
SECOND SUBSTITUTE SENATE BILL 5319

State of Washington

53rd Legislature

1994 Regular Session

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

Read first time 02/08/94.

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

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))~~ forty 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 1993 c 54 s 7 are each amended to read
25 as follows:

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

1 NEW SECTION. **Sec. 4.** This act shall take effect July 1, 1995.

--- END ---