

EHB 2561 - S AMD

By Committee on Ways & Means

ADOPTED 04/12/2010

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

3 "PART I

4 SHORT TITLE AND INTENT

5 NEW SECTION. **Sec. 101.** This act may be known and cited as the  
6 jobs act.

7 NEW SECTION. **Sec. 102.** The legislature intends to create jobs in  
8 every corner of Washington state by issuing bonds, which will catalyze  
9 energy savings and repair work at public schools and state colleges and  
10 universities.

11 It is the intent of the legislature that these investments will  
12 create jobs quickly and directly, at a time when the state's residents  
13 need jobs. It is the further intent of the legislature that these  
14 investments both accelerate innovation in the energy efficiency sector  
15 and create locally developed technologies and companies to provide  
16 sustainable jobs. The legislature intends to prioritize the use of  
17 innovative technologies and facilitate the development of a sustainable  
18 innovation cluster that creates and installs highly efficient building  
19 technologies and creates jobs.

20 The legislature intends that these job-creating projects save  
21 taxpayers money, with an estimated one hundred twenty-six million  
22 dollars saved each year in public schools through reduced energy and  
23 operational costs, and improve the health and safety of those  
24 buildings. The energy savings are equivalent to the use of an  
25 estimated ninety thousand houses. It is also the intent of the  
26 legislature that these job-creating projects lead to reduced  
27 pollutants, as the weatherization and energy efficiency projects will

1 reduce pollution emissions by an estimated amount equivalent to  
2 removing an estimated one hundred thirty thousand cars from the roads  
3 each year.

4 **PART II**

5 **BOND AUTHORIZATION**

6 NEW SECTION. **Sec. 201.** (1) For the purpose of creating jobs by  
7 constructing needed capital improvements to public facilities for  
8 energy, utility, and operational cost savings, the state finance  
9 committee is authorized to issue general obligation bonds of the state  
10 of Washington in the sum of five hundred five million dollars, or so  
11 much thereof as may be required, for this purpose and all costs  
12 incidental thereto. The bonds issued under the authority of this  
13 section are known as jobs act bonds.

14 (2) Bonds authorized in this section must be sold in the manner, at  
15 the time or times, in amounts, and at such prices as the state finance  
16 committee determines.

17 (3) The authorization to issue bonds contained in this chapter does  
18 not expire until the full authorization has been issued.

19 (4) No bonds authorized in this section may be offered for sale  
20 without prior legislative appropriation of the net proceeds of the sale  
21 of the bonds.

22 NEW SECTION. **Sec. 202.** (1) The nondebt-limit general fund bond  
23 retirement account must be used for the payment of the principal of and  
24 interest on the bonds authorized in section 201 of this act.

25 (2) The state finance committee must, on or before June 30th of  
26 each year, certify to the state treasurer the amount needed in the  
27 ensuing twelve months to meet the bond retirement and interest  
28 requirements on the bonds authorized in section 201 of this act.

29 (3) On each date on which any interest or principal and interest  
30 payment is due on bonds issued for the purposes of section 201 of this  
31 act, the state treasurer shall withdraw from any general state revenues  
32 received in the state treasury and deposit in the nondebt-limit general  
33 fund bond retirement account an amount equal to the amount certified by  
34 the state finance committee to be due on the payment date.



1 (c) "Energy equipment" means energy management systems and any  
2 equipment, materials, or supplies that are expected, upon installation,  
3 to reduce the energy use or energy cost of an existing building or  
4 facility, and the services associated with the equipment, materials, or  
5 supplies, including but not limited to design, engineering, financing,  
6 installation, project management, guarantees, operations, and  
7 maintenance. Reduction in energy use or energy cost may also include  
8 reductions in the use or cost of water, wastewater, or solid waste.

9 (d) "Energy savings performance contracting" means the process  
10 authorized by chapter 39.35C RCW by which a company contracts with a  
11 public agency to conduct energy audits and guarantee energy savings  
12 from energy efficiency.

13 (e) "Innovative measures" means advanced or emerging technologies,  
14 systems, or approaches that may not yet be in common practice but  
15 improve energy efficiency, accelerate deployment, or reduce energy  
16 usage, and become widely commercially available in the future if proven  
17 successful in demonstration programs without compromising the  
18 guaranteed performance or measurable energy and operational cost  
19 savings anticipated. Examples of innovative measures include, but are  
20 not limited to, advanced energy and systems operations monitoring,  
21 diagnostics, and controls systems for buildings; novel heating,  
22 cooling, ventilation, and water heating systems; advanced windows and  
23 insulation technologies, highly efficient lighting technologies,  
24 designs, and controls; and integration of renewable energy sources into  
25 buildings, and energy savings verification technologies and solutions.

26 (f) "Operational cost savings" means savings realized from parts,  
27 service fees, capital renewal costs, and other measurable annual  
28 expenses to maintain and repair systems. This definition does not mean  
29 labor savings related to existing facility staff.

30 (g) "Public facilities" means buildings, building components, and  
31 major equipment or systems owned by public school districts and public  
32 higher education institutions.

33 NEW SECTION. **Sec. 302.** (1) Within appropriations specifically  
34 provided for the purposes of this chapter, the department of commerce,  
35 in consultation with the department of general administration, and the  
36 Washington State University energy program shall establish a  
37 competitive process to solicit and evaluate applications from public

1 school districts, public higher education institutions, and other state  
2 agencies. Final grant awards shall be determined by the department of  
3 commerce.

4 (2) Grants must be awarded in competitive rounds, based on demand  
5 and capacity, with at least five percent of each grant round awarded to  
6 small public school districts with fewer than one thousand full-time  
7 equivalent students, based on demand and capacity.

8 (3) Within each competitive round, projects must be weighted and  
9 prioritized based on the following criteria and in the following order:

10 (a) Leverage ratio: In each round, the higher the leverage ratio  
11 of nonstate funding sources to state jobs act grant, the higher the  
12 project ranking.

13 (b) Energy savings: In each round, the higher the energy savings,  
14 the higher the project ranking. Applicants must submit documentation  
15 that demonstrates energy and operational cost savings resulting from  
16 the installation of the energy equipment and improvements. The energy  
17 savings analysis must be performed by a licensed engineer and  
18 documentation must include but is not limited to the following:

19 (i) A description of the energy equipment and improvements;  
20 (ii) A description of the energy and operational cost savings; and  
21 (iii) A description of the extent to which the project employs  
22 collaborative and innovative measures and encourages demonstration of  
23 new and emerging technologies with high energy savings or energy cost  
24 reductions.

25 (c) Expediency of expenditure: Project readiness to spend funds  
26 must be prioritized so that the legislative intent to expend funds  
27 quickly is met.

28 (4) Projects that do not use energy savings performance contracting  
29 must: (a) Verify energy and operational cost savings, as defined in  
30 section 301 of this act, for ten years or until the energy and  
31 operational costs savings pay for the project, whichever is shorter;  
32 (b) follow the department of general administration's energy savings  
33 performance contracting project guidelines developed pursuant to  
34 section 301 of this act; and (c) employ a licensed engineer for the  
35 energy audit and construction. The department of commerce may require  
36 third-party verification of savings if a project is not implemented by  
37 an energy savings performance contractor selected by the department of  
38 general administration through the request of qualifications process.

1 Third-party verification must be conducted either by an energy savings  
2 performance contractor selected by the department of general  
3 administration through a request for qualifications, a licensed  
4 engineer specializing in energy conservation, or by a project resource  
5 conservation manager or educational service district resource  
6 conservation manager.

7 (5) To intensify competition, the department of commerce may only  
8 award funds to the top eighty-five percent of projects applying in a  
9 round until the department of commerce determines a final round is  
10 appropriate. Projects that do not receive a grant award in one round  
11 may reapply in subsequent rounds.

12 (6) To match federal grants and programs that require state  
13 matching funds and produce significantly higher efficiencies in  
14 operations and utilities, the level of innovation criteria may be  
15 increased for the purposes of weighted scoring to capture those federal  
16 dollars for selected projects that require a higher level of innovation  
17 and regional collaboration.

18 (7) Grant amounts awarded to each project must allow for the  
19 maximum number of projects funded with the greatest energy and cost  
20 benefit.

21 (8)(a) The department of commerce must use bond proceeds to pay  
22 one-half of the preliminary audit, up to five cents per square foot,  
23 if the project does not meet the school district's and higher education  
24 institution's predetermined cost-effectiveness criteria. School  
25 districts and higher education institutions must pay the other one-half  
26 of the cost of the preliminary audit if the project does not meet their  
27 predetermined cost-effectiveness criteria.

28 (b) The energy savings performance contractor may not charge for an  
29 investment grade audit if the project does not meet the school  
30 district's and higher education institution's predetermined cost-  
31 effectiveness criteria. School districts and higher education  
32 institutions must pay the full price of an investment grade audit if  
33 they do not proceed with a project that meets the school district's and  
34 higher education institution's predetermined cost-effectiveness  
35 criteria.

36 (9) The department of commerce may charge projects administrative  
37 fees and may pay the department of general administration and the

1 Washington State University energy program administration fees in an  
2 amount determined through a memorandum of understanding.

3 (10) The department of commerce and the department of general  
4 administration must submit a joint report to the appropriate committees  
5 of the legislature and the office of financial management on the timing  
6 and use of the grant funds, program administrative function, compliance  
7 with apprenticeship utilization requirements in RCW 39.04.320,  
8 compliance with prevailing wage requirements, and administration fees  
9 by the end of each fiscal year, until the funds are fully expended and  
10 all savings verification requirements are fulfilled.

11 NEW SECTION. **Sec. 303. FOR THE DEPARTMENT OF COMMERCE--JOBS ACT**

12 The appropriation in this section is subject to the following  
13 conditions and limitations: The appropriation is for fiscal year 2011  
14 and is provided solely for grants to public school districts and public  
15 higher education institutions for energy and operational cost savings  
16 improvements to public facilities and related projects that result in  
17 energy and operational cost savings under the provision and  
18 requirements of sections 301 and 302 of this act. Related projects are  
19 those projects that must be completed in order for the energy  
20 efficiency improvements to be effective.

21 Appropriation:

22	Washington Works Account--State . . . . .	\$500,000,000
23	Prior Biennia (Expenditures) . . . . .	\$0
24	Future Biennia (Projected Costs) . . . . .	\$0
25	TOTAL . . . . .	\$500,000,000

26 NEW SECTION. **Sec. 304.** The legislature intends to increase  
27 general state revenues to pay for a portion of the increased debt  
28 service costs for voter-approved bonds and for debt-limit bonds  
29 authorized by the legislature for projects awarded grants under  
30 sections 301 and 302 of this act for energy efficiency projects in  
31 public facilities.

32 **Sec. 305.** RCW 82.08.0293 and 2010 1st sp.s. c ... (2ESSB 6143) s  
33 902 are each amended to read as follows:

34 (1) The tax levied by RCW 82.08.020 does not apply to sales of food  
35 and food ingredients. "Food and food ingredients" means substances,

1 whether in liquid, concentrated, solid, frozen, dried, or dehydrated  
2 form, that are sold for ingestion or chewing by humans and are consumed  
3 for their taste or nutritional value. "Food and food ingredients" does  
4 not include:

5 (a) "Alcoholic beverages," which means beverages that are suitable  
6 for human consumption and contain one-half of one percent or more of  
7 alcohol by volume; and

8 (b) "Tobacco," which means cigarettes, cigars, chewing or pipe  
9 tobacco, or any other item that contains tobacco.

10 (2) (~~Until July 1, 2013,~~) The exemption of "food and food  
11 ingredients" provided for in subsection (1) of this section does not  
12 apply to prepared food, soft drinks, bottled water, candy, or dietary  
13 supplements. (~~Beginning July 1, 2013, the exemption of "food and food  
14 ingredients" provided for in subsection (1) of this section does not  
15 apply to prepared food, soft drinks, candy, or dietary supplements.~~)

16 For purposes of this subsection, the following definitions apply:

17 (a) "Dietary supplement" means any product, other than tobacco,  
18 intended to supplement the diet that:

19 (i) Contains one or more of the following dietary ingredients:

20 (A) A vitamin;

21 (B) A mineral;

22 (C) An herb or other botanical;

23 (D) An amino acid;

24 (E) A dietary substance for use by humans to supplement the diet by  
25 increasing the total dietary intake; or

26 (F) A concentrate, metabolite, constituent, extract, or combination  
27 of any ingredient described in this subsection;

28 (ii) Is intended for ingestion in tablet, capsule, powder, softgel,  
29 gelcap, or liquid form, or if not intended for ingestion in such form,  
30 is not represented as conventional food and is not represented for use  
31 as a sole item of a meal or of the diet; and

32 (iii) Is required to be labeled as a dietary supplement,  
33 identifiable by the "supplement facts" box found on the label as  
34 required pursuant to 21 C.F.R. Sec. 101.36, as amended or renumbered as  
35 of January 1, 2003.

36 (b)(i) "Prepared food" means:

37 (A) Food sold in a heated state or heated by the seller;



1 (B) Food sold with eating utensils provided by the seller,  
2 including plates, knives, forks, spoons, glasses, cups, napkins, or  
3 straws. A plate does not include a container or packaging used to  
4 transport the food; or

5 (C) Two or more food ingredients mixed or combined by the seller  
6 for sale as a single item, except:

7 (I) Food that is only cut, repackaged, or pasteurized by the  
8 seller; or

9 (II) Raw eggs, fish, meat, poultry, and foods containing these raw  
10 animal foods requiring cooking by the consumer as recommended by the  
11 federal food and drug administration in chapter 3, part 401.11 of The  
12 Food Code, published by the food and drug administration, as amended or  
13 renumbered as of January 1, 2003, so as to prevent foodborne illness.

14 (ii) "Prepared food" does not include the following food or food  
15 ingredients, if the food or food ingredients are sold without eating  
16 utensils provided by the seller:

17 (A) Food sold by a seller whose proper primary North American  
18 industry classification system (NAICS) classification is manufacturing  
19 in sector 311, except subsector 3118 (bakeries), as provided in the  
20 "North American industry classification system--United States, 2002";

21 (B) Food sold in an unheated state by weight or volume as a single  
22 item; or

23 (C) Bakery items. The term "bakery items" includes bread, rolls,  
24 buns, biscuits, bagels, croissants, pastries, donuts, Danish, cakes,  
25 tortes, pies, tarts, muffins, bars, cookies, or tortillas.

26 (c) "Soft drinks" means nonalcoholic beverages that contain natural  
27 or artificial sweeteners. Soft drinks do not include beverages that  
28 contain: Milk or milk products; soy, rice, or similar milk  
29 substitutes; or greater than fifty percent of vegetable or fruit juice  
30 by volume.

31 (d) "Candy" means a preparation of sugar, honey, or other natural  
32 or artificial sweeteners in combination with chocolate, fruits, nuts,  
33 or other ingredients or flavorings in the form of bars, drops, or  
34 pieces. "Candy" does not include any preparation containing flour and  
35 does not require refrigeration.

36 (e) "Bottled water" means water that is placed in a sealed  
37 container or package for human consumption. Bottled water is calorie  
38 free and does not contain sweeteners or other additives except that it

1 may contain: (i) Antimicrobial agents; (ii) fluoride; (iii)  
2 carbonation; (iv) vitamins, minerals, and electrolytes; (v) oxygen;  
3 (vi) preservatives; and (vii) only those flavors, extracts, or essences  
4 derived from a spice or fruit. "Bottled water" includes water that is  
5 delivered to the buyer in a reusable container that is not sold with  
6 the water.

7 (3) Notwithstanding anything in this section to the contrary, the  
8 exemption of "food and food ingredients" provided in this section  
9 applies to food and food ingredients that are furnished, prepared, or  
10 served as meals:

11 (a) Under a state administered nutrition program for the aged as  
12 provided for in the older Americans act (P.L. 95-478 Title III) and RCW  
13 74.38.040(6);

14 (b) That are provided to senior citizens, individuals with  
15 disabilities, or low-income persons by a not-for-profit organization  
16 organized under chapter 24.03 or 24.12 RCW; or

17 (c) That are provided to residents, sixty-two years of age or  
18 older, of a qualified low-income senior housing facility by the lessor  
19 or operator of the facility. The sale of a meal that is billed to both  
20 spouses of a marital community or both domestic partners of a domestic  
21 partnership meets the age requirement in this subsection (3)(c) if at  
22 least one of the spouses or domestic partners is at least sixty-two  
23 years of age. For purposes of this subsection, "qualified low-income  
24 senior housing facility" means a facility:

25 (i) That meets the definition of a qualified low-income housing  
26 project under 26 U.S.C. Sec. 42 of the federal internal revenue code,  
27 as existing on August 1, 2009;

28 (ii) That has been partially funded under 42 U.S.C. Sec. 1485; and

29 (iii) For which the lessor or operator has at any time been  
30 entitled to claim a federal income tax credit under 26 U.S.C. Sec. 42  
31 of the federal internal revenue code.

32 (4)(a) Subsection (1) of this section notwithstanding, the retail  
33 sale of food and food ingredients is subject to sales tax under RCW  
34 82.08.020 if the food and food ingredients are sold through a vending  
35 machine. Except as provided in (b) of this subsection, the selling  
36 price of food and food ingredients sold through a vending machine for  
37 purposes of RCW 82.08.020 is fifty-seven percent of the gross receipts.

1 (b) For soft drinks and hot prepared food and food ingredients,  
2 other than food and food ingredients which are heated after they have  
3 been dispensed from the vending machine, the selling price is the total  
4 gross receipts of such sales divided by the sum of one plus the sales  
5 tax rate expressed as a decimal.

6 (c) For tax collected under this subsection (4), the requirements  
7 that the tax be collected from the buyer and that the amount of tax be  
8 stated as a separate item are waived.

9 **Sec. 306.** RCW 82.12.0293 and 2010 1st sp.s. c ... (2ESSB 6143) s  
10 903 are each amended to read as follows:

11 (1) The provisions of this chapter do not apply in respect to the  
12 use of food and food ingredients for human consumption. "Food and food  
13 ingredients" has the same meaning as in RCW 82.08.0293.

14 (2) (~~Until July 1, 2013,~~) The exemption of "food and food  
15 ingredients" provided for in subsection (1) of this section does not  
16 apply to prepared food, soft drinks, bottled water, candy, or dietary  
17 supplements. (~~Beginning July 1, 2013, the exemption of "food and food  
18 ingredients" provided for in subsection (1) of this section does not  
19 apply to prepared food, soft drinks, candy, or dietary supplements.~~)  
20 "Prepared food," "soft drinks," "dietary supplements," "candy," and  
21 "bottled water" have the same meanings as in RCW 82.08.0293.

22 (3) Notwithstanding anything in this section to the contrary, the  
23 exemption of "food and food ingredients" provided in this section  
24 (~~apply~~) applies to food and food ingredients which are furnished,  
25 prepared, or served as meals:

26 (a) Under a state administered nutrition program for the aged as  
27 provided for in the older Americans act (P.L. 95-478 Title III) and RCW  
28 74.38.040(6);

29 (b) Which are provided to senior citizens, individuals with  
30 disabilities, or low-income persons by a not-for-profit organization  
31 organized under chapter 24.03 or 24.12 RCW; or

32 (c) That are provided to residents, sixty-two years of age or  
33 older, of a qualified low-income senior housing facility by the lessor  
34 or operator of the facility. The sale of a meal that is billed to both  
35 spouses of a marital community or both domestic partners of a domestic  
36 partnership meets the age requirement in this subsection (3)(c) if at

1 least one of the spouses or domestic partners is at least sixty-two  
2 years of age. For purposes of this subsection, "qualified low-income  
3 senior housing facility" has the same meaning as in RCW 82.08.0293.

4 **PART IV**

5 **TECHNICAL PROVISIONS**

6 NEW SECTION. **Sec. 401.** (1) The legislature may provide additional  
7 means for raising moneys for the payment of the principal of and  
8 interest on the bonds authorized in section 201 of this act, and  
9 section 202 of this act may not be deemed to provide an exclusive  
10 method for the payment.

11 (2) The office of the state treasurer must determine a mechanism to  
12 allow individual Washington state residents to purchase jobs act bonds.

13 NEW SECTION. **Sec. 402.** The bonds authorized by this chapter  
14 constitute a legal investment for all state funds or for funds under  
15 state control and all funds of municipal corporations.

16 NEW SECTION. **Sec. 403.** The state finance committee is authorized  
17 to prescribe the form, terms, conditions, and covenants of the bonds  
18 provided for in this act, the time or times of sale of all or any  
19 portion of them, and the conditions and manner of their sale and  
20 issuance.

21 NEW SECTION. **Sec. 404.** The Washington works account is created in  
22 the state treasury. All receipts from bonds authorized under section  
23 201 of this act must be deposited in the account. Moneys in the  
24 account may be spent only after appropriation. The proceeds from the  
25 sale of the bonds authorized in section 201 of this act must be  
26 deposited in the account. Moneys in the account must be used  
27 exclusively for:

28 (1) The purposes of sections 301, 302, and 303 of this act, which  
29 includes energy and operational cost savings improvements and related  
30 projects that result in energy and operational cost savings for public  
31 school districts and public higher education institutions; and

32 (2) The payment of the expenses incurred in connection with the  
33 sale and issuance of the bonds.

1           NEW SECTION.   **Sec. 405.** If the state finance committee deems it  
2 necessary to issue any portion of the bonds authorized in this chapter  
3 as taxable bonds in order to comply with federal internal revenue  
4 service rules and regulations pertaining to the use of nontaxable bond  
5 proceeds, the proceeds of such taxable bonds must be transferred to the  
6 state taxable building construction account in lieu of any deposits  
7 otherwise provided by section 404 of this act. The state treasurer  
8 must submit written notice to the director of financial management if  
9 it is determined that any such transfer to the state taxable building  
10 construction account is necessary. Moneys in the account may be spent  
11 only after appropriation. For purposes of this section, "nontaxable  
12 bond proceeds" includes proceeds from bonds issued as tax exempt bonds  
13 and proceeds from taxable bonds eligible for direct federal subsidy  
14 under federal internal revenue service rules.

15           **Sec. 406.** RCW 39.94.040 and 2003 c 6 s 2 are each amended to read  
16 as follows:

17           (1) Except as provided in RCW 28B.10.022, the state may not enter  
18 into any financing contract for itself if the aggregate principal  
19 amount payable thereunder is greater than an amount to be established  
20 from time to time by the state finance committee or participate in a  
21 program providing for the issuance of certificates of participation,  
22 including any contract for credit enhancement, without the prior  
23 approval of the state finance committee. Except as provided in RCW  
24 28B.10.022, the state finance committee shall approve the form of all  
25 financing contracts or a standard format for all financing contracts.  
26 The state finance committee also may:

27           (a) Consolidate existing or potential financing contracts into  
28 master financing contracts with respect to property acquired by one or  
29 more agencies, departments, instrumentalities of the state, the state  
30 board for community and technical colleges, or a state institution of  
31 higher learning; or to be acquired by an other agency;

32           (b) Approve programs providing for the issuance of certificates of  
33 participation in master financing contracts for the state or for other  
34 agencies;

35           (c) Enter into agreements with trustees relating to master  
36 financing contracts; and

1 (d) Make appropriate rules for the performance of its duties under  
2 this chapter.

3 (2) In the performance of its duties under this chapter, the state  
4 finance committee may consult with representatives from the department  
5 of general administration, the office of financial management, and the  
6 department of information services.

7 (3) With the approval of the state finance committee, the state  
8 also may enter into agreements with trustees relating to financing  
9 contracts and the issuance of certificates of participation.

10 (4) Except for financing contracts for real property used for the  
11 purposes described under chapter 28B.140 RCW, the state may not enter  
12 into any financing contract for real property of the state without  
13 prior approval of the legislature.

14 (5) The state may not enter into any financing contract on behalf  
15 of an other agency without the approval of such a financing contract by  
16 the governing body of the other agency. For the purposes of this  
17 requirement, a financing contract must be treated as used for real  
18 property if it is being entered into by the state for the acquisition  
19 of land; the acquisition of an existing building; the construction of  
20 a new building; or a major remodeling, renovation, rehabilitation, or  
21 rebuilding of an existing building. Prior approval of the legislature  
22 is not required under this chapter for a financing contract entered  
23 into by the state under this chapter for energy conservation  
24 improvements to existing buildings where such improvements include (a)  
25 fixtures and equipment that are not part of a major remodeling,  
26 renovation, rehabilitation, or rebuilding of the building, or (b) other  
27 improvements to the building that are being performed for the primary  
28 purpose of energy conservation. Such energy conservation improvements  
29 must be determined eligible for financing under this chapter by the  
30 office of financial management in accordance with financing guidelines  
31 established by the state treasurer, and are to be treated as personal  
32 property for the purposes of this chapter.

33 **PART V**

34 **REFERENDUM PROVISIONS**

35 NEW SECTION. **Sec. 501.** (1) The secretary of state shall submit  
36 sections 101 through 203 and 401 through 405 of this act to the people

1 for their adoption and ratification, or rejection, at the next general  
2 election to be held in this state, in accordance with Article II,  
3 section 1 and Article VIII, section 3 of the state Constitution and the  
4 laws adopted to facilitate their operation.

5 (2) If the people ratify this act as specified under subsection (1)  
6 of this section, revenues generated shall be spent as detailed in this  
7 act.

8 (3) Pursuant to RCW 29A.72.050(6), the statement of subject and  
9 concise description for the ballot title shall read: "The legislature  
10 has passed Engrossed House Bill No. 2561 (this act), concerning job  
11 creation through energy efficiency projects in school buildings. This  
12 bill would promote job creation by authorizing bonds to construct  
13 energy efficiency savings improvements to schools, including higher  
14 education buildings."

15 NEW SECTION. **Sec. 502.** Sections 303 through 306 of this act are  
16 contingent upon approval by the voters of sections 101 through 203 and  
17 401 through 405 of this act. If sections 101 through 203 and 401  
18 through 405 of this act are not approved by the voters by December 1,  
19 2010, sections 303 through 306 of this act are null and void.

20 NEW SECTION. **Sec. 503.** Sections 201 through 203, 301, 302, and  
21 401 through 405 of this act constitute a new chapter in Title 43 RCW.

22 **PART VI**  
23 **MISCELLANEOUS PROVISIONS**

24 NEW SECTION. **Sec. 601.** This act takes effect if Second Engrossed  
25 Substitute Senate Bill No. 6143 is enacted by the legislature during  
26 the 2010 1st special session."

**ADOPTED 04/12/2010**

1        On page 1, line 2 of the title, after "facilities" strike the  
2 remainder of the title and insert "and raising revenue therefor;  
3 amending RCW 82.08.0293, 82.12.0293, and 39.94.040; adding a new  
4 chapter to Title 43 RCW; creating new sections; making an  
5 appropriation; providing a contingent effective date; providing for  
6 submission of certain sections of this act to a vote of the people; and  
7 declaring an emergency."

**--- END ---**