

SENATE BILL REPORT

SB 6234

As Passed Senate, February 13, 2004

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

Brief Description: Concerning nonhighway and off-road vehicles.

Sponsors: Senators Oke, Fraser, Swecker, Parlette, Fairley, Jacobsen, Esser, Brown and Kline.

Brief History:

Committee Activity: Parks, Fish & Wildlife: 1/19/04, 1/26/04 [DP].

Passed Senate: 2/13/04, 48-0.

SENATE COMMITTEE ON PARKS, FISH & WILDLIFE

Majority Report: Do pass.

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.

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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.

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 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 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.

Appropriation: None.

Fiscal Note: Available.

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

Testimony For: This program has been contentious for many years. People representing a wide range of recreational user groups spent over 50 hours negotiating this bill over the interim. The bill is fair to all parties and ensures accountability for the funds that are spent.

Concerns: The grant process is expensive for state agencies. In the future, the Legislature should consider larger set-asides for state agencies to ensure more money is spent on the ground and not in the grant process.

Testimony Against: None.

Testified: PRO: Frances Troje, The Mountaineers; Jeri Krampetz, Pacific Northwest Trail Assn.; Bonnie Bunning, DNR; John Spring.