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SENATE BILL 5131

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State of Washington

54th Legislature

1995 Regular Session

By Senators Spanel and Sellar; by request of Interagency Committee for Outdoor Recreation

Read first time 01/12/95. Referred to Committee on Ecology & Parks.

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, and  
4 46.09.170; adding a new section to chapter 43.99 RCW; adding a new  
5 section to chapter 46.09 RCW; and repealing RCW 43.99.144 and  
6 43.99.150.

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

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

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

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

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

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

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

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

1 money, funds, and accounts of the committee. Moneys appropriated under  
2 chapter 43.98A RCW shall be deposited into this account.

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

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

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

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

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

35 (1) One share (~~by the~~) as grants to state agencies for (a)  
36 acquisition of title to, or any interests or rights in, marine  
37 recreation land, (b) capital improvement of marine recreation land, or

1 (c) matching funds in any case where federal or other funds are made  
2 available on a matching basis for purposes described in (a) or (b) of  
3 this subsection;

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

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

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

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

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

34 **Sec. 8.** RCW 46.09.170 and 1994 c 264 s 36 are each amended to read  
35 as follows:

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

7 (a) Forty percent shall be credited to the ORV and nonhighway  
8 vehicle account and administered by the department of natural resources  
9 solely for planning, maintenance, and management of ORV recreation  
10 facilities, nonhighway roads, and nonhighway road recreation  
11 facilities. The funds under this subsection shall be expended in  
12 accordance with the following limitations:

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

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

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

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

21 (v) Ten percent shall be transferred to the interagency committee  
22 for outdoor recreation for grants to law enforcement agencies in those  
23 counties where the department of natural resources maintains ORV  
24 facilities. This amount is in addition to those distributions made by  
25 the interagency committee for outdoor recreation under (d)(i) of this  
26 subsection;

27 (b) Three and one-half percent shall be credited to the ORV and  
28 nonhighway vehicle account and administered by the department of fish  
29 and wildlife solely for the acquisition, planning, development,  
30 maintenance, and management of nonhighway roads and recreation  
31 facilities;

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

35 (d) Fifty-four and one-half percent, together with the funds  
36 received by the interagency committee for outdoor recreation under RCW  
37 46.09.110, shall be credited to the (~~outdoor recreation~~) nonhighway  
38 and off-road vehicle activities program account to be administered by  
39 the committee for planning, acquisition, development, maintenance, and

1 management of ORV recreation facilities and nonhighway road recreation  
2 facilities; ORV user education and information; and ORV law enforcement  
3 programs. The funds under this subsection shall be expended in  
4 accordance with the following limitations:

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

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

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

13 (2) On a yearly basis an agency may not, except as provided in RCW  
14 46.09.110, expend more than ten percent of the funds it receives under  
15 this chapter for general administration expenses incurred in carrying  
16 out this chapter.

17 NEW SECTION. **Sec. 9.** A new section is added to chapter 43.99 RCW  
18 to read as follows:

19 The recreation resource account is created in the state treasury.  
20 Moneys in this account are subject to legislative appropriation. The  
21 committee shall administer the account in accordance with this chapter  
22 and chapter 67.32 RCW and shall hold it separate and apart from all  
23 other money, funds, and accounts of the committee. Moneys received  
24 from the marine fuel tax refund account under RCW 43.99.070 shall be  
25 deposited into the account. Grants, gifts, or other financial  
26 assistance, proceeds received from public bodies as administrative cost  
27 contributions, and moneys made available to the state of Washington by  
28 the federal government for outdoor recreation may be deposited into the  
29 account.

30 NEW SECTION. **Sec. 10.** A new section is added to chapter 46.09 RCW  
31 to read as follows:

32 The nonhighway and off-road vehicle activities program account is  
33 created in the state treasury. Moneys in this account are subject to  
34 legislative appropriation. The interagency committee for outdoor  
35 recreation shall administer the account for purposes specified in this  
36 chapter and shall hold it separate and apart from all other money,  
37 funds, and accounts of the interagency committee for outdoor

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

5 NEW SECTION. **Sec. 11.** The following acts or parts of acts are  
6 each repealed:

7 (1) RCW 43.99.144 and 1979 ex.s. c 24 s 2; and

8 (2) RCW 43.99.150 and 1965 c 5 s 15.

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