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ENGROSSED SUBSTITUTE HOUSE BILL 1250

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State of Washington

52nd Legislature

1991 Regular Session

By House Committee on Fisheries & Wildlife (originally sponsored by Representatives Wilson, Haugen, Fuhrman, R. King, Padden, Orr, Winsley, Paris, Broback, May, Bowman, Miller, Horn, Wood, Wynne, Betrozoff and Spanel).

Read first time February 25, 1991.

1 AN ACT Relating to the nonconsumptive use of wildlife; amending RCW  
2 82.08.020 and 77.12.170; adding new sections to chapter 77.12 RCW;  
3 adding a new section to chapter 46.16 RCW; adding new sections to  
4 chapter 82.08 RCW; creating new sections; providing an effective date;  
5 and declaring an emergency.

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

7 NEW SECTION. **Sec. 1.** The legislature finds that consumptive  
8 users of the wildlife resource finance the majority of the department  
9 of wildlife's budget, and that nonconsumptive users of wildlife are not  
10 provided a mechanism to assist in funding the department of wildlife,  
11 proportionate to their use of wildlife. It is the intent of the  
12 legislature to seek realistic funding mechanisms that allow  
13 nonconsumptive users of wildlife to assist in supporting the department  
14 of wildlife.

1        NEW SECTION.    **Sec. 2.**        For the purposes of sections 3 and 4 of  
2 this act, "department" means the department of wildlife and  
3 "commission" means the wildlife commission.

4        NEW SECTION.    **Sec. 3.**        The commission shall appoint, by October  
5 1, 1991, a blue ribbon task force to analyze the funding base for the  
6 department of wildlife and to recommend how it can be broadened beyond  
7 the hunting and fishing license buyer. The task force shall consist of  
8 individuals that represent the commission, the department, the  
9 legislature, the environmental community, and private industry. One  
10 member of the house of representatives shall be appointed by the  
11 speaker of the house of representatives, and one member of the senate  
12 shall be appointed by the president of the senate, to serve on the blue  
13 ribbon task force. The task force shall consider, at a minimum, the  
14 following funding mechanisms:

- 15        (1) Fees for use of wildlife areas owned or managed by the  
16 department;
- 17        (2) Fees for courses in wildlife appreciation;
- 18        (3) The sale of wildlife art and stamps;
- 19        (4) Active fundraising by the department; and
- 20        (5) A dedicated wildlife lottery.

21        The task force shall make recommendations to the commission and to  
22 the legislature on feasible funding mechanisms. The commission shall  
23 analyze these recommendations, identify those that are feasible,  
24 identify additional funding opportunities as necessary and report its  
25 recommendations to the legislature by December 1, 1992.

26        NEW SECTION.    **Sec. 4.**        Task force members who are not public  
27 employees shall be reimbursed for subsistence and mileage by the  
28 department of wildlife pursuant to RCW 43.03.050 and 43.03.060.

1        NEW SECTION.    **Sec. 5.**    A new section is added to chapter 77.12 RCW  
2 to read as follows:

3        The department may solicit gifts, grants, conveyances, bequests,  
4 and devises, whether real or personal property, or both, in trust or  
5 otherwise, to be directed to the department for carrying out the  
6 purposes of the department.    The department may solicit contracts for  
7 work, financial and in-kind contributions, and support from private  
8 industries, interest groups, federal and state sources, and other  
9 sources.

10       NEW SECTION.    **Sec. 6.**    A new section is added to chapter 77.12 RCW  
11 to read as follows:

12       The director shall develop a plan to comply with the requirements  
13 of the Americans with Disabilities Act of 1990 (104 Stat. 327).

14       NEW SECTION.    **Sec. 7.**    A new section is added to chapter 46.16 RCW  
15 to read as follows:

16       In addition to the fees imposed in RCW 46.16.585 for application  
17 and renewal of personalized license plates an additional fee of ten  
18 dollars shall be charged.    The revenue from the additional fee shall be  
19 deposited in the state wildlife fund and used for the management of  
20 resources associated with the nonconsumptive use of wildlife.

21       NEW SECTION.    **Sec. 8.**    A new section is added to chapter 82.08 RCW  
22 to read as follows:

23       (1) For the purposes of this chapter, "outdoor recreation equipment  
24 product" means any item in the following product categories, regardless  
25 of the actual use of the product by the final consumer:

26       (a) Bicycles and related equipment such as helmets, tires, tubes,  
27 panniers, bags, and racks;

- 1 (b) Binoculars, telescopes, and related equipment such as tripods;
- 2 (c) Human-powered boats, canoes, kayaks, rafts, rowing shells,  
3 rowboats, dinghies, and related equipment such as paddles, oars, and  
4 helmets;
- 5 (d) Camping equipment such as sleeping bags, sleeping pads, air  
6 mattresses, coolers, ice chests, stoves, tents, and backpacks;
- 7 (e) Equestrian related equipment such as saddles, bridles, and  
8 other tack;
- 9 (f) Hang gliders and related equipment such as helmets, slings, and  
10 harnesses;
- 11 (g) Jet skis, water skis, and related equipment such as tow ropes  
12 and bindings;
- 13 (h) Climbing equipment such as mountaineering boots, rock climbing  
14 shoes, ropes, carabineers, crampons, ice axes, and helmets;
- 15 (i) Cameras, video camcorders, and related photographic products  
16 such as film, videotapes, and all photographic developing equipment and  
17 products but not including film developing;
- 18 (j) SCUBA and skin diving related equipment such as masks, fins,  
19 snorkels, weight belts, tanks, backpacks, regulators, gauges, and  
20 buoyancy control devices;
- 21 (k) Snow skis, snowshoes, snowboards, and related equipment such as  
22 ski boots, poles, bindings, and snowshoe bindings;
- 23 (l) Snowmobiles and related parts and equipment;
- 24 (m) Windsurfing boards and related equipment such as masts and  
25 sails;
- 26 (n) Wet suits, booties, hoods, gloves, dry suits, and personal  
27 flotation devices;
- 28 (o) Car racks and accessories designed to transport outdoor  
29 recreation equipment.

1 (2) The department of revenue shall adopt rules further defining  
2 the products in subsection (1) of this section. In defining "related  
3 equipment," the department shall include products designed to be used  
4 in conjunction with the products listed in the categories in subsection  
5 (1) of this section.

6 **Sec. 9.** RCW 82.08.020 and 1985 c 32 s 1 are each amended to read  
7 as follows:

8 (1) There is levied and there shall be collected a tax on each  
9 retail sale in this state equal to six and five-tenths percent of the  
10 selling price.

11 (2) In addition to the tax imposed in subsection (1) of this  
12 section, there is levied and there shall be collected a tax on each  
13 retail sale of an outdoor recreation product equal to five-tenths  
14 percent of the selling price.

15 (3) The tax imposed under this chapter shall apply to successive  
16 retail sales of the same property.

17 (~~(3)~~) (4) The rates provided in this section (~~applies~~) apply to  
18 taxes imposed under chapter 82.12 RCW as provided in RCW 82.12.020.

19 NEW SECTION. **Sec. 10.** A new section is added to chapter 82.08 RCW  
20 to read as follows:

21 Revenue from the tax imposed in RCW 82.08.020(2) and revenue from  
22 the equivalent rate of tax under chapter 82.12 RCW shall be deposited  
23 in the state wildlife fund.

24 **Sec. 11.** RCW 77.12.170 and 1989 c 314 s 4 are each amended to read  
25 as follows:

26 (1) There is established in the state treasury the state wildlife  
27 fund which consists of moneys received from:

- 1 (a) Rentals or concessions of the department;
- 2 (b) The sale of real or personal property held for department  
3 purposes;
- 4 (c) The sale of licenses, permits, tags, stamps, and punchcards  
5 required by this title;
- 6 (d) Fees for informational materials published by the department;
- 7 (e) Fees for personalized vehicle license plates as provided in  
8 chapter 46.16 RCW;
- 9 (f) Articles or wildlife sold by the director under this title;
- 10 (g) Compensation for wildlife losses or gifts or grants received  
11 under RCW 77.12.320;
- 12 (h) Excise tax on anadromous game fish collected under chapter  
13 82.27 RCW; (~~and~~))
- 14 (i) The sale of personal property seized by the department for  
15 wildlife violations; and
- 16 (j) Tax on outdoor recreation products collected under sections 9  
17 through 11 of this act.
- 18 (2) State and county officers receiving any moneys listed in  
19 subsection (1) of this section shall deposit them in the state treasury  
20 to be credited to the state wildlife fund.

21 NEW SECTION. Sec. 12. This act is necessary for the immediate  
22 preservation of the public peace, health, or safety, or support of the  
23 state government and its existing public institutions, and shall take  
24 effect July 1, 1991. Unless both this act and chapter . . . ., Laws of  
25 1991 (SHB 1850) are referenced by bill number in an omnibus  
26 appropriations act enacted before July 1, 1991, this act shall be null  
27 and void.