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**ENGROSSED SUBSTITUTE HOUSE BILL 1076**

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**State of Washington**

**54th Legislature**

**1995 Regular Session**

**By** House Committee on Capital Budget (originally sponsored by Representatives Sehlin and Ogden; by request of Interagency Committee for Outdoor Recreation)

Read first time 03/03/95.

1       AN ACT Relating to changing interagency committee for outdoor  
2 recreation accounts and accounting procedures; amending RCW 43.99.030,  
3 43.99.040, 43.99.060, 43.99.070, 43.99.080, 43.99.095, 43.99.120,  
4 43.99.150, and 46.09.170; adding a new section to chapter 43.99 RCW;  
5 adding a new section to chapter 46.09 RCW; and repealing RCW 43.99.144.

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

7       **Sec. 1.** RCW 43.99.030 and 1979 c 158 s 109 are each amended to  
8 read as follows:

9       From time to time, but at least once each four years, the director  
10 of licensing shall determine the amount or proportion of moneys paid to  
11 him as motor vehicle fuel tax which is tax on marine fuel. The  
12 director shall make or authorize the making of studies, surveys, or  
13 investigations to assist him in making such determination, and shall  
14 hold one or more public hearings on the findings of such studies,  
15 surveys, or investigations prior to making his determination. The  
16 studies, surveys, or investigations conducted pursuant to this section  
17 shall encompass a period of twelve consecutive months each time. The  
18 final determination by the director shall be implemented as of the  
19 (~~first day of the calendar month, which date falls closest to the mid-~~

1 ~~point of the time period for))~~ next biennium after the period from  
2 which the study data were collected. The director may delegate his  
3 duties and authority under this section to one or more persons of the  
4 department of licensing if he finds such delegation necessary and  
5 proper to the efficient performance of these duties. Costs of carrying  
6 out the provisions of this section shall be paid from the marine fuel  
7 tax refund account created in RCW 43.99.040, upon legislative  
8 appropriation.

9 **Sec. 2.** RCW 43.99.040 and 1991 sp.s. c 13 s 42 are each amended to  
10 read as follows:

11 There is created the marine fuel tax refund account in the state  
12 treasury. (~~From time to time, but at least once each biennium,~~) The  
13 director of licensing shall request the state treasurer to refund  
14 monthly from the motor vehicle fund amounts which have been determined  
15 to be tax on marine fuel. The state treasurer shall refund such  
16 amounts and place them in the marine fuel tax refund account to be held  
17 for those entitled thereto pursuant to chapter 82.36 RCW and RCW  
18 43.99.050, except that he shall not refund and place in the marine fuel  
19 tax refund account for any period for which a determination has been  
20 made pursuant to RCW 43.99.030 more than the greater of the following  
21 amounts: (1) An amount equal to two percent of all moneys paid to him  
22 as motor vehicle fuel tax for such period, (2) an amount necessary to  
23 meet all approved claims for refund of tax on marine fuel for such  
24 period.

25 **Sec. 3.** RCW 43.99.060 and 1991 sp.s. c 13 s 52 are each amended to  
26 read as follows:

27 (~~There is created~~) The outdoor recreation account is created in  
28 the state treasury(~~, in which shall be deposited all moneys received~~  
29 ~~from the marine fuel tax refund account pursuant to RCW 43.99.070, the~~  
30 ~~proceeds of the bond issue authorized by chapter 43.98 RCW, \*RCW~~  
31 ~~43.31.620 and 43.31.740, and any moneys made available to the state of~~  
32 ~~Washington by the federal government for outdoor recreation not~~  
33 ~~specifically designated for another fund or agency)). Moneys in the  
34 account are subject to legislative appropriation. The committee shall  
35 administer the account in accordance with chapter 43.98A RCW and this  
36 chapter, and shall hold it separate and apart from all other money,  
37 funds, and accounts of the committee.~~

1 Grants, gifts, or other financial assistance (~~awarded or~~  
2 ~~designated for a particular purpose, or~~), proceeds received from  
3 public bodies as administrative cost contributions, and moneys made  
4 available to the state of Washington by the federal government for  
5 outdoor recreation, may be (~~received and, when appropriated by the~~  
6 ~~legislature, may be expended in accordance with the general budget and~~  
7 ~~accounting act~~) deposited into the account.

8 **Sec. 4.** RCW 43.99.070 and 1990 c 42 s 116 are each amended to read  
9 as follows:

10 Upon expiration of the time limited by RCW 82.36.330 for claiming  
11 of refunds of tax on marine fuel, the state of Washington shall succeed  
12 to the right to such refunds. (~~From time to time, but at least once~~  
13 ~~each biennium,~~) The director of licensing, after taking into account  
14 past and anticipated claims for refunds from and deposits to the marine  
15 fuel tax refund account and the costs of carrying out the provisions of  
16 RCW 43.99.030, shall request the state treasurer to transfer monthly  
17 from the marine fuel tax refund account an amount equal to the  
18 proportion of the moneys in the account representing the motor vehicle  
19 fuel tax rate under RCW 82.36.025 in effect on January 1, 1990, to the  
20 (~~outdoor~~) recreation resource account and the remainder to the motor  
21 vehicle fund.

22 **Sec. 5.** RCW 43.99.080 and 1971 ex.s. c 140 s 1 are each amended to  
23 read as follows:

24 Moneys transferred to the (~~outdoor~~) recreation resource account  
25 from the marine fuel tax refund account may be used when appropriated  
26 by the legislature, as well as any federal or other funds now or  
27 hereafter available, to pay the necessary administrative and  
28 coordinative costs of the interagency committee for outdoor recreation  
29 established by RCW 43.99.110. All moneys so transferred, except those  
30 appropriated as aforesaid, shall be divided into two equal shares and  
31 shall be used to benefit watercraft recreation in this state as  
32 follows:

33 (1) One share (~~by the~~) as grants to state agencies for (a)  
34 acquisition of title to, or any interests or rights in, marine  
35 recreation land, (b) capital improvement of marine recreation land, or  
36 (c) matching funds in any case where federal or other funds are made

1 available on a matching basis for purposes described in (a) or (b) of  
2 this subsection;

3 (2) One share as grants to public bodies to help finance (a)  
4 acquisition of title to, or any interests or rights in, marine  
5 recreation land, or (b) capital improvement of marine recreation land.  
6 A public body is authorized to use a grant, together with its own  
7 contribution, as matching funds in any case where federal or other  
8 funds are made available for purposes described in (a) or (b) of this  
9 subsection. The committee may prescribe further terms and conditions  
10 for the making of grants in order to carry out the purposes of this  
11 chapter.

12 **Sec. 6.** RCW 43.99.095 and 1967 ex.s. c 62 s 7 are each amended to  
13 read as follows:

14 Interest earned on funds granted or made available by the committee  
15 shall not be expended by the recipient but shall be returned to the  
16 (~~outdoor recreation~~) source account (~~of the general fund~~) for  
17 disbursement by the committee in accordance with general budget and  
18 accounting procedure.

19 **Sec. 7.** RCW 43.99.120 and 1983 c 3 s 114 are each amended to read  
20 as follows:

21 Any public body or any agency of state government authorized to  
22 acquire or improve public outdoor recreation land which desires funds  
23 from the outdoor recreation account, the recreation resource account,  
24 or the nonhighway and off-road vehicle activities program account shall  
25 submit to the committee a (~~six-year~~) long-range plan for developing  
26 outdoor recreation facilities within its authority and detailed plans  
27 for the projects sought to be financed from (~~the outdoor recreation~~)  
28 these accounts, including estimated cost and such other information as  
29 the committee may require. The committee shall analyze all proposed  
30 plans and projects, and shall recommend to the governor for inclusion  
31 in the budget such projects as it may approve and find to be consistent  
32 with an orderly plan for the acquisition and improvement of outdoor  
33 recreation lands in the state.

34 **Sec. 8.** RCW 43.99.150 and 1965 c 5 s 15 are each amended to read  
35 as follows:

1       The 1967 and subsequent legislatures (~~shall~~) may appropriate  
2 funds requested in the budget (~~for state agencies from the outdoor~~  
3 ~~recreation account directly to the state agencies which are to expend~~  
4 ~~such funds, and shall appropriate funds requested in the budget~~) for  
5 grants to public bodies and state agencies from the (~~outdoor~~)  
6 recreation resource account to the committee for allocation and  
7 disbursement. The committee shall include a list of prioritized state  
8 agency projects to be funded from the recreation resource account with  
9 its biennial budget request.

10       **Sec. 9.** RCW 46.09.170 and 1994 c 264 s 36 are each amended to read  
11 as follows:

12       (1) From time to time, but at least once each year, the state  
13 treasurer shall refund from the motor vehicle fund one percent of the  
14 motor vehicle fuel tax revenues collected under chapter 82.36 RCW,  
15 based on the tax rate in effect January 1, 1990, less proper deductions  
16 for refunds and costs of collection as provided in RCW 46.68.090. The  
17 treasurer shall place these funds in the general fund as follows:

18       (a) Forty percent shall be credited to the ORV and nonhighway  
19 vehicle account and administered by the department of natural resources  
20 solely for planning, maintenance, and management of ORV recreation  
21 facilities, nonhighway roads, and nonhighway road recreation  
22 facilities. The funds under this subsection shall be expended in  
23 accordance with the following limitations:

24       (i) Not more than five percent may be expended for information  
25 programs under this chapter;

26       (ii) Not less than ten percent and not more than fifty percent may  
27 be expended for ORV recreation facilities;

28       (iii) Not more than twenty-five percent may be expended for  
29 maintenance of nonhighway roads;

30       (iv) Not more than fifty percent may be expended for nonhighway  
31 road recreation facilities;

32       (v) Ten percent shall be transferred to the interagency committee  
33 for outdoor recreation for grants to law enforcement agencies in those  
34 counties where the department of natural resources maintains ORV  
35 facilities. This amount is in addition to those distributions made by  
36 the interagency committee for outdoor recreation under (d)(i) of this  
37 subsection;

1 (b) Three and one-half percent shall be credited to the ORV and  
2 nonhighway vehicle account and administered by the department of fish  
3 and wildlife solely for the acquisition, planning, development,  
4 maintenance, and management of nonhighway roads and recreation  
5 facilities;

6 (c) Two percent shall be credited to the ORV and nonhighway vehicle  
7 account and administered by the parks and recreation commission solely  
8 for the maintenance and management of ORV use areas and facilities; and

9 (d) Fifty-four and one-half percent, together with the funds  
10 received by the interagency committee for outdoor recreation under RCW  
11 46.09.110, shall be credited to the (~~outdoor recreation~~) nonhighway  
12 and off-road vehicle activities program account to be administered by  
13 the committee for planning, acquisition, development, maintenance, and  
14 management of ORV recreation facilities and nonhighway road recreation  
15 facilities; ORV user education and information; and ORV law enforcement  
16 programs. The funds under this subsection shall be expended in  
17 accordance with the following limitations:

18 (i) Not more than twenty percent may be expended for ORV education,  
19 information, and law enforcement programs under this chapter;

20 (ii) Not less than an amount equal to the funds received by the  
21 interagency committee for outdoor recreation under RCW 46.09.110 and  
22 not more than sixty percent may be expended for ORV recreation  
23 facilities;

24 (iii) Not more than twenty percent may be expended for nonhighway  
25 road recreation facilities.

26 (2) On a yearly basis an agency may not, except as provided in RCW  
27 46.09.110, expend more than ten percent of the funds it receives under  
28 this chapter for general administration expenses incurred in carrying  
29 out this chapter.

30 NEW SECTION. Sec. 10. A new section is added to chapter 43.99 RCW  
31 to read as follows:

32 The recreation resource account is created in the state treasury.  
33 Moneys in this account are subject to legislative appropriation. The  
34 committee shall administer the account in accordance with this chapter  
35 and chapter 67.32 RCW and shall hold it separate and apart from all  
36 other money, funds, and accounts of the committee. Moneys received  
37 from the marine fuel tax refund account under RCW 43.99.070 shall be  
38 deposited into the account. Grants, gifts, or other financial

1 assistance, proceeds received from public bodies as administrative cost  
2 contributions, and moneys made available to the state of Washington by  
3 the federal government for outdoor recreation may be deposited into the  
4 account.

5 NEW SECTION. **Sec. 11.** A new section is added to chapter 46.09 RCW  
6 to read as follows:

7 The nonhighway and off-road vehicle activities program account is  
8 created in the state treasury. Moneys in this account are subject to  
9 legislative appropriation. The interagency committee for outdoor  
10 recreation shall administer the account for purposes specified in this  
11 chapter and shall hold it separate and apart from all other money,  
12 funds, and accounts of the interagency committee for outdoor  
13 recreation. Grants, gifts, or other financial assistance, proceeds  
14 received from public bodies as administrative cost contributions, and  
15 any moneys made available to the state of Washington by the federal  
16 government for outdoor recreation may be deposited into the account.

17 NEW SECTION. **Sec. 12.** RCW 43.99.144 and 1979 ex.s. c 24 s 2 are  
18 each repealed.

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