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**SUBSTITUTE SENATE BILL 5337**

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**State of Washington**

**62nd Legislature**

**2011 Regular Session**

**By** Senate Transportation (originally sponsored by Senators Stevens, Pflug, Honeyford, Swecker, and Roach)

READ FIRST TIME 02/10/11.

1 AN ACT Relating to financial assistance to privately owned airports  
2 available for general use of the public; and amending RCW 47.68.090.

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

4 **Sec. 1.** RCW 47.68.090 and 2009 c 470 s 718 are each amended to  
5 read as follows:

6 (1) The department of transportation may make available its  
7 engineering and other technical services, with or without charge, to  
8 any municipality or person desiring them in connection with the  
9 planning, acquisition, construction, improvement, maintenance, or  
10 operation of airports or air navigation facilities.

11 (2)(a) The department may render financial assistance by grant or  
12 loan, or both, to the following entities out of appropriations made by  
13 the legislature for the following purposes:

14 (i) Any municipality or municipalities acting jointly in the  
15 planning, acquisition, construction, improvement, maintenance, or  
16 operation of an airport owned or controlled, or to be owned or  
17 controlled by such municipality or municipalities(~~(, or to)~~);

18 (ii) Any Indian tribe recognized as such by the federal government  
19 or such tribes acting jointly in the planning, acquisition,

1 construction, improvement, maintenance, or operation of an airport,  
2 owned or controlled, or to be owned or controlled by such tribe or  
3 tribes, and to be held available for the general use of the public(~~(~~  
4 ~~out of appropriations made by the legislature for such purposes)~~); or

5 (iii) Any person or persons acting jointly in the planning,  
6 acquisition, construction, improvement, maintenance, or operation of an  
7 airport, owned or controlled, or to be owned or controlled by such  
8 person or persons, and to be held available for the general use of the  
9 public.

10 (b) Such financial assistance may be furnished in connection with  
11 federal or other financial aid for the same purposes: PROVIDED, That  
12 no grant or loan, or both, shall be in excess of two hundred fifty  
13 thousand dollars, or five hundred thousand dollars during the 2009-2011  
14 fiscal biennium, for any one project: PROVIDED FURTHER, That no grant  
15 or loan, or both, shall be granted unless the municipality or  
16 municipalities acting jointly, (~~(or)~~) the tribe or tribes acting  
17 jointly, or the person or persons acting jointly shall from their own  
18 funds match any funds made available by the department upon such ratio  
19 as the department may prescribe.

20 (c) The department must establish, by rule, criteria for  
21 administering financial assistance to any entity.

22 (3) The department is authorized to act as agent of any  
23 municipality or municipalities acting jointly (~~(or)~~), any tribe or  
24 tribes acting jointly, or any person or persons acting jointly upon the  
25 request of such municipality or municipalities, (~~(or such)~~) tribe or  
26 tribes, or person or persons in accepting, receiving, receipting for,  
27 and disbursing federal moneys, and other moneys public or private, made  
28 available to finance, in whole or in part, the planning, acquisition,  
29 construction, improvement, maintenance, or operation of an airport or  
30 air navigation facility; and if requested by such municipality or  
31 municipalities, (~~(or)~~) tribe or tribes, or person or persons, may act  
32 as its or their agent in contracting for and supervising such planning,  
33 acquisition, construction, improvement, maintenance, or operation; and  
34 all municipalities (~~(and)~~), tribes, and persons are authorized to  
35 designate the department as their agent for the foregoing purposes.  
36 The department, as principal on behalf of the state, and any  
37 municipality on its own behalf, may enter into any contracts, with each  
38 other or with the United States or with any person, which may be

1 required in connection with a grant or loan of federal moneys for  
2 airport or air navigation facility purposes. All federal moneys  
3 accepted under this section shall be accepted and transferred or  
4 expended by the department upon such terms and conditions as are  
5 prescribed by the United States. All moneys received by the department  
6 pursuant to this section shall be deposited in the state treasury, and,  
7 unless otherwise prescribed by the authority from which such moneys  
8 were received, shall be kept in separate funds designated according to  
9 the purposes for which the moneys were made available, and held by the  
10 state in trust for such purposes. All such moneys are hereby  
11 appropriated for the purposes for which the same were made available,  
12 to be disbursed or expended in accordance with the terms and conditions  
13 upon which they were made available: PROVIDED, That any landing fee or  
14 charge imposed by any Indian tribe or tribes for the privilege of use  
15 of an airport facility planned, acquired, constructed, improved,  
16 maintained, or operated with financial assistance from the department  
17 pursuant to this section must apply equally to tribal and nontribal  
18 members: PROVIDED FURTHER, That in the event any municipality or  
19 municipalities (~~(or)~~), Indian tribe or tribes, or person or persons, or  
20 any distributor of aircraft fuel as defined by RCW 82.42.020 which  
21 operates in any airport facility which has received financial  
22 assistance pursuant to this section, fails to collect the aircraft fuel  
23 excise tax as specified in chapter 82.42 RCW, all funds or value of  
24 technical assistance given or paid to such municipality or  
25 municipalities (~~(or)~~), Indian tribe or tribes, or person or persons  
26 under the provisions of this section shall revert to the department,  
27 and shall be due and payable to the department immediately.

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