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**SUBSTITUTE SENATE BILL 5319**

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**State of Washington**

**53rd Legislature**

**1993 Regular Session**

**By** Senate Committee on Ecology & Parks (originally sponsored by Senators Fraser, Barr, Bluechel, Talmadge, Winsley, Moore, Prince and Deccio)

Read first time 03/02/93.

1 AN ACT Relating to transfers of fuel taxes attributable to marine  
2 and nonhighway uses; and amending RCW 43.99.070, 46.09.170, and  
3 46.10.170.

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

5 **Sec. 1.** RCW 43.99.070 and 1990 c 42 s 116 are each amended to read  
6 as follows:

7 Upon expiration of the time limited by RCW 82.36.330 for claiming  
8 of refunds of tax on marine fuel, the state of Washington shall succeed  
9 to the right to such refunds. From time to time, but at least once  
10 each biennium, the director of licensing, after taking into account  
11 past and anticipated claims for refunds from and deposits to the marine  
12 fuel tax refund account and the costs of carrying out the provisions of  
13 RCW 43.99.030, shall request the state treasurer to transfer ((an  
14 amount equal to the proportion of the moneys in the account  
15 representing the motor vehicle fuel tax rate under RCW 82.36.025 in  
16 effect on January 1, 1990, to the outdoor recreation account and the  
17 remainder to the motor vehicle fund)) to the outdoor recreation account  
18 such of the moneys in the marine fuel tax refund account that are not

1 required for payment of the refund claims or costs, and the state  
2 treasurer shall make the transfer.

3 **Sec. 2.** RCW 46.09.170 and 1990 c 42 s 115 are each amended to read  
4 as follows:

5 (1) From time to time, but at least once each year, the state  
6 treasurer shall refund from the motor vehicle fund one percent of the  
7 motor vehicle fuel tax revenues collected under chapter 82.36 RCW,  
8 (~~based on the tax rate in effect January 1, 1990,~~) less proper  
9 deductions for refunds and costs of collection as provided in RCW  
10 46.68.090. The treasurer shall place these funds in the general fund  
11 as follows:

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

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

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

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

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

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

32 (b) Three and one-half percent shall be credited to the ORV and  
33 nonhighway vehicle account and administered by the department of  
34 wildlife solely for the acquisition, planning, development,  
35 maintenance, and management of nonhighway roads and recreation  
36 facilities;

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

4 (d) Fifty-four and one-half percent, together with the funds  
5 received by the interagency committee for outdoor recreation under RCW  
6 46.09.110, shall be credited to the outdoor recreation account to be  
7 administered by the committee for planning, acquisition, development,  
8 maintenance, and management of ORV recreation facilities and nonhighway  
9 road recreation facilities; ORV user education and information; and ORV  
10 law enforcement programs. The funds under this subsection shall be  
11 expended in accordance with the following limitations:

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

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

18 (iii) Not more than ~~((twenty))~~ sixty percent may be expended for  
19 nonhighway road recreation facilities.

20 (2) On a yearly basis an agency may not, except as provided in RCW  
21 46.09.110, expend more than ten percent of the funds it receives under  
22 this chapter for general administration expenses incurred in carrying  
23 out this chapter.

24 **Sec. 3.** RCW 46.10.170 and 1990 c 42 s 117 are each amended to read  
25 as follows:

26 From time to time, but at least once each biennium, the department  
27 shall determine the amount or proportion of moneys paid to it as motor  
28 vehicle fuel tax, ~~((based on the tax rate in effect January 1, 1990,))~~  
29 which is tax on snowmobile fuel. Such determination may be made in any  
30 manner which is, in the judgment of the director, reasonable, but the  
31 manner used to make such determination shall be reported at the end of  
32 each biennium to the legislature. To offset the actual cost of making  
33 such determination the treasurer shall retain in, and the department is  
34 authorized to expend from, the motor vehicle fund a sum equal to such  
35 actual cost.

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