

2SSB 6524 - S AMD TO S AMD (S-4562.3/14) **460**
By Senator Ranker

1 On page 7, after line 21 of the amendment, insert the following:

2 "Sec. 9. RCW 82.23B.010 and 1992 c 73 s 6 are each amended to read
3 as follows:

4 ~~((Unless the context clearly requires otherwise, the definitions in
5 this section apply throughout this chapter.))~~ The definitions in this
6 section apply throughout this chapter unless the context clearly
7 requires otherwise.

8 (1) "Barrel" means a unit of measurement of volume equal to forty-
9 two United States gallons of crude oil or petroleum product.

10 (2) "Bulk oil terminal" means a facility of any kind, other than a
11 waterborne vessel, that is used for transferring crude oil to or from
12 a rail tank car.

13 (3) "Crude oil" means any naturally occurring liquid hydrocarbons
14 at atmospheric temperature and pressure coming from the earth,
15 including condensate and natural gasoline.

16 ~~((+3))~~ (4) "Department" means the department of revenue.

17 ~~((+4))~~ (5) "Marine terminal" means a facility of any kind, other
18 than a waterborne vessel, that is used for transferring crude oil or
19 petroleum products to or from a waterborne vessel or barge.

20 ~~((+5))~~ (6) "Navigable waters" means those waters of the state and
21 their adjoining shorelines that are subject to the ebb and flow of the
22 tide, including the Columbia and Snake rivers.

23 ~~((+6))~~ (7) "Person" has the meaning provided in RCW 82.04.030.

24 ~~((+7))~~ (8) "Petroleum product" means any liquid hydrocarbons at
25 atmospheric temperature and pressure that are the product of the
26 fractionation, distillation, or other refining or processing of crude
27 oil, and that are used as, useable as, or may be refined as a fuel or
28 fuel blendstock, including but not limited to, gasoline, diesel fuel,
29 aviation fuel, bunker fuel, and fuels containing a blend of alcohol and
30 petroleum.

1 ~~((+8))~~ (9) "Tank car" means a rail car, the body of which consists
2 of a tank for transporting liquids.

3 (10) "Taxpayer" means the person owning crude oil or petroleum
4 products immediately after receipt of the same into the storage tanks
5 of a marine or bulk oil terminal in this state from a waterborne vessel
6 or barge and who is liable for the taxes imposed by this chapter.

7 ~~((+9))~~ (11) "Waterborne vessel or barge" means any ship, barge, or
8 other watercraft capable of travelling on the navigable waters of this
9 state and capable of transporting any crude oil or petroleum product in
10 quantities of ten thousand gallons or more for purposes other than
11 providing fuel for its motor or engine.

12 **Sec. 10.** RCW 82.23B.020 and 2006 c 256 s 2 are each amended to
13 read as follows:

14 (1) An oil spill response tax is imposed on the privilege of
15 receiving: (a) Crude oil or petroleum products at a marine terminal
16 within this state from a waterborne vessel or barge operating on the
17 navigable waters of this state; and (b) crude oil at a bulk oil
18 terminal within this state from a rail tank car. The tax imposed in
19 this section is levied upon the owner of the crude oil or petroleum
20 products immediately after receipt of the same into the storage tanks
21 of a marine or bulk terminal from a rail tank car or waterborne vessel
22 or barge at the rate of one cent per barrel of crude oil or petroleum
23 product received.

24 (2) In addition to the tax imposed in subsection (1) of this
25 section, an oil spill administration tax is imposed on the privilege of
26 receiving: (a) Crude oil or petroleum products at a marine terminal
27 within this state from a waterborne vessel or barge operating on the
28 navigable waters of this state; and (b) crude oil at a bulk oil
29 terminal within this state from a rail tank car. The tax imposed in
30 this section is levied upon the owner of the crude oil or petroleum
31 products immediately after receipt of the same into the storage tanks
32 of a marine or bulk oil terminal from a rail tank car or waterborne
33 vessel or barge at the rate of four cents per barrel of crude oil or
34 petroleum product.

35 (3) The taxes imposed by this chapter (~~shall~~) must be collected
36 by the marine or bulk oil terminal operator from the taxpayer. If any
37 person charged with collecting the taxes fails to bill the taxpayer for

1 the taxes, or in the alternative has not notified the taxpayer in
2 writing of the (~~imposition of the~~) taxes imposed, or having collected
3 the taxes, fails to pay them to the department in the manner prescribed
4 by this chapter, whether such failure is the result of the person's own
5 acts or the result of acts or conditions beyond the person's control,
6 he or she (~~shall~~), nevertheless, (~~be~~) is personally liable to the
7 state for the amount of the taxes. Payment of the taxes by the owner
8 to a marine or bulk oil terminal operator (~~shall~~) must relieve the
9 owner from further liability for the taxes.

10 (4) Taxes collected under this chapter (~~shall~~) must be held in
11 trust until paid to the department. Any person collecting the taxes
12 who appropriates or converts the taxes collected (~~shall be~~) is guilty
13 of a gross misdemeanor if the money required to be collected is not
14 available for payment on the date payment is due. The taxes required
15 by this chapter to be collected (~~shall~~) must be stated separately
16 from other charges made by the marine or bulk oil terminal operator in
17 any invoice or other statement of account provided to the taxpayer.

18 (5) If a taxpayer fails to pay the taxes imposed by this chapter to
19 the person charged with collection of the taxes and the person charged
20 with collection fails to pay the taxes to the department, the
21 department may, in its discretion, proceed directly against the
22 taxpayer for collection of the taxes.

23 (6) The taxes (~~shall be~~) are due from the marine or bulk oil
24 terminal operator, along with reports and returns on forms prescribed
25 by the department, within twenty-five days after the end of the month
26 in which the taxable activity occurs.

27 (7) The amount of taxes, until paid by the taxpayer to the marine
28 or bulk oil terminal operator or to the department, (~~shall~~)
29 constitute a debt from the taxpayer to the marine or bulk oil terminal
30 operator. Any person required to collect the taxes under this chapter
31 who, with intent to violate the provisions of this chapter, fails or
32 refuses to do so as required and any taxpayer who refuses to pay any
33 taxes due under this chapter (~~, shall be~~) is guilty of a misdemeanor
34 as provided in chapter 9A.20 RCW.

35 (8) Upon prior approval of the department, the taxpayer may pay the
36 taxes imposed by this chapter directly to the department. The
37 department (~~shall~~) must give its approval for direct payment under
38 this section whenever it appears, in the department's judgment, that

1 direct payment will enhance the administration of the taxes imposed
2 under this chapter. The department (~~shall~~) must provide by rule for
3 the issuance of a direct payment certificate to any taxpayer qualifying
4 for direct payment of the taxes. Good faith acceptance of a direct
5 payment certificate by a terminal operator (~~shall~~) must relieve the
6 marine or bulk oil terminal operator from any liability for the
7 collection or payment of the taxes imposed under this chapter.

8 (9) All receipts from the tax imposed in subsection (1) of this
9 section (~~shall~~) must be deposited into the state oil spill response
10 account. All receipts from the tax imposed in subsection (2) of this
11 section shall be deposited into the oil spill prevention account.

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

23 (a) Tax was imposed under subsection (1) of this section during the
24 immediately preceding calendar quarter, and the most recent quarterly
25 balance is more than nine million dollars; or

26 (b) Tax was not imposed under subsection (1) of this section during
27 the immediately preceding calendar quarter, and the most recent
28 quarterly balance is more than eight million dollars.

29 **Sec. 11.** RCW 82.23B.030 and 1992 c 73 s 9 are each amended to read
30 as follows:

31 The taxes imposed under this chapter (~~shall~~) only apply to the
32 first receipt of crude oil or petroleum products at a marine or bulk
33 oil terminal in this state and not to the later transporting and
34 subsequent receipt of the same oil or petroleum product, whether in the
35 form originally received at a marine or bulk oil terminal in this state
36 or after refining or other processing.

1 **Sec. 12.** RCW 82.23B.040 and 1992 c 73 s 10 are each amended to
2 read as follows:

3 Credit (~~shall~~) must be allowed against the taxes imposed under
4 this chapter for any crude oil or petroleum products received at a
5 marine or bulk oil terminal and subsequently exported from or sold for
6 export from the state."

7 Renumber the remaining section consecutively and correct any
8 internal references accordingly.

2SSB 6524 - S AMD TO S AMD (S-4562.3/14)
By Senator

9 On page 7, line 26 of the title amendment, after "crude oil;"
10 strike all material through "sections." on line 27 and insert "amending
11 RCW 90.56.250, 82.23B.010, 82.23B.020, 82.23B.030, and 82.23B.040;
12 adding new sections to chapter 90.56 RCW; and creating new sections."

--- END ---