative activist (see Declaration of Tim Eyman).

1 Plaintiff has been directly, severely and irreparably harmed by Defendant Inslee's
2 partial vetoes because they have resulted in the immediate implementation of the
3 Low Carbon Fuel Standard and the Cap-and-Tax Scheme by the state of
4 Washington and Laura Watson, the Director of the Washington State Department
5 of Ecology. The harm hits me in multiple ways: as a taxpayer and licensed driver,
6 I am particularly impacted by higher fuel costs resulting from these bills' policies
7 with no commensurate improvement in the transportation infrastructure,
8 especially on Interstate 405 which I frequently drive. Much of my limited income
9 (see Eyman Decl. Ex. I) goes toward paying for fuel because of my extensive
10 travel promoting our statewide initiatives. I am particularly harmed by the
11 Defendants' actions because I am an initiative activist (see Eyman Decl. Ex. K).
12 Because the voters have twice rejected higher carbon taxes by initiative (see
13 Eyman Decl. Ex. M), when the State of Washington and its employees disregard
14 the voters' ballot box decisions, it undercuts the voters' faith in the initiative
15 process where I earn my living. When voters see that their votes don't count or
16 when their votes get ignored, the initiative process suffers and voters stop
17 signing petitions, stop collecting signatures, stop donating to initiative campaigns,
18 and stop voting for initiatives.

19 1.2 Many others were also harmed by Governor Inslee's partial vetoes. For
20 example, his decision to veto of the requirement that tribes be consulted in the
21 Cap-and-Tax Scheme was met with strong disapproval by legislators and tribal
22 leaders. (See Eyman Decl. Ex. P). Some have already agreed to be co-plaintiffs.

1 But as a *pro se* litigant, Petitioner can only represent himself. Nonetheless, if
2 Petitioner is later found to not have standing and the merits of Governor Inslee's
3 vetoes are not adjudicated, then Petitioner will hire legal counsel who can
4 represent these co-plaintiffs in a subsequent legal challenge.

5 1.3 Defendant Jay Inslee is the Governor of the State of Washington and
6 illegally vetoed portions of Engrossed Third Substitute House Bill No. 1091 (the
7 Low Carbon Fuel Standard) and Engrossed Second Substitute Senate Bill No.
8 5126 (the Cap-and-Tax Scheme).

9 1.4 Defendant Laura Watson is the director of the Washington State
10 Department of Ecology responsible for the immediate implementation of the
11 policies in Engrossed Third Substitute House Bill No. 1091 (the Low Carbon Fuel
12 Standard) and Engrossed Second Substitute Senate Bill No. 5126 (the Cap-and-
13 Tax Scheme).

14 1.5 The State of Washington is a Defendant in this matter due to the actions,
15 and imminent actions of its employees, Governor Jay Inslee and Department of
16 Ecology Director Laura Watson.

17 1.6 This Court has jurisdiction over this matter pursuant to RCW 2.08.010, RCW
18 7.24.010, and RCW 7.24.050.

19 1.7 Venue is proper in Thurston County pursuant to RCW 4.12.020 because the
20 events giving rise to this action arose in Thurston County.

21 III. FACTS

22

2.1 On April 25, 2021, the Legislature passed Engrossed Third Substitute House Bill No. 1091 (the Low Carbon Fuel Standard). It was initially proposed in the House of Representatives and assigned bill number 1091 and was initially passed on February 27, 2021. Then the Senate, but not in identical form, passed it on April 8, 2021. Following the deliberations of a conference committee, both legislative bodies gave final passage on April 25, 2021, as Engrossed Third Substitute House Bill No. 1091 (E3SHB 1091), including a clear, obvious, and express delay in the implementation of the bill's policies (subsection 8 of section 3). Full bill history here:

<https://app.leg.wa.gov/billsummary?BillNumber=1091&Initiative=false&Year=2021>

2.2 On April 24, 2021, the Legislature passed Engrossed Second Substitute Senate Bill No. 5126 (the Cap-and-Tax Scheme). It was initially proposed in the Senate and assigned bill number 5126 and passed on April 8, 2021. Then the House, but not in identical form, passed it on April 23, 2021. Following the deliberations of a conference committee, both legislative bodies gave final passage on April 24, 2021, as Engrossed Second Substitute Senate Bill No. 5126 (E2SSB 5126 – the Cap-and-Tax Scheme), including a clear, obvious, and express delay in the implementation of the bill's policies (subsection 7 of section 22). Full bill history here:

<https://app.leg.wa.gov/billsummary?BillNumber=5126&Initiative=false&Year=2021>.

2.3 On May 17, 2021, Governor Inslee vetoed subsection 8 of section 3 of Engrossed Third Substitute House Bill No. 1091 (the Low Carbon Fuel

Standard). He admitted doing so in his veto message: "I have vetoed Section 3(8) of Engrossed Third Substitute House Bill No. 1091." He provided his justification for rewriting the legislation: " ... we cannot delay its implementation until some unknown time in the future -- the crisis is now, and we must act now." So to him, the end justifies the means. But no matter how much he wants his policy goals, his desires do not justify violating the Constitution and disregarding the Legislature and the courts to achieve them.

2.4 On May 16, 2021, Governor Inslee was even more egregious with regard to Engrossed Second Substitute Senate Bill No. 5126 (the Cap-and-Tax Scheme). In his veto message, his end-justifies-the-means message came through loud and clear: " ... the delayed effective date established in subsection (7) unnecessarily hinders our state's ability to combat climate change". Governor Inslee not only vetoed that subsection, but he also vetoed *three words* in section 8 on page 20, *a single sentence* in section 9 on page 22, *three words* in section 13 on page 39, and *three words* in section 19 on page 47. Again, no matter how much he wants his policy goals, his desires do not justify violating the Constitution and disregarding the Legislature and the courts to achieve them.

2.5 There are many reasons why the Legislature included a provision that clearly, obviously, and expressly delayed the implementation of these bills' policies. One of those reasons was likely the study by NERA Economic Consulting showing that the cost per household for the Cap-and-Tax Scheme was \$2050 per year (see Eyman Decl. Ex. N). Additional reasons for the delay

1 are identified by one of the caucuses in the Legislature (see Eyman Decl. Ex. O
2 and Eyman Decl. Ex. P).

3 2.6 The Governor's vetoes in E3SHB 1091 and E2SSB 5126 exceeded the
4 Governor's authority under article III, section 12 of the Washington Constitution,
5 and therefore have no force or effect.

6 2.7 After the Governor signed E3SHB 1091 and E2SSB 5126 with his partial
7 vetoes, he transmitted them to the Office of the Secretary of State, where they
8 were chaptered under the Laws of 2021 (chapter 317, section 3 and chapter 316,
9 sections 8, 9, 13, 19, and 22).

10 **IV. FIRST CAUSE OF ACTION**

11 **DECLARATORY JUDGMENT PURSUANT TO RCW 7.24.010**

12 3.1 Plaintiff realleges and incorporates by reference all of the preceding
13 paragraphs, as if fully set forth below:

14 3.2 For reasons including but not limited to those stated in this First Amended
15 Complaint and its supporting Exhibits, an actual dispute exists between Plaintiff
16 and Defendants. The Parties have genuine and opposing interests that are direct
17 and substantial, and a judicial determination would be final and conclusive.

18 3.3 Plaintiff is entitled to declaratory judgment that the Governor's partial vetoes
19 identified in E3SHB 1091 and E2SSB 5126 are constitutionally invalid and have
20 no force or effect. Plaintiff is further entitled to declaratory judgment declaring
21 Laws of 2021, chapter 317, section 3 and chapter 316, sections 8, 9, 13, 19, and
22 22 are valid and effective in their entire form in which the Legislature enacted

1 them, including the delays in the policies the Governor unlawfully vetoed from the
2 two bills.

3 **V. SECOND CAUSE OF ACTION**

4 **INJUNCTION PURSUANT TO RCW 7.40.020**

5 4.1 Plaintiff realleges and incorporates by reference all of the preceding
6 paragraphs, as if fully set forth below:

7 4.2 As stated above, the partial vetoes are invalid and unconstitutional and the
8 delays the Legislature demanded in the bills should be abided by, and not
9 ignored, by the Defendants.

10 4.3 Plaintiff seeks an injunction pursuant to RCW 7.40.020 prohibiting the
11 Defendants from implementing the policies in E3SHB 1091 and E2SSB 5126
12 contrary to the express will of the Legislature. Because Governor Inslee
13 disregarded this superior court's decision on his partial vetoes in 2019, Plaintiff
14 believes that a request for an injunction is appropriate and should be granted to
15 ensure the ruling of this court is not ignored again.

16 **VI. PRAYER FOR RELIEF**

17 A. A declaratory judgment pursuant to RCW 7.24.020 that the partial vetoes
18 issued by the Governor identified in this First Amended Complaint are not valid.

19 B. An injunction pursuant to RCW 7.40.020 prohibiting the Defendants from
20 implementing the policies in E3SHB 1091 and E2SSB 5126 contrary to the
21 express will of the Legislature.

22 C. An award of statutory costs and attorney's fees;

1 D. Such further relief as the Court deems just and proper

2 VII. CONCLUSION

3 The Legislature's extensive delay in challenging the Governor's partial
4 vetoes in 2021 is what prompted this legal challenge by the Plaintiff. This Court
5 needs to serve (again) as a check on this Governor's seemingly endless
6 expansion of power.

7 As this Court is fully aware, the state supreme court recently ruled that
8 Governor Inslee had exceeded his constitutional authority concerning partial
9 vetoes in 2019: "This case requires the court to exercise two of our most
10 fundamental duties; to 'delineate and maintain the proper constitutional balance
11 between the coordinate branches of our State government with respect to the
12 veto and, more broadly, to interpret the constitution faithfully' ... We affirm the
13 superior court's orders on summary judgment in favor of the legislature."

14 (Washington State Legislature v. Inslee, Washington Supreme Court Cause No.
15 98835-8, Nov. 10, 2021: <https://www.courts.wa.gov/opinions/pdf/988358.pdf>).

16 On June 19, 2020, this superior court issued a cogent, well-reasoned oral
17 ruling that read in part: "In a time of great uncertainty in our country and in our
18 community during this pandemic, this case assures us that disputes regarding
19 the constitutional roles of our three branches of government and the system of
20 checks and balances are quite relevant today. ... And similar to the court's prior
21 analysis, the court defers to the legislature unless sufficient manipulation has
22 been shown by the legislature to overcome such deference. Again, that burden

1 has not been met. ... The court concludes that the vetoes are, therefore, invalid
2 ... Based on that, the court therefore grants the legislature's motion for summary
3 judgment ...". (see Eyman Decl. Ex. F).

4 On June 25, 2020, this superior court signed the Order that read in part:
5 "The Legislature's Motion for Summary Judgment is GRANTED[.] (see Eyman
6 Decl. Ex. G).

7 As was recently reported on November 9, 2021: *"Governor Inslee, in order*
8 *to twist the arms of the votes needed to pass his expensive and inefficient*
9 *'climate bills' during the 2021 legislative session, struck a deal with legislators to*
10 *insert a section into the legislation that linked the actual implementation of the*
11 *two bills to the passage of a 5-cent per gallon tax on gas to fund a transportation*
12 *package (which is scheduled to be debated during the upcoming legislative*
13 *session). Yet when the bill arrived on Governor Inslee's desk, he broke his end of*
14 *the 'bargain.'* ... Remember that Democrat House Speaker Laurie Jenkins
15 immediately stated that legislators were going to sue the governor for
16 overstepping his veto authority. Not surprisingly, **in the six months since the**
17 **governor vetoed the legislation, the meek-and-mild legislative Democrats**
18 **have yet to follow through on their pretend threat and actually file the**
19 **promised lawsuit.** (Just like when Pierce County Democrats publicly threatened
20 to amend the governor's emergency authority after he unfairly imposed COVID-
21 related restrictions on their constituents. After telling voters they were going to
22 challenge the governor, the Pierce County Democrats quietly did nothing and

1 have allowed the governor to continue his one-man rule of the state for nearly
2 620 days.)" [https://shiftwa.org/the-bizzarro-world-of-governor-inslee-and-](https://shiftwa.org/the-bizzarro-world-of-governor-inslee-and-democrat-legislators-becomes-even-stranger/)
3 [democrat-legislators-becomes-even-stranger/](https://shiftwa.org/the-bizzarro-world-of-governor-inslee-and-democrat-legislators-becomes-even-stranger/)

4 This court should not condone or excuse the Governor's partial vetoes in
5 2021 by ruling differently than it did with his partial vetoes in 2019. The violations
6 are the same, the principles are the same, and the identity of the Plaintiff should
7 be irrelevant.

8 Respectfully submitted this 20th day of December, 2021.

9
10 
11 Tim Eyman

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Superior Court
Linda Myhre Enlow
Thurston County Clerk

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Hearing date: Friday, Jan 7th, 2021

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THURSTON
SUPERIOR COURT

STATE OF WASHINGTON
THURSTON COUNTY COUNTY SUPERIOR COURT

In the Matter of:

No. 21-2-01945-34

TIM EYMAN,

TIM EYMAN DECLARATION

Plaintiff

v.

JAY INSLEE, in his official capacity as
Governor of the State of Washington,
LAURA WATSON, in her official capacity
as director of the Department of Ecology,
and the STATE OF WASHINGTON

Defendants.

I, Tim Eyman, being duly sworn upon oath, declare as follows:

I am over 18 years of age, competent to testify, and make this
declaration upon personal knowledge. I am a lifelong resident, taxpayer, and
licensed driver in the state of Washington (see Exhibit I). I have very limited
income and very limited money in the bank (see Exhibit J). I have been an
initiative activist in Washington state for 22 years (see Exhibit K). I am appearing

TIM EYMAN DECLARATION

Page 1 of 8

TIM EYMAN
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1 *pro se* in this matter.

2 1 Attached to this declaration are true and correct copies of the following:

3 a. Exhibit A is selected pages from Laws of 2021, ch. 317. The
4 excerpts include the first two pages and the pages setting forth section
5 3, including subsection (8), of the act. I obtained these excerpts from
6 the Legislature's website here:

7
8 [https://lawfilesext.leg.wa.gov/biennium/2021-
22/Pdf/Bills/House%20Passed%20Legislature/1091-S3.PL.pdf](https://lawfilesext.leg.wa.gov/biennium/2021-22/Pdf/Bills/House%20Passed%20Legislature/1091-S3.PL.pdf)

9 b. Exhibit B is the Governor's veto message setting forth his partial veto
10 of Laws of 2021, ch. 317, including a subsection of section 3 (which
11 included this: "Subsection (8) of Section 3 operates to delay the
12 assignment of compliance obligation ... we cannot delay its
13 implementation"). I obtained this veto message from the
14 Legislature's website here:

15 [https://crmpublicweb service.des.wa.gov/bats/attachment/vetomes
16 sage/faaa6146-11b8-eb11-8199-005056ba278b#page=1](https://crmpublicweb service.des.wa.gov/bats/attachment/vetomes sage/faaa6146-11b8-eb11-8199-005056ba278b#page=1)

17 c. Exhibit C is the cover of the state Voters' Pamphlet for the 1974
18 general election, together with the pages of that pamphlet relating to
19 Senate Joint Resolution 140, through which the voters approved
20 Amendment 62 to the Washington Constitution receiving a 54% yes
21 vote. I obtained this document from the website of the Office of the
22 Secretary of State, here:

1 <https://www.sos.wa.gov/assets/elections/voters'%20pamphlet%201974.pdf>

2 d. Exhibit D is selected pages from Laws of 2021, ch. 316. The excerpts
3 include the first two pages and pages 51-53 (which includes
4 subsection 7 of section 22 of the act which the Governor vetoed),
5 page 20 (which includes *the three words* the Governor vetoed), page
6 22 (which includes *the single sentence* the Governor vetoed), page 39
7 (which includes *the three words* the Governor vetoed), and page 47
8 (which includes *the three words* the Governor vetoed). I obtained
9 these excerpts from the Legislature's website here:

10 [https://lawfilesexternal.wa.gov/biennium/2021-](https://lawfilesexternal.wa.gov/biennium/2021-22/Pdf/Bills/Senate%20Passed%20Legislature/5126-S2.PL.pdf)
11 [22/Pdf/Bills/Senate%20Passed%20Legislature/5126-S2.PL.pdf](https://lawfilesexternal.wa.gov/biennium/2021-22/Pdf/Bills/Senate%20Passed%20Legislature/5126-S2.PL.pdf)

12 e. Exhibit E is the Governor's veto message setting forth his partial veto
13 of Laws of 2021, ch. 316, including a subsection of section 22 (which
14 included this: " ... the delayed effective date established in subsection
15 (7) unnecessarily our state's ability to combat climate change ..."). I
16 obtained this veto message from the Legislature's website here:

17 <https://crmpublicwebsevice.des.wa.gov/bats/attachment/vetomessage/7b16d44e-11b8-eb11-8199-005056ba278b#page=1>

18
19 f. Exhibit F is a copy of the "VERBATIM REPORT OF PROCEEDINGS"
20 for Case # 19-2-4397-34 which is a transcript of the oral ruling by
21 Judge Carol Murphy on June 19, 2020 for the case: Washington State
22 Legislature v Inslee, Washington Supreme Court Cause No. 98835-8,

1 Nov. 10, 2021 (<https://www.courts.wa.gov/opinions/pdf/988359.pdf>). I

2 obtained it from the Thurston County clerk's office or from a public
3 records request of Attorney General's office.

4 g. Exhibit G is a copy of the Order Granting Legislature's Motion for
5 Summary Judgment signed by Judge Carol Murphy on June 25, 2020.

6 I obtained this copy from the Thurston County clerk's office or from a
7 public records request of the Attorney General's office.

8 h. Exhibit H is a copy of the West's RCWA Const. Art. 3 s 12. I obtained
9 this copy from the Thurston County clerk's office or from a public
10 records request of the Attorney General's office.

11 i. Exhibit I is a copy of Tim Eyman's current drivers license.

12 j. Exhibit J is a copy of a "Timothy Eyman Declaration" dated November
13 17, 2021 which outlines Plaintiff's very limited income and very limited
14 money in the bank.

15 k. Exhibit K is a list of the initiatives I've been involved with over the past
16 22 years. I obtained a copy of this document from the website

17 TimDefense.com ([https://timdefense.com/wp-](https://timdefense.com/wp-content/uploads/2021/12/2021-tax-savings.pdf)
18 [content/uploads/2021/12/2021-tax-savings.pdf](https://timdefense.com/wp-content/uploads/2021/12/2021-tax-savings.pdf)).

19 l. During the 2021 legislative session, there were public hearings on
20 these two bills. Testimony in the bill reports cite studies showing that
21 fuel costs will substantially increase as a result of the policies in the
22 Low Carbon Fuel Standard and the Cap-and-Tax Scheme. Estimates

1 of the fuel cost increases varied but all were significant. I am a
2 taxpayer and a vehicle owner and I drive extensively for work. So I
3 must "fuel up" often and so these costs are a substantial amount and
4 significant burden to me. Fuel cost increases will directly harm me.
5 Increases in fuel costs from these two bills will severely burden me.
6 The Legislature explicitly delayed the implementation of the Low
7 Carbon Fuel Standard and the Cap-and-Tax Scheme but Governor
8 Inslee's partial vetoes have negated those delays. So his partial
9 vetoes have resulted in these policies being implemented
10 immediately. From the bill history of Engrossed Second Substitute
11 Senate Bill No. 5126 – the Cap-and-Tax Scheme: **"This program will
12 add 18 cents to a gallon of gas and 21 cents to a gallon of diesel
13 in the first year of implementation, which will exert cost burdens
14 on businesses and consumers in the state. ... This bill would
15 increase gas prices. ... Increased gas prices would put price
16 pressure on products from small and medium-sized businesses."**
17 (House Bill Report: [https://lawfilesexternal.wa.gov/biennium/2021-
18 22/Pdf/Bill%20Reports/House/5126-
19 S2.E%20HBR%20APH%202021.pdf?q=20211211173255](https://lawfilesexternal.wa.gov/biennium/2021-22/Pdf/Bill%20Reports/House/5126-S2.E%20HBR%20APH%202021.pdf?q=20211211173255)).
20 The Washington Policy Center predicts even higher increases:
21 **"Washington drivers could see an increase in the cost of gas of
22 between 30 and 50 cents per gallon in 2023 ..."**

1 [https://www.washingtonpolicy.org/publications/detail/what-cap-and-](https://www.washingtonpolicy.org/publications/detail/what-cap-and-trade-climate-legislation-would-mean-for-energy-prices-and-the-environment)
2 [trade-climate-legislation-would-mean-for-energy-prices-and-the-](https://www.washingtonpolicy.org/publications/detail/what-cap-and-trade-climate-legislation-would-mean-for-energy-prices-and-the-environment)
3 [environment](https://www.washingtonpolicy.org/publications/detail/what-cap-and-trade-climate-legislation-would-mean-for-energy-prices-and-the-environment)).

4 The experience in California is instructive (Exhibit L): “The **Cap and**
5 **Trade program** targets refinery emissions of greenhouse gases, and
6 has raised operational costs. Since 2018, it **has been adding about**
7 **13-14 cents per gallon of gasoline and diesel. The LCFS (Low**
8 **Carbon Fuel Standard)**, which requires transportation fuels to be less
9 carbon intensive, is chiefly met by adding more biofuels, and
10 especially biodiesel, to the liquid fuels supply and by switching to
11 electricity for transportation. It **is estimated to be adding 12 cents**
12 **per gallon of gasoline and 8 cents for diesel.** Both programs are
13 scheduled to become progressively more stringent in the years ahead
14 and are projected by Stillwater Associates to **add \$0.89 to \$2.10 per**
15 **gallon of gasoline and diesel by 2030.** (*California leads nation in*
16 *gas prices, climate policies a growing contributor*, Competitive
17 Enterprise Institute: [https://cei.org/blog/california-leads-nation-in-gas-](https://cei.org/blog/california-leads-nation-in-gas-prices-climate-policies-a-growing-contributor/)
18 [prices-climate-policies-a-growing-contributor/](https://cei.org/blog/california-leads-nation-in-gas-prices-climate-policies-a-growing-contributor/)). Even proponents
19 acknowledge there will be added costs, but they claim those
20 increases are acceptable in order to save the planet. So both sides
21 agree there will be cost increases – there is only a disagreement
22 about how much. As a taxpayer and a licensed driver in the state of

1 Washington, I will be harmed if the will of the Legislature is
2 disregarded and its decision to delay the implementation of these bills'
3 policies is not respected.

4 I obtained copies of these excerpts from the links provided above.

5 m. Exhibit M shows the election results in 2016 for Initiative Measure No.
6 732 (59.25% no vote) and the election results in 2018 for Initiative
7 Measure No. 1631 (56.56% no vote). I received this information from
8 the Office of the Secretary of State:

9 [https://www.sos.wa.gov/elections/research/election-results-and-](https://www.sos.wa.gov/elections/research/election-results-and-voters-pamphlets.aspx)
10 [voters-pamphlets.aspx](https://www.sos.wa.gov/elections/research/election-results-and-voters-pamphlets.aspx)

11 n. Exhibit N is a copy of a study conducted by NERA Economic
12 Consulting. I obtained a copy of it from Senator Doug Ericksen's
13 website: <https://dougericksen.src.wastateleg.org/>

14 o. Exhibit O is a copy of the deficiencies in the Cap-and-Tax bill
15 produced by the Senate Republican Caucus. I obtained a copy of it
16 from their website: <https://src.wastateleg.org/senators/>

17 p. Exhibit P is a copy of the deficiencies in the Low Carbon Fuel
18 Standard bill produced by the Senate Republican Caucus. I obtained
19 a copy of it from their website: <https://src.wastateleg.org/senators/>

20 q. Exhibit Q is a copy of a press release entitled "Tribal Leaders,
21 Legislators Condemn Inslee's Surprise Veto of Tribal Human Rights
22 Provisions in Climate Commitment Act released by the Snoqualmie

1 Tribe. I obtained a copy of it from the Snoqualmie Tribes' website:
2 [https://snoqualmietribe.us/tribal-leaders-legislators-condemn-inslees-](https://snoqualmietribe.us/tribal-leaders-legislators-condemn-inslees-surprise-veto-of-tribal-human-rights-provisions-in-climate-commitment-act/)
3 [surprise-veto-of-tribal-human-rights-provisions-in-climate-](https://snoqualmietribe.us/tribal-leaders-legislators-condemn-inslees-surprise-veto-of-tribal-human-rights-provisions-in-climate-commitment-act/)
4 [commitment-act/](https://snoqualmietribe.us/tribal-leaders-legislators-condemn-inslees-surprise-veto-of-tribal-human-rights-provisions-in-climate-commitment-act/)

5 I declare under penalty of perjury under the laws of the state of
6 Washington that the foregoing is true and correct and of my own knowledge,
7 and that I executed this declaration at Bellevue, Washington, in the County of
8 King, this 20th day of December 2021.

9 
10 Tim Eyman