
SENATE BILL 6772

State of Washington

54th Legislature

1996 Regular Session

By Senators Fairley and Kohl

Read first time 02/07/96. Referred to Committee on Ecology & Parks.

1 AN ACT Relating to taxes for marine protection; and amending RCW
2 82.23B.020 and 82.23B.030.

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

4 **Sec. 1.** RCW 82.23B.020 and 1995 c 399 s 214 are each amended to
5 read as follows:

6 (1) An oil spill response tax is imposed on the privilege of
7 receiving crude oil or petroleum products at a facility as defined in
8 RCW 88.46.010 from a pipeline or at a marine terminal within this state
9 from a waterborne vessel or barge operating on the navigable waters of
10 this state. The tax imposed in this section is levied upon the owner
11 of the crude oil or petroleum products immediately after receipt of the
12 same into the storage tanks of a facility from a pipeline or of a
13 marine terminal from a waterborne vessel or barge at the rate of two
14 cents per barrel of crude oil or petroleum product received.

15 (2) In addition to the tax imposed in subsection (1) of this
16 section, (~~(an oil spill administration)~~) a marine waters protection tax
17 is imposed on the privilege of receiving crude oil or petroleum
18 products at a facility as defined in RCW 88.46.010 from a pipeline or
19 at a marine terminal within this state from a waterborne vessel or

1 barge operating on the navigable waters of this state. The tax imposed
2 in this section is levied upon the owner of the crude oil or petroleum
3 products immediately after receipt of the same into the storage tanks
4 of a facility from a pipeline or of a marine terminal from a waterborne
5 vessel or barge at the rate of three cents per barrel of crude oil or
6 petroleum product.

7 (3) The taxes imposed by this chapter shall be collected by the
8 facility or marine terminal operator from the taxpayer. If any person
9 charged with collecting the taxes fails to bill the taxpayer for the
10 taxes, or in the alternative has not notified the taxpayer in writing
11 of the imposition of the taxes, or having collected the taxes, fails to
12 pay them to the department in the manner prescribed by this chapter,
13 whether such failure is the result of the person's own acts or the
14 result of acts or conditions beyond the person's control, he or she
15 shall, nevertheless, be personally liable to the state for the amount
16 of the taxes. Payment of the taxes by the owner to a facility or
17 marine terminal operator shall relieve the owner from further liability
18 for the taxes.

19 (4) Taxes collected under this chapter shall be held in trust until
20 paid to the department. Any person collecting the taxes who
21 appropriates or converts the taxes collected shall be guilty of a gross
22 misdemeanor if the money required to be collected is not available for
23 payment on the date payment is due. The taxes required by this chapter
24 to be collected shall be stated separately from other charges made by
25 the facility or marine terminal operator in any invoice or other
26 statement of account provided to the taxpayer.

27 (5) If a taxpayer fails to pay the taxes imposed by this chapter to
28 the person charged with collection of the taxes and the person charged
29 with collection fails to pay the taxes to the department, the
30 department may, in its discretion, proceed directly against the
31 taxpayer for collection of the taxes.

32 (6) The taxes shall be due from the facility or marine terminal
33 operator, along with reports and returns on forms prescribed by the
34 department, within twenty-five days after the end of the month in which
35 the taxable activity occurs.

36 (7) The amount of taxes, until paid by the taxpayer to the facility
37 or marine terminal operator or to the department, shall constitute a
38 debt from the taxpayer to the facility or marine terminal operator.
39 Any person required to collect the taxes under this chapter who, with

1 intent to violate the provisions of this chapter, fails or refuses to
2 do so as required and any taxpayer who refuses to pay any taxes due
3 under this chapter, shall be guilty of a misdemeanor as provided in
4 chapter 9A.20 RCW.

5 (8) Upon prior approval of the department, the taxpayer may pay the
6 taxes imposed by this chapter directly to the department. The
7 department shall give its approval for direct payment under this
8 section whenever it appears, in the department's judgment, that direct
9 payment will enhance the administration of the taxes imposed under this
10 chapter. The department shall provide by rule for the issuance of a
11 direct payment certificate to any taxpayer qualifying for direct
12 payment of the taxes. Good faith acceptance of a direct payment
13 certificate by a facility or terminal operator shall relieve the
14 facility or marine terminal operator from any liability for the
15 collection or payment of the taxes imposed under this chapter.

16 (9) All receipts from the tax imposed in subsection (1) of this
17 section shall be deposited into the state oil spill response account.
18 All receipts from the tax imposed in subsection (2) of this section
19 shall be deposited into the oil spill administration account.

20 (10) Within forty-five days after the end of each calendar quarter,
21 the office of financial management shall determine the balance of the
22 oil spill response account as of the last day of that calendar quarter.
23 Balance determinations by the office of financial management under this
24 section are final and shall not be used to challenge the validity of
25 any tax imposed under this chapter. The office of financial management
26 shall promptly notify the departments of revenue and ecology of the
27 account balance once a determination is made. For each subsequent
28 calendar quarter, the tax imposed by subsection (1) of this section
29 shall be imposed during the entire calendar quarter unless:

30 (a) Tax was imposed under subsection (1) of this section during the
31 immediately preceding calendar quarter, and the most recent quarterly
32 balance is more than twenty-five million dollars; or

33 (b) Tax was not imposed under subsection (1) of this section during
34 the immediately preceding calendar quarter, and the most recent
35 quarterly balance is more than fifteen million dollars.

36 (11) The (~~office of marine safety~~) integrated oil spill
37 prevention and response program, the department of revenue, and the
38 department of community, trade, and economic development shall study
39 tax credits for taxpayers employing vessels with the best achievable

1 technology and the best available protection to reduce the risk of oil
2 spills to the navigable waters of the state and submit the study to the
3 appropriate standing committees of the legislature by December 1, 1992.

4 **Sec. 2.** RCW 82.23B.030 and 1992 c 73 s 9 are each amended to read
5 as follows:

6 The taxes imposed under this chapter shall only apply to the first
7 receipt of crude oil or petroleum products at a facility as defined in
8 RCW 88.46.010 or marine terminal in this state and not to the later
9 transporting and subsequent receipt of the same oil or petroleum
10 product, whether in the form originally received at a facility or
11 marine terminal in this state or after refining or other processing.

12 NEW SECTION. **Sec. 3.** 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.

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