

SENATE BILL REPORT

SHB 2489

As Reported By Senate Committee On:
Parks, Fish & Wildlife, February 24, 2004

Title: An act relating to off-road and nonhighway vehicles.

Brief Description: Concerning nonhighway and off-road vehicles.

Sponsors: House Committee on Fisheries, Ecology & Parks (originally sponsored by Representatives Cooper, Condotta, Anderson, Nixon, Upthegrove, Priest, Dunshee, Moeller and Armstrong).

Brief History:

Committee Activity: Parks, Fish & Wildlife: 2/23/04, 2/24/04 [DPA].

SENATE COMMITTEE ON PARKS, FISH & WILDLIFE

Majority Report: Do pass as amended.

Signed by Senators Oke, Chair; Sheahan, Vice Chair; Doumit, Jacobsen, Morton, Spanel and Swecker.

Staff: Kari Guy (786-7437)

Background: The motor vehicle fuel tax paid on gasoline consumed on nonhighway roads is currently used to support nonhighway and off-road vehicle recreational facilities. The treasurer distributes 1 percent of the total fuel tax revenue, based on a fuel tax rate of 19 cents per gallon, to the nonhighway and offroad vehicle account. The account is then allocated according to a formula established in statute.

The majority of funds (54.5 percent) is appropriated to the Interagency Committee for Outdoor Recreation (IAC) for a grant program. Remaining funds are distributed to the Department of Natural Resources (DNR) to maintain and manage facilities on DNR land (40 percent); to the Department of Fish and Wildlife for the acquisition and management of nonhighway roads and facilities (3.5 percent); and to State Parks for the management of off-road vehicle (ORV) facilities (2 percent). A portion of DNR appropriation is transferred directly to the IAC to be used for enforcement grants.

IAC grants must be distributed, with the advice of an advisory committee of recreational interests, as follows:

- up to 20 percent for ORV education, information, and law enforcement;
- up to 60 percent for ORV recreation facilities; and
- up to 20 percent for nonhighway road recreation facilities.

ORV use permits are required to operate an ORV within the state, with some exceptions. Exceptions include ORVs used in competitive events, ORVs used on lands owned or leased by the ORV operator, and ORVs used for construction or inspection purposes. Fees from the

ORV use permits are distributed through the IAC grant process for ORV facilities. Only ORV members of the advisory committee may vote with respect to distribution of these funds.

A study of fuel used by different recreationists on nonhighway roads and trails was completed in 2003. The study found fuel use by a number of different recreational groups, including the traditional ORV and nonmotorized trail users, and another group of people who use backroads for activities such as hunting, fishing, camping or sightseeing. This new group was not represented in the advisory committee or the grant program.

2SHB 1698, passed in the 2003 session, directed an advisory committee of recreationists, legislators, and agency land managers to review the existing allocation formulas, and revise the formulas as needed to be consistent with the 2003 fuel use study.

Summary of Amended Bill: The existing allocation of funds to state agencies is maintained, with the transfer of funds from the Department of Natural Resources to IAC for enforcement eliminated. Each agency may use the funds for nonmotorized, ORV, or nonhighway road recreation facilities. At least annually the agencies must report to the nonhighway and off-road vehicle advisory committee on the expenditure of funds, and seek the advisory committee's advice on proposed expenditures.

Three types of nonhighway recreational users are defined. ORV recreational users include anyone using motorized recreational vehicles, including motorcycles, all-terrain vehicles, or four-wheel drive vehicles. Nonmotorized recreational users are hikers, skiers, mountain bikers, horseback riders or others that use nonmotorized trails and facilities. And nonhighway road recreational users are those users using nonhighway roads for recreational purposes such as hunting, fishing, wildlife viewing, camping, or sightseeing.

The allocation of IAC grant funds for education, enforcement and information is increased from 20 percent to 30 percent. Of the remaining funds, not less than 30 percent is allocated to each of the three user groups, for ORV recreation facilities, nonmotorized recreation facilities, and nonhighway road recreation facilities. The funds expended for nonmotorized recreation facilities are to be known as the Ira Spring outdoor recreation facilities funds. The minimum percentage may be waived if there are insufficient requests for funds in any category, or insufficient projects that score adequately.

The nonhighway and off-road vehicle advisory committee is expanded to include governmental representatives and land managers. In addition to ORV users, government representatives, land managers, and mountain bikers may make recommendations regarding expenditure of funds derived from ORV use permits.

The exceptions from the requirement to receive ORV use permits are revised. ORVs used in competitive events, ORVs used on lands other than agricultural lands owned or leased by the ORV operator, and ORVs used for construction or inspection purposes must receive an ORV use permit.

Amended Bill Compared to Original Bill: A technical amendment clarifies the definition of nonhighway roads.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill contains several effective dates. Please refer to the bill.

Testimony For: This bill is the carefully negotiated compromise of a stakeholder group. All user groups continue to support the bill.

Testimony Against: None.

Testified: Rep. Cooper, prime sponsor; Craig Fagelling, Sierra Club; Jonathan Gozzo, Washington Trails.