

CERTIFICATION OF ENROLLMENT
ENGROSSED SUBSTITUTE SENATE BILL 5447

68th Legislature
2023 Regular Session

Passed by the Senate April 19, 2023
Yeas 48 Nays 1

President of the Senate

Passed by the House April 14, 2023
Yeas 96 Nays 0

**Speaker of the House of
Representatives**

Approved

Governor of the State of Washington

CERTIFICATE

I, Sarah Bannister, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **ENGROSSED SUBSTITUTE SENATE BILL 5447** as passed by the Senate and the House of Representatives on the dates hereon set forth.

Secretary

FILED

**Secretary of State
State of Washington**

ENGROSSED SUBSTITUTE SENATE BILL 5447

AS AMENDED BY THE HOUSE

Passed Legislature - 2023 Regular Session

State of Washington 68th Legislature 2023 Regular Session

By Senate Environment, Energy & Technology (originally sponsored by Senators Billig, King, Nguyen, MacEwen, Mullet, Wellman, Gildon, Keiser, Shewmake, Lovick, Boehnke, Warnick, Randall, Conway, Dhingra, Dozier, Lias, Lovelett, Saldaña, Stanford, Van De Wege, and Wagoner)

READ FIRST TIME 02/09/23.

1 AN ACT Relating to promoting the alternative jet fuel industry in
2 Washington; amending RCW 70A.535.010, 43.330.565, and 43.330.570;
3 adding a new section to chapter 70A.535 RCW; adding new sections to
4 chapter 28B.30 RCW; adding new sections to chapter 82.04 RCW; adding
5 a new section to chapter 82.16 RCW; creating new sections; providing
6 effective dates; providing an expiration date; and declaring an
7 emergency.

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

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

20

PART I

1 **TREATMENT OF ALTERNATIVE JET FUELS**

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

4 The definitions in this section apply throughout this chapter
5 unless the context clearly indicates otherwise.

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

8 (2) "Carbon intensity" means the quantity of life-cycle
9 greenhouse gas emissions, per unit of fuel energy, expressed in grams
10 of carbon dioxide equivalent per megajoule (gCO₂e/MJ).

11 (3) "Clean fuels program" means the requirements established
12 under this chapter.

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

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

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

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

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

31 (9) "Greenhouse gas" has the same meaning as defined in RCW
32 70A.45.010.

33 (10) "Military tactical vehicle" means a motor vehicle owned by
34 the United States department of defense or the United States military
35 services and that is used in combat, combat support, combat service
36 support, tactical or relief operations, or training for such
37 operations.

38 (11) "Motor vehicle" has the same meaning as defined in RCW
39 46.04.320.

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

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

7 (14)(a) "Tactical support equipment" means equipment using a
8 portable engine, including turbines, that meets military
9 specifications, owned by the United States military services or its
10 allies, and that is used in combat, combat support, combat service
11 support, tactical or relief operations, or training for such
12 operations.

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

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

20 (16) "Alternative jet fuel" means a fuel that can be blended and
21 used with conventional petroleum jet fuels without the need to modify
22 aircraft engines and existing fuel distribution infrastructure, and
23 that have a lower carbon intensity than the applicable annual carbon
24 intensity standard in Table 2 of WAC 173-424-900, as it existed on
25 the effective date of this section. Alternative jet fuel includes jet
26 fuels derived from coprocessed feedstocks at a conventional petroleum
27 refinery.

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

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

32 (2) The department must allow biomethane to be claimed as the
33 feedstock for renewable diesel and alternative jet fuel consistent
34 with that allowable for compressed natural gas, liquified natural
35 gas, liquified compressed natural gas, or hydrogen production. The
36 department must include in the report required by RCW 70A.535.090(1)
37 information that includes the amount, generation date, and geographic
38 origin of renewable thermal certificates representing the biomethane

1 environmental attributes claimed by each reporting entity for the
2 fuels described in this subsection.

3 (3) The department must notify the department of revenue within
4 30 days when one or more facilities capable of producing a cumulative
5 production capacity of at least 20,000,000 gallons of alternative jet
6 fuel each year are operating in this state.

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

9 (1) Washington State University must convene an alternative jet
10 fuels work group to further the development of alternative jet fuel
11 as a productive industry in Washington. The work group must include
12 members from the legislature and sectors involved in alternative jet
13 fuel research, development, production, and utilization. The work
14 group must provide a report including any pertinent recommendations
15 to the governor and appropriate committees of the legislature by
16 December 1, 2024, and December 1st of every even-numbered year until
17 December 1, 2028.

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

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

21 (1) The statewide office of renewable fuels is established within
22 the department. The office shall report to the director of the
23 department. The office may employ staff as necessary to carry out the
24 office's duties as prescribed by chapter 292, Laws of 2022, subject
25 to the availability of amounts appropriated for this specific
26 purpose.

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

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

31 (b) Support research into and development and deployment of
32 renewable fuel and the production, distribution, and use of renewable
33 and green electrolytic hydrogen and their derivatives, as well as
34 product engineering and manufacturing relating to the production and
35 use of such hydrogen and its derivatives;

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

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

3 (e) Enhance resiliency by using renewable fuels, alternative jet
4 fuels, and green electrolytic hydrogen to support climate change
5 mitigation and adaptations; and

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

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

10 (1) The office shall:

11 (a) Coordinate with federally recognized tribes, local
12 government, state agencies, federal agencies, private entities, the
13 state's public four-year institutions of higher education, labor
14 unions, and others to facilitate and promote multi-institution
15 collaborations to drive research, development, and deployment efforts
16 in the production, distribution, and use of alternative jet fuels and
17 renewable fuels including, but not limited to, green electrolytic
18 hydrogen;

19 (b) Review existing renewable fuels, alternative jet fuels, and
20 green electrolytic hydrogen initiatives, policies, and public and
21 private investments, and tax and regulatory incentives, including
22 assessment of adequacy of feedstock supply and in-state feedstock,
23 renewable fuels, and alternative jet fuels production;

24 (c) Consider funding opportunities that provide for the
25 coordination of public and private funds for the purposes of
26 developing and deploying renewable fuels, alternative jet fuels, and
27 green electrolytic hydrogen;

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

31 (e) Request recommendations from the Washington state association
32 of fire marshals regarding fire and other safety standards adopted by
33 the United States department of energy and recognized national and
34 international fire and safety code development authorities regarding
35 renewable fuels, alternative jet fuels, and green electrolytic
36 hydrogen;

37 (f) By December 1, 2023, develop a plan and recommendations for
38 consideration by the legislature and governor on renewable fuels and
39 green electrolytic hydrogen policy and public funding including, but

1 not limited to, project permitting, state procurement, and pilot
2 projects; and

3 (g) Encourage new and support existing public-private
4 partnerships to increase coordinated planning and deployment of
5 renewable fuels, alternative jet fuels, and green electrolytic
6 hydrogen.

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

11 (3) In carrying out its duties, the office must collaborate with
12 the department, the department of ecology, the department of
13 transportation, the utilities and transportation commission, electric
14 utilities in Washington state, the Washington State University
15 extension energy program, the alternative jet fuel work group
16 established in section 4 of this act, and all other relevant state
17 agencies. The office must also consult with and seek to involve
18 federally recognized tribes, project developers, labor and industry
19 trade groups, and other interested parties, in the development of
20 policy analysis and recommended programs or projects.

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

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

27 (1) To assess the potential cobenefits of alternative jet fuel
28 for Washington's communities, by December 1, 2024, and December 1st
29 of each year until such time as the joint legislative audit and
30 review committee has completed its final report on the tax
31 preferences contained in sections 9 through 12 of this act, the
32 University of Washington's department of environmental and
33 occupational health sciences, in collaboration with Washington State
34 University, shall calculate emissions of ultrafine and fine
35 particulate matter and sulfur oxides from the use of alternative jet
36 fuel as compared to conventional fossil jet fuel, including the
37 potential regional air quality benefits of any reductions. This
38 emissions calculation shall be conducted for alternative jet fuel
39 used from an international airport owned by a port district in a

1 county with a population greater than 1,500,000. The University of
2 Washington may access and use any data necessary to complete the
3 reporting requirements of this section.

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

13 **PART II**

14 **ALTERNATIVE JET FUEL TAX INCENTIVES**

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

22 (2) The legislature categorizes these tax preferences as ones
23 intended to improve industry competitiveness as indicated in RCW
24 82.32.808(2)(b).

25 (3) It is the legislature's specific public policy objective to
26 encourage the production and use of alternative jet fuels. It is also
27 the legislature's intent to support the development of the
28 alternative jet fuels industry in Washington by providing targeted
29 tax relief for such businesses.

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

32 (a) An increase in the production and use of alternative jet
33 fuels in Washington by persons claiming the tax preferences in this
34 act;

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

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

3 (5) The review conducted by the joint legislative audit and
4 review committee must include a racial equity analysis on air travel-
5 related pollution in communities near an international airport owned
6 by a port district in a county with a population greater than
7 1,500,000.

8 (6) In order to obtain the data necessary to perform the review
9 in subsection (4) of this section, the joint legislative audit and
10 review committee may access and use data from an international
11 airport owned by a port district in a county with a population
12 greater than 1,500,000, the University of Washington, reports
13 compiled by the Washington State University pursuant to section 7 of
14 this act, and any other data collected by the state as it deems
15 necessary.

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

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

20 (1) Upon every person engaging within the state in the business
21 of manufacturing alternative jet fuel; as to such persons, the amount
22 of the tax with respect to such business is, in the case of
23 manufacturers, equal to the value of the product manufactured, or in
24 the case of processors for hire, equal to the gross income of the
25 business, multiplied by the rate of 0.275 percent.

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

31 (3) For the purposes of this section, "alternative jet fuel"
32 means a fuel that can be blended and used with conventional petroleum
33 jet fuels without the need to modify aircraft engines and existing
34 fuel distribution infrastructure and that has lower greenhouse gas
35 emissions based on a full life-cycle analysis when compared to
36 conventional petroleum jet fuel for which it is capable as serving as
37 a substitute, as certified by the department of ecology using the
38 methods for determining the carbon intensity of fuels under chapter
39 70A.535 RCW. "Alternative jet fuel" includes jet fuels derived from

1 coprocessed feedstocks at a conventional petroleum refinery as
2 certified by the department of ecology using the methods for
3 determining the carbon intensity of fuels under chapter 70A.535 RCW.

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

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

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

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

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

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

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

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

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

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

37 (e) The credit under this section is calculated only on the
38 portion of jet fuel that is considered alternative jet fuel and does

1 not include conventional petroleum jet fuel when such fuels are
2 blended or otherwise used in a jet fuel mixture.

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

8 (g) Contract pricing for sales of alternative jet fuel between a
9 person claiming the credit under this section and the final consumer
10 must reflect the per gallon credit under (b) and (c) of this
11 subsection.

12 (h) A credit under this section may not be claimed until the
13 department of ecology, in consultation with the department of
14 archeology and historic preservation, verifies that the person
15 applying for the credit is not engaged in the manufacturing of
16 alternative jet fuel on the footprint of a structure listed with the
17 department of archeology and historic preservation as a historic
18 cemetery or tribal burial grounds as per chapter 27.44 or 68.60 RCW.
19 If the department of ecology has not made a determination within 60
20 days of the person requesting verification under this subsection, the
21 application is deemed to be verified.

22 (2) A person may not receive credit under this section for
23 amounts claimed as credits under section 11 of this act or chapter
24 82.16 RCW.

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

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

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

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

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

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

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

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

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

7 (5) The department must notify applicants of credit approval or
8 denial within 60 days of receipt of a final application and
9 documentation.

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

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

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

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

20 (8) For the purposes of this section:

21 (a) "Alternative jet fuel" has the same meaning as in RCW
22 70A.535.010.

23 (b) "Carbon dioxide equivalent" has the same meaning as in RCW
24 70A.45.010.

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

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

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

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

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

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

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

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

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

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

23 (2) A person may not receive credit under this section for
24 amounts claimed as credits under section 10 of this act or chapter
25 82.16 RCW.

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

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

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

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

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

37 (iii) Documentation sufficient for the department to verify that
38 the alternative jet fuel for which the credit is being claimed meets
39 the definition in section 9(3) of this act and the carbon intensity
40 reduction benchmarks under subsection (1)(b) and (c) of this section,

1 as certified by the department of ecology under chapter 70A.535 RCW;
2 and

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

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

7 (5) The department must notify applicants of credit approval or
8 denial within 60 days of receipt of a final application and
9 documentation.

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

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

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

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

19 (8) For the purposes of this section:

20 (a) "Alternative jet fuel" has the same meaning as in RCW
21 70A.535.010.

22 (b) "Carbon dioxide equivalent" has the same meaning as in RCW
23 70A.45.010.

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

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

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

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

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

38 (b) Except as provided in (c) of this subsection, the credit
39 under this section is equal to \$1 for each gallon of alternative jet

1 fuel that has at least 50 percent less carbon dioxide equivalent
2 emissions than conventional petroleum jet fuel and is purchased
3 during the prior calendar year by a business for use as alternative
4 jet fuel for flights departing in this state.

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

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

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

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

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

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

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

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

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

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

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

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

1 (5) The department must notify applicants of credit approval or
2 denial within 60 days of receipt of a final application and
3 documentation.

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

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

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

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

13 (8) The definitions in section 11 of this act apply to this
14 section.

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

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

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

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

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

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

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

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