2SHB 1912 - H AMD **701**
By Representative Dent

ADOPTED AS AMENDED 03/12/2025

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** A new section is added to chapter 70A.65 RCW to read as follows:

(1) By October 1, 2025, the department must post and periodically update on its website a directory tool, by county and, if applicable, city, of the name and address of each retail fuel seller of exempt agricultural fuel under RCW 70A.65.080(7)(e) that has notified the department under subsection (3) of this section including, but not limited to, retail fuel sellers that rely on a cardholder or membership program and exempt fuel purchase aggregators. The department may only identify in the directory entities that make available exempt agricultural fuel under RCW 70A.65.080(7)(e) for purchase at a price that is different than the price of fuel that is not exempt under RCW 70A.65.080(7)(e). The directory tool must allow a user to use a simple search function to find a retail seller of exempt agricultural fuel in a specific jurisdiction within the state.

(2)(a) By October 1, 2025, the department must publish on its website a guide for potentially eligible users of exempt agricultural fuel under RCW 70A.65.080(7)(e) that describes:

(i) In consultation with the department of licensing, the mechanisms by which the exempt fuel user may obtain a remittance; or

(ii) The mechanisms by which the exempt fuel user may purchase exempt fuel including, but not limited to, exempt fuel purchase aggregators and cardholder or membership-based payment options offered by private parties. The information that the department is required to publish under this subsection is limited to information that is voluntarily disclosed by retail fuel sellers or exempt fuel purchase aggregators.

(b) This guide must include a description of the information submission and procedural requirements associated with obtaining a

remittance payment under the remittance program implemented by the department of licensing.

(3) A retail fuel seller including, but not limited to, an exempt fuel purchase aggregator or cardholder or membership-based payment option, may voluntarily notify the department of locations where exempt agricultural fuel under RCW 70A.65.080(7)(e) is available for purchase, including contact information for the location, types of exempt fuel for sale, and the address and latitude and longitude of each location.

(4) Subject to amounts appropriated for this purpose, the department of commerce must provide financial incentives or remove financial barriers to retail fuel sellers for making exempt agricultural fuel available for purchase at a price that is different than the price of fuel that is not exempt under RCW 70A.65.080(7)(e) including, but not limited to, providing financial assistance to retail fuel sellers to make cardholder or membership-based payment options available for use at the retail fuel seller.

(5) Nothing in this section establishes, limits, or otherwise alters the obligation of a person to be a covered or opt-in entity under RCW 70A.65.080, an opt-in entity under RCW 70A.65.090(3), or to report emissions under RCW 70A.15.2200. Nothing in this section makes a fuel seller that is not a covered entity under this chapter subject to the penalties provided in RCW 70A.65.200(5).

(6) It is the intent of the legislature to pair the activities described in this section with a continuation, through the 2025-2027 biennium of the payment program for exempt fuel specified in RCW 70A.65.080(7)(e) implemented by the department of licensing as required by the 2024 supplemental omnibus operating appropriations act, ESSB 5950. It is the intent of the legislature to fund the continuation of the department of licensing's remittance program with all unexpended funds appropriated in the 2024 supplemental omnibus operating appropriations act for purposes of that program.

(7) For purposes of this section "exempt fuel purchase aggregator" means a for-profit or nonprofit entity that makes exempt agricultural fuel available to customers for purchase at a differential rate than the rate charged for nonexempt fuels, and that has established procedures for verifying that the fuel purchased qualifies as exempt, as well as procedures for tracking and reporting the volumes of exempt fuel sales to covered or opt-in entities from which the aggregator purchases fuel.

NEW SECTION. **Sec. 2.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Correct the title.

EFFECT: Strikes the underlying bill, and:

(1) Directs the Department of Ecology (Ecology) to post by October 1, 2025, and periodically update a searchable online directory of retail sellers of agricultural fuel that is exempt from a Climate Commitment Act (CCA) compliance obligation and that is sold at a different price than fuel that is not exempt from a CCA compliance obligation.

(2) Authorizes retail fuel sellers of CCA-exempt fuel to voluntarily notify Ecology of their eligibility to be included in Ecology's searchable online directory.

(3) Requires Ecology to publish a guide on its website by October 1, 2025, for users of CCA-exempt agricultural fuels regarding available mechanisms for the purchase of CCA-exempt fuels and, in consultation with the Department of Licensing, options for obtaining a remittance.

(4) Requires the Department of Commerce, subject to appropriation, to provide financial incentives or remove financial barriers to the purchase of CCA-exempt fuel at a price than is different than nonexempt fuel, including by providing financial assistance to retail fuel sellers to make available cardholder or membership-based payment options.

(5) Declares an intent to continue to fund, in the 2025-2027 biennium, the Department of Licensing program that was established in the 2024 supplemental operating budget to provide payments to users of CCA-exempt agricultural fuels.

(6) Includes an emergency clause, providing that the bill takes effect immediately.

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