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**SUBSTITUTE SENATE BILL 5218**

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**State of Washington**

**54th Legislature**

**1996 Regular Session**

**By** Senate Committee on Ecology & Parks (originally sponsored by Senators C. Anderson, Swecker, Owen, Winsley and Fraser; by request of Parks and Recreation Commission)

Read first time 01/19/96.

1 AN ACT Relating to watercraft excise tax; amending RCW 82.49.030,  
2 88.12.325, 88.12.355, and 88.12.375; adding a new section to chapter  
3 88.12 RCW; and providing an effective date.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON

5 **Sec. 1.** RCW 82.49.030 and 1991 sp.s. c 16 s 925 are each amended  
6 to read as follows:

7 (1) The excise tax imposed under this chapter is due and payable to  
8 the department of licensing or its agents at the time of registration  
9 of a vessel. The department of licensing shall not issue or renew a  
10 registration for a vessel until the tax is paid in full.

11 (2) The excise tax collected under this chapter shall be deposited  
12 in the general fund.

13 (3) (~~For the 1993-95 fiscal biennium~~) Beginning July 1, 1996, and  
14 for succeeding fiscal years, the watercraft excise tax revenues  
15 exceeding (~~five~~) nine million dollars in each fiscal year, but not  
16 exceeding (~~six~~) ten million dollars, (~~may, subject to appropriation~~  
17 ~~by the legislature,~~) shall be used for the purposes specified in RCW  
18 (~~88.12.450~~) 88.12.375 and deposited in the clean and safe boating  
19 account created in section 5 of this act.

1       **Sec. 2.** RCW 88.12.325 and 1993 c 244 s 33 are each amended to read  
2 as follows:

3       (1) Marinas and boat launches designated as appropriate for  
4 installation of a sewage pumpout or dump unit under RCW 88.12.315 shall  
5 be eligible for funding support for installation of such facilities  
6 from funds specified in RCW 88.12.375. The commission shall notify  
7 owners or operators of all designated marinas and boat launches of the  
8 designation, and of the availability of funding to support installation  
9 of appropriate sewage disposal facilities. The commission shall  
10 encourage the owners and operators to apply for available funding.

11       (2) The commission shall seek to provide the most cost-efficient  
12 and accessible facilities possible for reducing the amount of boat  
13 waste entering the state's waters. The commission shall consider  
14 providing funding support for portable pumpout facilities in this  
15 effort.

16       (3) The commission shall contract with, or enter into an  
17 interagency agreement with another state agency to contract with,  
18 applicants based on the criteria specified below:

19       (a)(i) Contracts may be awarded to publicly owned, tribal, or  
20 privately owned marinas or boat launches.

21       (ii) Contracts may provide for state reimbursement to cover  
22 eligible costs as deemed reasonable by commission rule. Eligible costs  
23 include purchase, installation, or major renovation of the sewage  
24 pumpout or dump units, including sewer, water, electrical connections,  
25 and those costs attendant to the purchase, installation, and other  
26 necessary appurtenances, such as required pier space, as determined by  
27 the commission.

28       ~~(iii) ((Ownership of the sewage pumpout or dump unit will be~~  
29 ~~retained by the state through the commission in privately owned~~  
30 ~~marinas. Ownership of the sewage pumpout or dump unit in publicly~~  
31 ~~owned marinas will be held by the public entity.~~

32       ~~(iv)))~~ Operation, normal and expected maintenance, and ongoing  
33 utility costs will be the responsibility of the contract recipient.  
34 The sewage pumpout or dump unit shall be kept in operating condition  
35 and available for public use at all times during operating hours of the  
36 facility, excluding necessary maintenance periods.

37       ~~((v) The contract recipient agrees to allow the installation,~~  
38 ~~existence and use of the sewage pumpout or dump unit by granting an~~

1 ~~irrevocable license for a minimum of ten years at no cost to the~~  
2 ~~commission.))~~

3 (iv) The commission may require that applicants make a matching  
4 contribution to be eligible for funding.

5 (b) Contracts awarded pursuant to (a) of this subsection shall be  
6 subject, for a period of at least ten years, to the following  
7 conditions:

8 (i) Any contract recipient entering into a contract under this  
9 section must allow the boating public access to the sewage pumpout or  
10 dump unit during operating hours.

11 (ii) The contract recipient must agree to monitor and encourage the  
12 use of the sewage pumpout or dump unit, and to cooperate in any related  
13 boater environmental education program administered or approved by the  
14 commission.

15 (iii) The contract recipient (~~must agree not to charge a fee for~~  
16 ~~the use of the sewage pumpout or dump unit~~) may, without  
17 justification, charge a fee not to exceed the maximum amount  
18 established by the commission, for use of the sewage pumpout or dump  
19 unit. Fees in excess of the maximum amount shall be justified to and  
20 approved by the commission in advance. All fee proceeds shall be  
21 retained, accounted for, and used by the contract recipient to defray  
22 operation and maintenance costs associated with the sewage pumpout or  
23 dump unit.

24 (iv) The contract recipient must agree to arrange and pay a  
25 reasonable fee for a periodic inspection of the sewage pumpout or dump  
26 unit by the local health department or appropriate authority.

27 (v) Use of a free sewage pumpout or dump unit by the boating public  
28 shall be deemed to be included in the term "outdoor recreation" for the  
29 purposes of chapter 4.24 RCW.

30 **Sec. 3.** RCW 88.12.355 and 1989 c 393 s 8 are each amended to read  
31 as follows:

32 The commission shall award grants to (~~local government entities~~)  
33 publicly owned, tribal, or privately owned marinas, boat launches, or  
34 boater destinations, and to schools, public agencies, and boating and  
35 environmental organizations for boater environmental education or boat  
36 waste management planning. Grants shall be allocated according to  
37 criteria developed by the commission.

1       **Sec. 4.** RCW 88.12.375 and 1993 c 244 s 37 are each amended to read  
2 as follows:

3       The amounts allocated in accordance with RCW 82.49.030(3) shall be  
4 expended (~~upon appropriation~~) in accordance with the following  
5 limitations:

6       (1) (~~Thirty~~) Ten percent of the funds shall be (~~appropriated to~~  
7 ~~the interagency committee for outdoor recreation and be~~) expended  
8 (~~for use by state and local government for public recreational~~  
9 ~~waterway boater access and boater destination sites. Priority shall be~~  
10 ~~given to critical site acquisition. The interagency committee for~~  
11 ~~outdoor recreation shall administer such funds as a competitive grants~~  
12 ~~program. The amounts provided for in this subsection shall be evenly~~  
13 ~~divided between state and local governments~~) by the commission for  
14 providing navigational aids, buoys, and signs and to support a state-  
15 wide program of uniform waterway marking as provided for in RCW  
16 88.12.285.

17       (2) Thirty percent of the funds shall be expended by the commission  
18 exclusively for sewage pumpout or dump units at publicly owned, tribal,  
19 and privately owned marinas as provided for in RCW 88.12.315 and  
20 88.12.325.

21       (3) (~~Twenty-five~~) Thirty percent of the funds shall be expended  
22 for grants to state agencies and other public entities to enforce  
23 boating safety and registration laws and to carry out boating safety  
24 programs. The commission shall administer such grant program.

25       (4) (~~Fifteen~~) Thirty percent shall be expended for instructional  
26 materials, programs or grants to (~~the public school system, public~~  
27 ~~entities, or other nonprofit community organizations~~) publicly owned,  
28 tribal, or privately owned marinas, boat launches, or boater  
29 destinations, and to schools, public entities, and boating and  
30 environmental organizations to support boating safety and boater  
31 environmental education or boat waste management planning. The  
32 commission shall administer this program. A significant use of the  
33 funds under this subsection shall be for boating safety education.

34       NEW SECTION. **Sec. 5.** A new section is added to chapter 88.12 RCW  
35 to read as follows:

36       The clean and safe boating account is created in the custody of the  
37 state treasurer. Receipts as provided in RCW 82.49.030(3) shall be  
38 deposited into the account. Expenditures from the account may be made

1 only after appropriation by the legislature and used only for purposes  
2 specified in RCW 88.12.375.

3 NEW SECTION. **Sec. 6.** This act shall take effect July 1, 1996.

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