

ESSB 5447 - H COMM AMD  
By Committee on Finance

ADOPTED AS AMENDED 04/14/2023

1 Strike everything after the enacting clause and insert the  
2 following:

3 "NEW SECTION. **Sec. 1.** The legislature intends to use funds from  
4 the climate commitment act to promote the production and use of  
5 sustainable aviation fuels, thereby growing the clean energy sector,  
6 addressing greenhouse gas emissions, and creating family wage  
7 manufacturing jobs in Washington. Sustainable aviation fuels  
8 represent the most significant near and midterm opportunity for  
9 aviation to reduce its greenhouse gas emissions. The use of  
10 sustainable aviation fuels will also improve air quality for airport  
11 workers and communities surrounding airports. While many efforts are  
12 underway to advance the use of sustainable aviation fuels, this act  
13 is intended to assist and accelerate those efforts.

14 **PART I**

15 **TREATMENT OF ALTERNATIVE JET FUELS**

16 **Sec. 2.** RCW 70A.535.010 and 2022 c 182 s 409 are each amended to  
17 read as follows:

18 The definitions in this section apply throughout this chapter  
19 unless the context clearly indicates otherwise.

20 (1) "Carbon dioxide equivalents" has the same meaning as defined  
21 in RCW 70A.45.010.

22 (2) "Carbon intensity" means the quantity of life-cycle  
23 greenhouse gas emissions, per unit of fuel energy, expressed in grams  
24 of carbon dioxide equivalent per megajoule (gCO<sub>2</sub>e/MJ).

25 (3) "Clean fuels program" means the requirements established  
26 under this chapter.

27 (4) "Cost" means an expense connected to the manufacture,  
28 distribution, or other aspects of the provision of a transportation  
29 fuel product.

1 (5) "Credit" means a unit of measure generated when a  
2 transportation fuel with a carbon intensity that is less than the  
3 applicable standard adopted by the department under RCW 70A.535.025  
4 is produced, imported, or dispensed for use in Washington, such that  
5 one credit is equal to one metric ton of carbon dioxide equivalents.  
6 A credit may also be generated through other activities consistent  
7 with this chapter.

8 (6) "Deficit" means a unit of measure generated when a  
9 transportation fuel with a carbon intensity that is greater than the  
10 applicable standard adopted by the department under RCW 70A.535.025  
11 is produced, imported, or dispensed for use in Washington, such that  
12 one deficit is equal to one metric ton of carbon dioxide equivalents.

13 (7) "Department" means the department of ecology.

14 (8) "Electric utility" means a consumer-owned utility or  
15 investor-owned utility, as those terms are defined in RCW 19.29A.010.

16 (9) "Greenhouse gas" has the same meaning as defined in RCW  
17 70A.45.010.

18 (10) "Military tactical vehicle" means a motor vehicle owned by  
19 the United States department of defense or the United States military  
20 services and that is used in combat, combat support, combat service  
21 support, tactical or relief operations, or training for such  
22 operations.

23 (11) "Motor vehicle" has the same meaning as defined in RCW  
24 46.04.320.

25 (12) "Price" means the amount of payment or compensation provided  
26 as consideration for a specified quantity of transportation fuel by a  
27 consumer or end user of the transportation fuel.

28 (13) "Regulated party" means a producer or importer of any amount  
29 of a transportation fuel that is ineligible to generate credits under  
30 this chapter.

31 (14)(a) "Tactical support equipment" means equipment using a  
32 portable engine, including turbines, that meets military  
33 specifications, owned by the United States military services or its  
34 allies, and that is used in combat, combat support, combat service  
35 support, tactical or relief operations, or training for such  
36 operations.

37 (b) "Tactical support equipment" includes, but is not limited to,  
38 engines associated with portable generators, aircraft start carts,  
39 heaters, and lighting carts.

1 (15) "Transportation fuel" means electricity and any liquid or  
2 gaseous fuel sold, supplied, offered for sale, or used for the  
3 propulsion of a motor vehicle or that is intended for use for  
4 transportation purposes.

5 (16) "Alternative jet fuel" means a fuel that can be blended and  
6 used with conventional petroleum jet fuels without the need to modify  
7 aircraft engines and existing fuel distribution infrastructure, and  
8 that have a lower carbon intensity than the applicable annual carbon  
9 intensity standard in Table 2 of WAC 173-424-900, as it existed on  
10 the effective date of this section. Alternative jet fuel includes jet  
11 fuels derived from coprocessed feedstocks at a conventional petroleum  
12 refinery.

13 NEW SECTION. Sec. 3. A new section is added to chapter 70A.535  
14 RCW to read as follows:

15 (1) By no later than December 31, 2023, the department must allow  
16 one or more carbon intensity pathways for alternative jet fuel.

17 (2) The department must allow biomethane to be claimed as the  
18 feedstock for renewable diesel and alternative jet fuel consistent  
19 with that allowable for compressed natural gas, liquified natural  
20 gas, liquified compressed natural gas, or hydrogen production. The  
21 department must include in the report required by RCW 70A.535.090(1)  
22 information that includes the amount, generation date, and geographic  
23 origin of renewable thermal certificates representing the biomethane  
24 environmental attributes claimed by each reporting entity for the  
25 fuels described in this subsection.

26 (3) The department must notify the department of revenue within  
27 30 days when one or more facilities capable of producing a cumulative  
28 production capacity of at least 20,000,000 gallons of alternative jet  
29 fuel each year are operating in this state.

30 NEW SECTION. Sec. 4. A new section is added to chapter 28B.30  
31 RCW to read as follows:

32 (1) Washington State University must convene an alternative jet  
33 fuels work group to further the development of alternative jet fuel  
34 as a productive industry in Washington. The work group must include  
35 members from the legislature and sectors involved in alternative jet  
36 fuel research, development, production, and utilization. The work  
37 group must provide a report including any pertinent recommendations  
38 to the governor and appropriate committees of the legislature by

1 December 1, 2024, and December 1st of every even-numbered year until  
2 December 1, 2028.

3 (2) This section expires January 1, 2029.

4 **Sec. 5.** RCW 43.330.565 and 2022 c 292 s 102 are each amended to  
5 read as follows:

6 (1) The statewide office of renewable fuels is established within  
7 the department. The office shall report to the director of the  
8 department. The office may employ staff as necessary to carry out the  
9 office's duties as prescribed by chapter 292, Laws of 2022, subject  
10 to the availability of amounts appropriated for this specific  
11 purpose.

12 (2) The purpose of the office is to leverage, support, and  
13 integrate with other state agencies to:

14 (a) Accelerate comprehensive market development with assistance  
15 along the entire life cycle of renewable fuel projects;

16 (b) Support research into and development and deployment of  
17 renewable fuel and the production, distribution, and use of renewable  
18 and green electrolytic hydrogen and their derivatives, as well as  
19 product engineering and manufacturing relating to the production and  
20 use of such hydrogen and its derivatives;

21 (c) Drive job creation, improve economic vitality, and support  
22 the transition to clean energy;

23 (d) Further the development and use of alternative jet fuels as a  
24 productive industry in Washington;

25 (e) Enhance resiliency by using renewable fuels, alternative jet  
26 fuels, and green electrolytic hydrogen to support climate change  
27 mitigation and adaptations; and

28 ~~((e))~~ (f) Partner with overburdened communities to ensure  
29 communities equitably benefit from renewable and clean fuels efforts.

30 **Sec. 6.** RCW 43.330.570 and 2022 c 292 s 103 are each amended to  
31 read as follows:

32 (1) The office shall:

33 (a) Coordinate with federally recognized tribes, local  
34 government, state agencies, federal agencies, private entities, the  
35 state's public four-year institutions of higher education, labor  
36 unions, and others to facilitate and promote multi-institution  
37 collaborations to drive research, development, and deployment efforts  
38 in the production, distribution, and use of alternative jet fuels and

1 renewable fuels including, but not limited to, green electrolytic  
2 hydrogen;

3 (b) Review existing renewable fuels, alternative jet fuels, and  
4 green electrolytic hydrogen initiatives, policies, and public and  
5 private investments, and tax and regulatory incentives, including  
6 assessment of adequacy of feedstock supply and in-state feedstock,  
7 renewable fuels, and alternative jet fuels production;

8 (c) Consider funding opportunities that provide for the  
9 coordination of public and private funds for the purposes of  
10 developing and deploying renewable fuels, alternative jet fuels, and  
11 green electrolytic hydrogen;

12 (d) Assess opportunities for and barriers to deployment of  
13 renewable fuels, alternative jet fuels, and green electrolytic  
14 hydrogen in hard to decarbonize sectors of the state economy;

15 (e) Request recommendations from the Washington state association  
16 of fire marshals regarding fire and other safety standards adopted by  
17 the United States department of energy and recognized national and  
18 international fire and safety code development authorities regarding  
19 renewable fuels, alternative jet fuels, and green electrolytic  
20 hydrogen;

21 (f) By December 1, 2023, develop a plan and recommendations for  
22 consideration by the legislature and governor on renewable fuels and  
23 green electrolytic hydrogen policy and public funding including, but  
24 not limited to, project permitting, state procurement, and pilot  
25 projects; and

26 (g) Encourage new and support existing public-private  
27 partnerships to increase coordinated planning and deployment of  
28 renewable fuels, alternative jet fuels, and green electrolytic  
29 hydrogen.

30 (2) The office may take all appropriate steps to seek and apply  
31 for federal funds for which the office is eligible, and other grants,  
32 and accept donations, and must deposit these funds in the renewable  
33 fuels accelerator account created in RCW 43.330.575.

34 (3) In carrying out its duties, the office must collaborate with  
35 the department, the department of ecology, the department of  
36 transportation, the utilities and transportation commission, electric  
37 utilities in Washington state, the Washington State University  
38 extension energy program, the alternative jet fuel work group  
39 established in section 4 of this act, and all other relevant state  
40 agencies. The office must also consult with and seek to involve

1 federally recognized tribes, project developers, labor and industry  
2 trade groups, and other interested parties, in the development of  
3 policy analysis and recommended programs or projects.

4 (4) The office may cooperate with other state agencies in  
5 compiling data regarding the use of renewable fuels and green  
6 electrolytic hydrogen in state operations, including motor vehicle  
7 fleets, the state ferry system, and nonroad equipment.

8 NEW SECTION. **Sec. 7.** A new section is added to chapter 28B.30  
9 RCW to read as follows:

10 (1) To assess the potential cobenefits of alternative jet fuel  
11 for Washington's communities, by December 1, 2024, and December 1st  
12 of each year until such time as the joint legislative audit and  
13 review committee has completed its final report on the tax  
14 preferences contained in sections 9 through 12 of this act, the  
15 University of Washington's department of environmental and  
16 occupational health sciences, in collaboration with Washington State  
17 University, shall calculate emissions of ultrafine and fine  
18 particulate matter and sulfur oxides from the use of alternative jet  
19 fuel as compared to conventional fossil jet fuel, including the  
20 potential regional air quality benefits of any reductions. This  
21 emissions calculation shall be conducted for alternative jet fuel  
22 used from an international airport owned by a port district in a  
23 county with a population greater than 1,500,000. The University of  
24 Washington may access and use any data necessary to complete the  
25 reporting requirements of this section.

26 (2) To facilitate the calculation required in subsection (1) of  
27 this section, an international airport owned by a port district in a  
28 county with a population greater than 1,500,000 must report to the  
29 University of Washington the total annual volume of conventional and  
30 alternative jet fuel used for flights departing the airport by July  
31 1, 2024, and July 1st of each year until such time as the joint  
32 legislative audit and review committee has completed its final report  
33 on the tax preferences contained in sections 9 through 12 of this  
34 act.

35 **PART II**

36 **ALTERNATIVE JET FUEL TAX INCENTIVES**

1        NEW SECTION.    **Sec. 8.**    (1) This section is the tax preference  
2 performance statement for the tax preferences contained in sections 9  
3 through 12, chapter . . ., Laws of 2023 (sections 9 through 12 of  
4 this act). This performance statement is only intended to be used for  
5 subsequent evaluation of the tax preferences. It is not intended to  
6 create a private right of action by any party or to be used to  
7 determine eligibility for preferential tax treatment.

8        (2) The legislature categorizes these tax preferences as ones  
9 intended to improve industry competitiveness as indicated in RCW  
10 82.32.808(2)(b).

11        (3) It is the legislature's specific public policy objective to  
12 encourage the production and use of alternative jet fuels. It is also  
13 the legislature's intent to support the development of the  
14 alternative jet fuels industry in Washington by providing targeted  
15 tax relief for such businesses.

16        (4) The legislature intends to extend the expiration date of the  
17 tax preferences contained in this act if a review finds:

18        (a) An increase in the production and use of alternative jet  
19 fuels in Washington by persons claiming the tax preferences in this  
20 act;

21        (b) That the production and use of alternative jet fuels in this  
22 state does not result in additional pollution including, but not  
23 limited to, pollution from per-and polyfluoroalkyl substances,  
24 noxious gases, ultrafine particles, lead, or other metals; and

25        (c) That the alternative jet fuel industry has created measurable  
26 economic growth in Washington.

27        (5) The review conducted by the joint legislative audit and  
28 review committee must include a racial equity analysis on air travel-  
29 related pollution in communities near an international airport owned  
30 by a port district in a county with a population greater than  
31 1,500,000.

32        (6) In order to obtain the data necessary to perform the review  
33 in subsection (4) of this section, the joint legislative audit and  
34 review committee may access and use data from an international  
35 airport owned by a port district in a county with a population  
36 greater than 1,500,000, the University of Washington, reports  
37 compiled by the Washington State University pursuant to section 7 of  
38 this act, and any other data collected by the state as it deems  
39 necessary.

1 (7) The joint legislative audit and review committee must  
2 complete a preliminary report by December 1, 2032.

3 NEW SECTION. **Sec. 9.** A new section is added to chapter 82.04  
4 RCW to read as follows:

5 (1) Upon every person engaging within the state in the business  
6 of manufacturing alternative jet fuel; as to such persons, the amount  
7 of the tax with respect to such business is, in the case of  
8 manufacturers, equal to the value of the product manufactured, or in  
9 the case of processors for hire, equal to the gross income of the  
10 business, multiplied by the rate of 0.275 percent.

11 (2) Upon every person engaging in making sales, at retail or  
12 wholesale, of manufactured alternative jet fuel; as to such persons,  
13 the amount of the tax with respect to such business is equal to the  
14 gross proceeds of sales of the alternative jet fuel, multiplied by  
15 the rate of 0.275 percent.

16 (3) For the purposes of this section, "alternative jet fuel"  
17 means a fuel that can be blended and used with conventional petroleum  
18 jet fuels without the need to modify aircraft engines and existing  
19 fuel distribution infrastructure and that has lower greenhouse gas  
20 emissions based on a full life-cycle analysis when compared to  
21 conventional petroleum jet fuel for which it is capable as serving as  
22 a substitute, as certified by the department of ecology using the  
23 methods for determining the carbon intensity of fuels under chapter  
24 70A.535 RCW. "Alternative jet fuel" includes jet fuels derived from  
25 coprocessed feedstocks at a conventional petroleum refinery as  
26 certified by the department of ecology using the methods for  
27 determining the carbon intensity of fuels under chapter 70A.535 RCW.

28 (4) A person reporting under the tax rate provided in this  
29 section must file a complete annual tax performance report with the  
30 department under RCW 82.32.534.

31 (5)(a) The tax rate under subsections (1) and (2) of this section  
32 takes effect on the first day of the first calendar quarter following  
33 the month in which the department receives notice from the department  
34 of ecology that there are one or more facilities operating in this  
35 state with a cumulative production capacity of at least 20,000,000  
36 gallons of alternative jet fuel each year, as required in section 3  
37 of this act.



1 (b) The tax rate expires nine calendar years after the close of  
2 the calendar year in which the tax rate under subsections (1) and (2)  
3 of this section takes effect.

4 NEW SECTION. **Sec. 10.** A new section is added to chapter 82.04  
5 RCW to read as follows:

6 (1)(a) Subject to the limits and provisions of this section, a  
7 credit is allowed against the tax otherwise due under this chapter  
8 for persons engaged in the manufacturing of alternative jet fuel.

9 (b) Except as provided in (c) of this subsection, the credit  
10 under this section is equal to \$1 for each gallon of alternative jet  
11 fuel that has at least 50 percent less carbon dioxide equivalent  
12 emissions than conventional petroleum jet fuel and is sold during the  
13 prior calendar year by:

14 (i) A business that produces alternative jet fuel and is located  
15 in a qualifying county; or

16 (ii) A business's designated alternative jet fuel blender that is  
17 located in this state.

18 (c) The credit amount under (b) of this subsection must increase  
19 by 2 cents for each additional one percent reduction in carbon  
20 dioxide equivalent emissions beyond 50 percent, not to exceed \$2 for  
21 each gallon of alternative jet fuel.

22 (d) A person may not receive credit under both (b)(i) and (ii) of  
23 this subsection.

24 (e) The credit under this section is calculated only on the  
25 portion of jet fuel that is considered alternative jet fuel and does  
26 not include conventional petroleum jet fuel when such fuels are  
27 blended or otherwise used in a jet fuel mixture.

28 (f) A credit under this section may not be claimed until the  
29 department of ecology verifies that there are one or more facilities  
30 operating in this state with cumulative production capacity of at  
31 least 20,000,000 gallons of alternative jet fuel each year and has  
32 provided such notice to the department.

33 (g) Contract pricing for sales of alternative jet fuel between a  
34 person claiming the credit under this section and the final consumer  
35 must reflect the per gallon credit under (b) and (c) of this  
36 subsection.

37 (h) A credit under this section may not be claimed until the  
38 department of ecology, in consultation with the department of  
39 archeology and historic preservation, verifies that the person

1 applying for the credit is not engaged in the manufacturing of  
2 alternative jet fuel at a location listed with the department of  
3 archeology and historic preservation as a historic cemetery or tribal  
4 burial grounds as per chapter 27.44 or 68.60 RCW. If the department  
5 of ecology has not made a determination within 60 days of the person  
6 requesting verification under this subsection, the application is  
7 deemed to be verified.

8 (2) A person may not receive credit under this section for  
9 amounts claimed as credits under section 11 of this act or chapter  
10 82.16 RCW.

11 (3) To claim a credit under this section a person must  
12 electronically file with the department all returns, forms, and any  
13 other information required by the department, in an electronic format  
14 as provided or approved by the department.

15 (4) To claim a credit under this section, the person applying  
16 must:

17 (a) Complete an application for the credit which must include:

18 (i) The name, business address, and tax identification number of  
19 the applicant;

20 (ii) Documentation of the total amount of alternative jet fuel  
21 manufactured and sold in the prior calendar year;

22 (iii) Documentation sufficient for the department to verify that  
23 the alternative jet fuel for which the credit is being claimed meets  
24 the definition in section 9(3) of this act and the carbon intensity  
25 reduction benchmarks under subsection (1)(b) and (c) of this section,  
26 as certified by the department of ecology under chapter 70A.535 RCW;

27 (iv) Documentation sufficient to verify compliance with  
28 subsection (1)(g) of this section; and

29 (v) Any other information deemed necessary by the department to  
30 support administration or reporting of the program.

31 (b) Obtain a carbon intensity score from the department of  
32 ecology prior to submitting an application to the department.

33 (5) The department must notify applicants of credit approval or  
34 denial within 60 days of receipt of a final application and  
35 documentation.

36 (6) If a person fails to supply the information as required in  
37 subsection (4) of this section, the department must deny the  
38 application.

1 (7) (a) The credit under this section may only be claimed against  
2 taxes due under section 9 of this act, less any taxable amount for  
3 which a credit is allowed under RCW 82.04.440.

4 (b) A credit earned during one calendar year may be carried over  
5 and claimed against taxes incurred for the next subsequent calendar  
6 year but may not be carried over for any calendar year thereafter.

7 (c) No refunds may be granted for credits under this section.

8 (8) For the purposes of this section:

9 (a) "Alternative jet fuel" has the same meaning as in RCW  
10 70A.535.010.

11 (b) "Carbon dioxide equivalent" has the same meaning as in RCW  
12 70A.45.010.

13 (c) "Qualifying county" means a county that has a population less  
14 than 650,000 at the time an application for a credit under this  
15 section is received by the department.

16 (9) (a) Credits may be earned beginning on the first day of the  
17 first calendar quarter following the month in which notice under  
18 subsection (1) (f) of this section was received by the department.

19 (b) Credits may not be earned beginning nine calendar years after  
20 the close of the calendar year in which the credit may be earned, as  
21 provided in (a) of this subsection.

22 (10) A person claiming the credit provided in this section must  
23 file a complete annual tax performance report with the department  
24 under RCW 82.32.534.

25 NEW SECTION. **Sec. 11.** A new section is added to chapter 82.04  
26 RCW to read as follows:

27 (1) (a) Subject to the limits and provisions of this section, a  
28 credit is allowed against the tax otherwise due under this chapter  
29 for persons engaged in the use of alternative jet fuel.

30 (b) Except as provided in (c) of this subsection, the credit  
31 under this section is equal to \$1 for each gallon of alternative jet  
32 fuel that has at least 50 percent less carbon dioxide equivalent  
33 emissions than conventional petroleum jet fuel and is purchased  
34 during the prior calendar year by a business for use as alternative  
35 jet fuel for flights departing in this state.

36 (c) The credit amount under (b) of this subsection must increase  
37 by 2 cents for each additional one percent reduction in carbon  
38 dioxide equivalent emissions beyond 50 percent, not to exceed \$2 for  
39 each gallon of alternative jet fuel.

1 (d) The credit under this section is calculated only on the  
2 portion of jet fuel that is considered alternative jet fuel and does  
3 not include conventional petroleum jet fuel when such fuels are  
4 blended or otherwise used in a jet fuel mixture.

5 (e) A credit under this section may not be claimed until the  
6 department of ecology verifies that there are one or more facilities  
7 operating in this state with cumulative production capacity of at  
8 least 20,000,000 gallons of alternative jet fuel each year and has  
9 provided such notice to the department.

10 (2) A person may not receive credit under this section for  
11 amounts claimed as credits under section 10 of this act or chapter  
12 82.16 RCW.

13 (3) To claim a credit under this section a person must  
14 electronically file with the department all returns, forms, and any  
15 other information required by the department, in an electronic format  
16 as provided or approved by the department.

17 (4) To claim a credit under this section, the person applying  
18 must:

19 (a) Complete an application for the credit which must include:

20 (i) The name, business address, and tax identification number of  
21 the applicant;

22 (ii) Documentation of the amount of alternative jet fuel  
23 purchased by the business in the prior calendar year;

24 (iii) Documentation sufficient for the department to verify that  
25 the alternative jet fuel for which the credit is being claimed meets  
26 the definition in section 9(3) of this act and the carbon intensity  
27 reduction benchmarks under subsection (1)(b) and (c) of this section,  
28 as certified by the department of ecology under chapter 70A.535 RCW;  
29 and

30 (iv) Any other information deemed necessary by the department to  
31 support administration or reporting of the program.

32 (b) Obtain a carbon intensity score from the department of  
33 ecology prior to submitting an application to the department.

34 (5) The department must notify applicants of credit approval or  
35 denial within 60 days of receipt of a final application and  
36 documentation.

37 (6) If a person fails to supply the information as required in  
38 subsection (4) of this section, the department must deny the  
39 application.

1 (7) (a) The credit under this section may be used against any tax  
2 due under this chapter.

3 (b) A credit earned during one calendar year may be carried over  
4 and claimed against taxes incurred for the next subsequent calendar  
5 year but may not be carried over for any calendar year thereafter.

6 (c) No refunds may be granted for credits under this section.

7 (8) For the purposes of this section:

8 (a) "Alternative jet fuel" has the same meaning as in RCW  
9 70A.535.010.

10 (b) "Carbon dioxide equivalent" has the same meaning as in RCW  
11 70A.45.010.

12 (9) (a) Credits may be earned beginning on the first day of the  
13 first calendar quarter following the month in which notice under  
14 subsection (1) (e) of this section was received by the department.

15 (b) Credits may not be earned beginning nine calendar years after  
16 the close of the calendar year in which the credit may be earned, as  
17 provided in (a) of this subsection.

18 (10) A person claiming the credit provided in this section must  
19 file a complete annual tax performance report with the department  
20 under RCW 82.32.534.

21 NEW SECTION. **Sec. 12.** A new section is added to chapter 82.16  
22 RCW to read as follows:

23 (1) (a) Subject to the limits and provisions of this section, a  
24 credit is allowed against the tax otherwise due under this chapter  
25 for persons engaged in the use of alternative jet fuel.

26 (b) Except as provided in (c) of this subsection, the credit  
27 under this section is equal to \$1 for each gallon of alternative jet  
28 fuel that has at least 50 percent less carbon dioxide equivalent  
29 emissions than conventional petroleum jet fuel and is purchased  
30 during the prior calendar year by a business for use as alternative  
31 jet fuel for flights departing in this state.

32 (c) The credit amount under (b) of this subsection must increase  
33 by 2 cents for each additional one percent reduction in carbon  
34 dioxide equivalent emissions beyond 50 percent, not to exceed \$2 for  
35 each gallon of alternative jet fuel.

36 (d) The credit under this section is calculated only on the  
37 portion of jet fuel that is considered alternative jet fuel and does  
38 not include conventional petroleum jet fuel when such fuels are  
39 blended or otherwise used in a jet fuel mixture.

1 (e) A credit under this section may not be claimed until the  
2 department of ecology verifies that there are one or more facilities  
3 operating in this state with cumulative production capacity of at  
4 least 20,000,000 gallons of alternative jet fuel each year and has  
5 provided such notice to the department.

6 (2) A person may not receive credit under this section for  
7 amounts claimed as credits under chapter 82.04 RCW.

8 (3) To claim a credit under this section a person must  
9 electronically file with the department all returns, forms, and any  
10 other information required by the department, in an electronic format  
11 as provided or approved by the department.

12 (4) To claim a credit under this section, the person applying  
13 must:

14 (a) Complete an application for the credit which must include:

15 (i) The name, business address, and tax identification number of  
16 the applicant;

17 (ii) Documentation of the amount of alternative jet fuel  
18 purchased by the business in the prior calendar year;

19 (iii) Documentation sufficient for the department to verify that  
20 the alternative jet fuel for which the credit is being claimed meets  
21 the definition in section 9(3) of this act and the carbon intensity  
22 reduction benchmarks under subsection (1)(b) and (c) of this section,  
23 as certified by the department of ecology under chapter 70A.535 RCW;  
24 and

25 (iv) Any other information deemed necessary by the department to  
26 support administration or reporting of the program.

27 (b) Obtain a carbon intensity score from the department of  
28 ecology prior to submitting an application to the department.

29 (5) The department must notify applicants of credit approval or  
30 denial within 60 days of receipt of a final application and  
31 documentation.

32 (6) If a person fails to supply the information as required in  
33 subsection (4) of this section, the department must deny the  
34 application.

35 (7)(a) The credit under this section may be used against any tax  
36 due under this chapter.

37 (b) A credit earned during one calendar year may be carried over  
38 and claimed against taxes incurred for the next subsequent calendar  
39 year but may not be carried over for any calendar year thereafter.

40 (c) No refunds may be granted for credits under this section.

1 (8) The definitions in section 11 of this act apply to this  
2 section.

3 (9) (a) Credits may be earned beginning on the first day of the  
4 first calendar quarter following the month in which notice under  
5 subsection (1) (e) of this section was received by the department.

6 (b) Credits may not be earned beginning nine calendar years after  
7 the close of the calendar year in which the credit may be earned, as  
8 provided in (a) of this subsection.

9 (10) A person claiming the credit provided in this section must  
10 file a complete annual tax performance report with the department  
11 under RCW 82.32.534.

12 NEW SECTION. **Sec. 13.** If any provision of this act or its  
13 application to any person or circumstance is held invalid, the  
14 remainder of the act or the application of the provision to other  
15 persons or circumstances is not affected.

16 NEW SECTION. **Sec. 14.** RCW 82.32.805 does not apply to this act.

17 NEW SECTION. **Sec. 15.** Sections 9 through 12 of this act take  
18 effect July 1, 2024.

19 NEW SECTION. **Sec. 16.** Sections 1 through 7 of this act are  
20 necessary for the immediate preservation of the public peace, health,  
21 or safety, or support of the state government and its existing public  
22 institutions, and take effect July 1, 2023."

23 Correct the title.

EFFECT: Modifies the definition of "alternative jet fuel" to  
remove references to "petroleum or nonpetroleum sources."

Requires the clean fuels program report produced by the  
department of ecology to include the amount, generation date, and  
geographic origin of renewable thermal certificates representing the  
biomethane environmental attributes claimed by certain alternative  
fuels.

Modifies certain aspects of the air quality study called for in  
the act, including that the emissions calculation must be conducted  
for alternative jet fuel used from an international airport owned by  
a port district in a county with a population greater than 1,500,000,  
and that the University of Washington must produce the report in  
collaboration with Washington State University.

Strikes the section related to transfers of funds to the state  
general fund from accounts created pursuant to the climate commitment  
act.

Updates the definition of "alternative jet fuel" for the purposes of the business and occupation (B&O) tax preferential rate, the B&O tax credits, and the public utility tax credit. Clarifies the taxpayer claiming the B&O tax credits for alternative jet fuel must document that the fuel meets the updated definition of "alternative jet fuel." Provides references to the Clean Fuels Program, codified in chapter 70A.535 RCW, as the source of the methodology by which the Department of Ecology must certify the carbon intensity of the alternative jet fuel.

Ensures that before a B&O tax credit for the manufacturing of alternative jet fuel may be claimed, the Department of Ecology, in consultation with the Department of Archeology and Historic Preservation, verifies that the manufacturer is not engaged in the manufacturing of alternative jet fuel at a location that is either a historic cemetery or tribal burial ground.

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