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HOUSE BILL 2489

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State of Washington                      58th Legislature                      2004 Regular Session

By Representatives Cooper, Condotta, Anderson, Nixon, Upthegrove, Priest, Dunshee, Moeller and Armstrong

Read first time 01/15/2004.      Referred to Committee on Fisheries, Ecology & Parks.

1            AN ACT Relating to off-road and nonhighway vehicles; amending RCW  
2 46.09.020, 46.09.110, 46.09.130, 46.09.130, 46.09.240, and 46.09.280;  
3 reenacting and amending RCW 46.09.170 and 46.09.170; providing  
4 effective dates; and providing expiration dates.

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

6            **Sec. 1.** RCW 46.09.020 and 1986 c 206 s 1 are each amended to read  
7 as follows:

8            ~~((As used in this chapter the following words and phrases have the~~  
9 ~~designated meanings unless a different meaning is expressly provided or~~  
10 ~~the context otherwise clearly indicates:~~

11            ~~"Person" means any individual, firm, partnership, association, or~~  
12 ~~corporation.~~

13            ~~"Nonhighway vehicle" means any motorized vehicle when used for~~  
14 ~~recreation travel on trails and nonhighway roads or for recreation~~  
15 ~~cross country travel on any one of the following or a combination~~  
16 ~~thereof: Land, water, snow, ice, marsh, swampland, and other natural~~  
17 ~~terrain. Such vehicles include but are not limited to, off road~~  
18 ~~vehicles, two, three, or four wheel vehicles, motorcycles, four wheel~~

1 ~~drive vehicles, dune buggies, amphibious vehicles, ground effects or~~  
2 ~~air cushion vehicles, and any other means of land transportation~~  
3 ~~deriving motive power from any source other than muscle or wind.~~

4 ~~Nonhighway vehicle does not include:~~

5 ~~(1) Any vehicle designed primarily for travel on, over, or in the~~  
6 ~~water;~~

7 ~~(2) Snowmobiles or any military vehicles; or~~

8 ~~(3) Any vehicle eligible for a motor vehicle fuel tax exemption or~~  
9 ~~rebate under chapter 82.36 RCW while an exemption or rebate is claimed.~~  
10 ~~This exemption includes but is not limited to farm, construction, and~~  
11 ~~logging vehicles.~~

12 ~~"Off road vehicle" or "ORV" means any nonhighway vehicle when used~~  
13 ~~for cross country travel on trails or on any one of the following or a~~  
14 ~~combination thereof: Land, water, snow, ice, marsh, swampland and~~  
15 ~~other natural terrain.~~

16 ~~"ORV use permit" means a permit issued for operation of an off road~~  
17 ~~vehicle under this chapter.~~

18 ~~"ORV trail" means a multiple use corridor designated and maintained~~  
19 ~~for recreational travel by off road vehicles that is not normally~~  
20 ~~suitable for travel by conventional two wheel drive vehicles and is~~  
21 ~~posted or designated by the managing authority of the property that the~~  
22 ~~trail traverses as permitting ORV travel.~~

23 ~~"ORV use area" means the entire area of a parcel of land except for~~  
24 ~~camping and approved buffer areas that is posted or designated for ORV~~  
25 ~~use in accordance with rules adopted by the managing authority.~~

26 ~~"ORV recreation facility" includes ORV trails and ORV use areas.~~

27 ~~"Owner" means the person other than the lienholder, having an~~  
28 ~~interest in or title to a nonhighway vehicle, and entitled to the use~~  
29 ~~or possession thereof.~~

30 ~~"Operator" means each person who operates, or is in physical~~  
31 ~~control of, any nonhighway vehicle.))~~

32 The definitions in this section apply throughout this chapter  
33 unless the context clearly requires otherwise.

34 (1) "Advisory committee" means the nonhighway and off-road vehicle  
35 activities advisory committee established in RCW 46.09.280.

36 (2) "Committee" means the interagency committee for outdoor  
37 recreation established in RCW 79A.25.110.

1       (3) "Dealer" means a person, partnership, association, or  
2 corporation engaged in the business of selling off-road vehicles at  
3 wholesale or retail in this state.

4       (4) "Department" means the department of licensing.

5       (~~"Hunt" means any effort to kill, injure, capture, or purposely~~  
6 ~~disturb a wild animal or wild bird.~~

7       ~~"Nonhighway road" means any road owned or managed by a public~~  
8 ~~agency, or any private road for which the owner has granted a permanent~~  
9 ~~easement for public use of the road, other than a highway generally~~  
10 ~~capable of travel by a conventional two-wheel drive passenger~~  
11 ~~automobile during most of the year and in use by such vehicles and that~~  
12 ~~is not built or maintained with appropriations from the motor vehicle~~  
13 ~~fund.~~

14       ~~"Highway," for the purpose of this chapter only, means the entire~~  
15 ~~width between the boundary lines of every way publicly maintained by~~  
16 ~~the state department of transportation or any county or city when any~~  
17 ~~part thereof is generally open to the use of the public for purposes of~~  
18 ~~vehicular travel as a matter of right.~~

19       ~~"Organized competitive event" means any competition, advertised in~~  
20 ~~advance through written notice to organized clubs or published in local~~  
21 ~~newspapers, sponsored by recognized clubs, and conducted at a~~  
22 ~~predetermined time and place.))~~

23       (5) "Highway," for the purpose of this chapter only, means the  
24 entire width between the boundary lines of every roadway publicly  
25 maintained by the state department of transportation or any county or  
26 city with funding from the motor vehicle fund. A highway is generally  
27 capable of travel by a conventional two-wheel drive passenger  
28 automobile during most of the year and in use by such vehicles.

29       (6) "Motorized vehicle" means a vehicle that derives motive power  
30 from an internal combustion engine.

31       (7) "Nonhighway road" means any road owned or managed by a public  
32 agency, or any private road for which the owner has granted an easement  
33 for public use and that was not originally built or reconstructed in  
34 the last twenty-five years or maintained during the last four years  
35 with appropriations from the motor vehicle fund.

36       (8) "Nonhighway road recreation facilities" means recreational  
37 facilities that are adjacent to, or accessed by, a nonhighway road and  
38 intended primarily for nonhighway road recreational users.

1 (9) "Nonhighway road recreational user" means a person whose  
2 purpose for consuming fuel on a nonhighway road or off-road is  
3 primarily for nonhighway road recreational purposes, including, but not  
4 limited to, hunting, fishing, camping, sightseeing, wildlife viewing,  
5 picnicking, driving for pleasure, kayaking/canoeing, and gathering  
6 berries, firewood, mushrooms, and other natural products.

7 (10) "Nonhighway vehicle" means any motorized vehicle including an  
8 ORV when used for recreational purposes on nonhighway roads, trails, or  
9 a variety of other natural terrain.

10 Nonhighway vehicle does not include:

11 (a) Any vehicle designed primarily for travel on, over, or in the  
12 water;

13 (b) Snowmobiles or any military vehicles; or

14 (c) Any vehicle eligible for a motor vehicle fuel tax exemption or  
15 rebate under chapter 82.36 RCW while an exemption or rebate is claimed.  
16 This exemption includes but is not limited to farm, construction, and  
17 logging vehicles.

18 (11) "Nonmotorized recreational facilities" means recreational  
19 trails and facilities that are adjacent to, or accessed by, a  
20 nonhighway road and intended primarily for nonmotorized recreational  
21 users.

22 (12) "Nonmotorized recreational user" means a person whose purpose  
23 for consuming fuel on a nonhighway road or off-road is primarily for  
24 nonmotorized recreational purposes including, but not limited to,  
25 walking, hiking, backpacking, climbing, cross-country skiing,  
26 snowshoeing, mountain biking, horseback riding, and pack animal  
27 activities.

28 (13) "Off-road vehicle" or "ORV" means any nonstreet licensed  
29 vehicle when used for recreational purposes on nonhighway roads,  
30 trails, or a variety of other natural terrain. Such vehicles include,  
31 but are not limited to, all-terrain vehicles, motorcycles, four-wheel  
32 drive vehicles, and dune buggies.

33 (14) "Operator" means each person who operates, or is in physical  
34 control of, any nonhighway vehicle.

35 (15) "Organized competitive event" means any competition,  
36 advertised in advance through written notice to organized clubs or  
37 published in local newspapers, sponsored by recognized clubs, and  
38 conducted at a predetermined time and place.

1       (16) "ORV recreation facilities" include, but are not limited to,  
2 ORV trails, trailheads, campgrounds, ORV sports parks, and ORV use  
3 areas, designated for ORV use by the managing authority that are  
4 intended primarily for ORV recreational users.

5       (17) "ORV recreational user" means a person whose purpose for  
6 consuming fuel on nonhighway roads or off-road is primarily for ORV  
7 recreational purposes, including but not limited to riding an all-  
8 terrain vehicle, motorcycling, or driving a four-wheel drive vehicle or  
9 dune buggy.

10       (18) "ORV sport park" means a facility designed to accommodate  
11 competitive ORV recreational uses including, but not limited to,  
12 motocross racing, four-wheel drive competitions, and flat track racing.  
13 Use of ORV sports parks can be competitive or noncompetitive in nature.

14       (19) "ORV trail" means a multiple-use corridor designated by the  
15 managing authority and maintained for recreational use by motorized  
16 vehicles.

17       (20) "ORV use permit" means a permit issued for operation of an  
18 off-road vehicle under this chapter.

19       (21) "Owner" means the person other than the lienholder, having an  
20 interest in or title to a nonhighway vehicle, and entitled to the use  
21 or possession thereof.

22       (22) "Person" means any individual, firm, partnership, association,  
23 or corporation.

24       **Sec. 2.** RCW 46.09.110 and 1986 c 206 s 6 are each amended to read  
25 as follows:

26       The moneys collected by the department under this chapter shall be  
27 distributed from time to time but at least once a year in the following  
28 manner:

29       The department shall retain enough money to cover expenses incurred  
30 in the administration of this chapter: PROVIDED, That such retention  
31 shall never exceed eighteen percent of fees collected.

32       The remaining moneys shall be distributed for ORV recreation  
33 facilities by the interagency committee for outdoor recreation in  
34 accordance with RCW 46.09.170(~~((1)(d))~~) (2)(d)(ii)(A).

35       **Sec. 3.** RCW 46.09.130 and 1994 c 264 s 35 are each amended to read  
36 as follows:

1 No person may operate a nonhighway vehicle in such a way as to  
2 endanger human life. No person shall operate a nonhighway vehicle in  
3 such a way as to run down or harass any wildlife or animal, nor carry,  
4 transport, or convey any loaded weapon in or upon, nor hunt from, any  
5 nonhighway vehicle except by permit issued by the director of fish and  
6 wildlife under RCW 77.32.237: PROVIDED, That it shall not be unlawful  
7 to carry, transport, or convey a loaded pistol in or upon a nonhighway  
8 vehicle if the person complies with the terms and conditions of chapter  
9 9.41 RCW.

10 For the purposes of this section, "hunt" means any effort to kill,  
11 injure, capture, or purposely disturb a wild animal or bird.

12 Violation of this section is a gross misdemeanor.

13 **Sec. 4.** RCW 46.09.130 and 2003 c 53 s 233 are each amended to read  
14 as follows:

15 (1) No person may operate a nonhighway vehicle in such a way as to  
16 endanger human life.

17 (2) No person shall operate a nonhighway vehicle in such a way as  
18 to run down or harass any wildlife or animal, nor carry, transport, or  
19 convey any loaded weapon in or upon, nor hunt from, any nonhighway  
20 vehicle except by permit issued by the director of fish and wildlife  
21 under RCW 77.32.237: PROVIDED, That it shall not be unlawful to carry,  
22 transport, or convey a loaded pistol in or upon a nonhighway vehicle if  
23 the person complies with the terms and conditions of chapter 9.41 RCW.

24 (3) For the purposes of this section, "hunt" means any effort to  
25 kill, injure, capture, or purposely disturb a wild animal or bird.

26 (4) Violation of this section is a gross misdemeanor.

27 **Sec. 5.** RCW 46.09.170 and 2003 1st sp.s. c 26 s 920, 2003 1st  
28 sp.s. c 25 s 922, and 2003 c 361 s 407 are each reenacted and amended  
29 to read as follows:

30 (1) From time to time, but at least once each year, the state  
31 treasurer shall refund from the motor vehicle fund one percent of the  
32 motor vehicle fuel tax revenues collected under chapter 82.36 RCW,  
33 based on a tax rate of: (a) Nineteen cents per gallon of motor vehicle  
34 fuel from July 1, 2003, through June 30, 2005; (b) twenty cents per  
35 gallon of motor vehicle fuel from July 1, 2005, through June 30, 2007;  
36 (c) twenty-one cents per gallon of motor vehicle fuel from July 1,

1 2007, through June 30, 2009; (d) twenty-two cents per gallon of motor  
2 vehicle fuel from July 1, 2009, through June 30, 2011; and (e) twenty-  
3 three cents per gallon of motor vehicle fuel beginning July 1, 2011,  
4 and thereafter, less proper deductions for refunds and costs of  
5 collection as provided in RCW 46.68.090.

6 (2) The treasurer shall place these funds in the general fund as  
7 follows:

8 ~~((i) Forty))~~ (a) Thirty-six percent shall be credited to the ORV  
9 and nonhighway vehicle account and administered by the department of  
10 natural resources solely for acquisition, planning, development,  
11 maintenance, and management of ORV, nonmotorized, and nonhighway road  
12 recreation facilities, and information programs and maintenance of  
13 nonhighway roads~~(, and nonhighway road recreation facilities. The~~  
14 ~~funds under this subsection shall be expended in accordance with the~~  
15 ~~following limitations:~~

16 ~~(A) Not more than five percent may be expended for information~~  
17 ~~programs under this chapter;~~

18 ~~(B) Not less than ten percent and not more than fifty percent may~~  
19 ~~be expended for ORV recreation facilities;~~

20 ~~(C) Not more than twenty five percent may be expended for~~  
21 ~~maintenance of nonhighway roads;~~

22 ~~(D) Not more than fifty percent may be expended for nonhighway road~~  
23 ~~recreation facilities;~~

24 ~~(E) Ten percent shall be transferred to the interagency committee~~  
25 ~~for outdoor recreation for grants to law enforcement agencies in those~~  
26 ~~counties where the department of natural resources maintains ORV~~  
27 ~~facilities. This amount is in addition to those distributions made by~~  
28 ~~the interagency committee for outdoor recreation under (e)(iv)(A) of~~  
29 ~~this subsection));~~

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

36 ~~((iii))~~ (c) Two percent shall be credited to the ORV and  
37 nonhighway vehicle account and administered by the parks and recreation

1 commission solely for the acquisition, planning, development,  
2 maintenance, and management of ORV ((use areas and)), nonmotorized, and  
3 nonhighway road recreation facilities; and

4 ~~((iv) Fifty four))~~ (d) Fifty-eight and one-half percent ~~((,~~  
5 ~~together with the funds received by the interagency committee for~~  
6 ~~outdoor recreation under RCW 46.09.110,))~~ shall be credited to the  
7 nonhighway and off-road vehicle activities program account to be  
8 administered by the committee for planning, acquisition, development,  
9 maintenance, and management of ORV, nonmotorized, and nonhighway road  
10 recreation facilities ((and nonhighway road recreation facilities; ORV  
11 user)), and for education ((and)), information ~~((,))~~, and ~~((ORV))~~ law  
12 enforcement programs. During the fiscal year ending June 30, 2004, a  
13 portion of these funds may be appropriated to the department of natural  
14 resources to maintain and operate existing ORV and other recreation  
15 facilities, including ORV campgrounds, for the state parks and  
16 recreation commission to construct and upgrade trails and trail-related  
17 facilities for both motorized and nonmotorized uses, and for other  
18 activities identified in this section. The funds under this subsection  
19 shall be expended in accordance with the following limitations, except  
20 that during the fiscal year ending June 30, 2004, funds appropriated to  
21 the committee from motor vehicle fuel tax revenues for the activities  
22 in ~~((e)(iv)(B) and (C))~~ (d)(ii) of this subsection shall be reduced  
23 by the amounts appropriated to the department of natural resources and  
24 the state parks and recreation commission as provided in this  
25 subsection:

26 ~~((A))~~ (i) Not more than ~~((twenty))~~ thirty percent may be expended  
27 for ~~((ORV))~~ education, information, and law enforcement programs under  
28 this chapter;

29 ~~((B) Not less than an amount equal to the funds received by the~~  
30 ~~interagency committee for outdoor recreation under RCW 46.09.110 and~~  
31 ~~not more than sixty percent may be expended for ORV recreation~~  
32 ~~facilities;~~

33 ~~(C) Not more than twenty percent may be expended for nonhighway~~  
34 ~~road recreation facilities))~~ (ii) Not less than seventy percent may be  
35 expended for ORV, nonmotorized, and nonhighway road recreation  
36 facilities. Except as provided in (d)(iii) of this subsection, of this  
37 amount:



1 (A) Not less than thirty percent, together with the funds the  
2 committee receives under RCW 46.09.110, may be expended for ORV  
3 recreation facilities;

4 (B) Not less than thirty percent may be expended for nonmotorized  
5 recreation facilities; and

6 (C) Not less than thirty percent may be expended for nonhighway  
7 road recreation facilities;

8 (iii) The committee may waive the minimum percentage cited in  
9 (d)(ii) of this subsection due to insufficient requests for funds or  
10 projects that score low in the committee's project evaluation. Funds  
11 remaining after such a waiver must be allocated in accordance with  
12 committee policy.

13 ~~((+2))~~ (3) On a yearly basis an agency may not, except as provided  
14 in RCW 46.09.110, expend more than ten percent of the funds it receives  
15 under this chapter for general administration expenses incurred in  
16 carrying out this chapter.

17 ~~((+3))~~ (4) During the 2003-05 fiscal biennium, the legislature may  
18 appropriate such amounts as reflect the excess fund balance in the  
19 ~~((ORV))~~ NOVA account to the interagency committee for outdoor  
20 recreation, the department of natural resources, the department of fish  
21 and wildlife, and the state parks and recreation commission. This  
22 appropriation is not required to follow the specific distribution  
23 specified in subsection ~~((+1))~~ (2) of this section.

24 **Sec. 6.** RCW 46.09.170 and 2003 1st sp.s. c 25 s 922 and 2003 c 361  
25 s 407 are each reenacted and amended to read as follows:

26 (1) From time to time, but at least once each year, the state  
27 treasurer shall refund from the motor vehicle fund one percent of the  
28 motor vehicle fuel tax revenues collected under chapter 82.36 RCW,  
29 based on a tax rate of: (a) Nineteen cents per gallon of motor vehicle  
30 fuel from July 1, 2003, through June 30, 2005; (b) twenty cents per  
31 gallon of motor vehicle fuel from July 1, 2005, through June 30, 2007;  
32 (c) twenty-one cents per gallon of motor vehicle fuel from July 1,  
33 2007, through June 30, 2009; (d) twenty-two cents per gallon of motor  
34 vehicle fuel from July 1, 2009, through June 30, 2011; and (e) twenty-  
35 three cents per gallon of motor vehicle fuel beginning July 1, 2011,  
36 and thereafter, less proper deductions for refunds and costs of  
37 collection as provided in RCW 46.68.090.

1       (2) The treasurer shall place these funds in the general fund as  
2 follows:

3       (~~((i) Forty))~~ (a) Thirty-six percent shall be credited to the ORV  
4 and nonhighway vehicle account and administered by the department of  
5 natural resources solely for acquisition, planning, development,  
6 maintenance, and management of ORV, nonmotorized, and nonhighway road  
7 recreation facilities, and information programs and maintenance of  
8 nonhighway roads(~~(, and nonhighway road recreation facilities. The~~  
9 ~~funds under this subsection shall be expended in accordance with the~~  
10 ~~following limitations:~~

11       ~~(A) Not more than five percent may be expended for information~~  
12 ~~programs under this chapter;~~

13       ~~(B) Not less than ten percent and not more than fifty percent may~~  
14 ~~be expended for ORV recreation facilities;~~

15       ~~(C) Not more than twenty five percent may be expended for~~  
16 ~~maintenance of nonhighway roads;~~

17       ~~(D) Not more than fifty percent may be expended for nonhighway road~~  
18 ~~recreation facilities;~~

19       ~~(E) Ten percent shall be transferred to the interagency committee~~  
20 ~~for outdoor recreation for grants to law enforcement agencies in those~~  
21 ~~counties where the department of natural resources maintains ORV~~  
22 ~~facilities. This amount is in addition to those distributions made by~~  
23 ~~the interagency committee for outdoor recreation under (e)(iv)(A) of~~  
24 ~~this subsection));~~

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

31       (~~((iii))~~) (c) Two percent shall be credited to the ORV and  
32 nonhighway vehicle account and administered by the parks and recreation  
33 commission solely for the acquisition, planning, development,  
34 maintenance, and management of ORV (~~(use areas and))~~, nonmotorized, and  
35 nonhighway road recreation facilities; and

36       (~~((iv) Fifty four))~~ (d) Fifty-eight and one-half percent(~~(,~~  
37 ~~together with the funds received by the interagency committee for~~  
38 ~~outdoor recreation under RCW 46.09.110,)) shall be credited to the~~

1 nonhighway and off-road vehicle activities program account to be  
2 administered by the committee for planning, acquisition, development,  
3 maintenance, and management of ORV, nonmotorized, and nonhighway road  
4 recreation facilities (~~and nonhighway road recreation facilities; ORV~~  
5 ~~user~~) and for education (~~and~~), information(~~+~~), and (~~ORV~~) law  
6 enforcement programs. The funds under this subsection shall be  
7 expended in accordance with the following limitations:

8 ~~((A))~~ (i) Not more than ~~((twenty))~~ thirty percent may be expended  
9 for (~~ORV~~) education, information, and law enforcement programs under  
10 this chapter;

11 ~~((B) Not less than an amount equal to the funds received by the~~  
12 ~~interagency committee for outdoor recreation under RCW 46.09.110 and~~  
13 ~~not more than sixty percent may be expended for ORV recreation~~  
14 ~~facilities;~~

15 ~~(C) Not more than twenty percent may be expended for nonhighway~~  
16 ~~road recreation facilities))~~ (ii) Not less than seventy percent may be  
17 expended for ORV, nonmotorized, and nonhighway road recreation  
18 facilities. Except as provided in (d)(iii) of this subsection, of this  
19 amount:

20 (A) Not less than thirty percent, together with the funds the  
21 committee receives under RCW 46.09.110, may be expended for ORV  
22 recreation facilities;

23 (B) Not less than thirty percent may be expended for nonmotorized  
24 recreation facilities; and

25 (C) Not less than thirty percent may be expended for nonhighway  
26 road recreation facilities;

27 (iii) The committee may waive the minimum percentage cited in  
28 (d)(ii) of this subsection due to insufficient requests for funds or  
29 projects that score low in the committee's project evaluation. Funds  
30 remaining after such a waiver must be allocated in accordance with  
31 committee policy.

32 ~~((+2))~~ (3) On a yearly basis an agency may not, except as provided  
33 in RCW 46.09.110, expend more than ten percent of the funds it receives  
34 under this chapter for general administration expenses incurred in  
35 carrying out this chapter.

36 ~~((+3))~~ (4) During the 2003-05 fiscal biennium, the legislature may  
37 appropriate such amounts as reflect the excess fund balance in the  
38 (~~ORV~~) NOVA account to the interagency committee for outdoor

1 recreation, the department of natural resources, the department of fish  
2 and wildlife, and the state parks and recreation commission. This  
3 appropriation is not required to follow the specific distribution  
4 specified in subsection ~~((1))~~ (2) of this section.

5 **Sec. 7.** RCW 46.09.240 and 1998 c 144 s 1 are each amended to read  
6 as follows:

7 (1) After deducting administrative expenses and the expense of any  
8 programs conducted under this chapter, the interagency committee for  
9 outdoor recreation shall, at least once each year, distribute the funds  
10 it receives under RCW 46.09.110 and 46.09.170 to state agencies,  
11 counties, municipalities, federal agencies, nonprofit ORV  
12 organizations, and Indian tribes. Funds distributed under this section  
13 to nonprofit ORV organizations may be spent only on projects or  
14 activities that benefit ORV recreation on lands once publicly owned  
15 that come into private ownership in a federally approved land exchange  
16 completed between January 1, 1998, and January 1, 2005.

17 (2) The committee shall adopt rules governing applications for  
18 funds administered by the agency under this chapter and shall determine  
19 the amount of money distributed to each applicant. Agencies receiving  
20 funds under this chapter for capital purposes shall consider the  
21 possibility of contracting with the state parks and recreation  
22 commission, the department of natural resources, or other federal,  
23 state, and local agencies to employ the youth development and  
24 conservation corps or other youth crews in completing the project.

25 ~~((2) The interagency committee shall require each applicant for  
26 land acquisition or development funds under this section to conduct,  
27 before submitting the application, a public hearing in the nearest town  
28 of five hundred population or more, and publish notice of such hearing  
29 on the same day of each week for two consecutive weeks as follows:~~

30 ~~(a) In the newspaper of general circulation published nearest the  
31 proposed project;~~

32 ~~(b) In the newspaper having the largest circulation in the county  
33 or counties where the proposed project is located; and~~

34 ~~(c) If the proposed project is located in a county with a  
35 population of less than forty thousand, the notice shall also be  
36 published in the newspaper having the largest circulation published in  
37 the nearest county that has a population of forty thousand or more.~~

1       ~~(3) The notice shall state that the purpose of the hearing is to~~  
2 ~~solicit comments regarding an application being prepared for submission~~  
3 ~~to the interagency committee for outdoor recreation for acquisition or~~  
4 ~~development funds under the off road and nonhighway vehicle program.~~  
5 ~~The applicant shall file notice of the hearing with the department of~~  
6 ~~ecology at the main office in Olympia and shall comply with the State~~  
7 ~~Environmental Policy Act, chapter 43.21C RCW. A written record and a~~  
8 ~~magnetic tape recording of the hearing shall be included in the~~  
9 ~~application.)~~)

10       (3) The interagency committee for outdoor recreation shall require  
11 each applicant for acquisition or development funds under this section  
12 to comply with the requirements of either the state environmental  
13 policy act, chapter 43.21C RCW, or the national environmental policy  
14 act (42 U.S.C. Sec. 4321 et seq.).

15       **Sec. 8.** RCW 46.09.280 and 2003 c 185 s 1 are each amended to read  
16 as follows:

17       (1) The interagency committee for outdoor recreation shall  
18 establish the nonhighway and off-road vehicle activities advisory  
19 committee to provide advice regarding the administration of this  
20 chapter. The ((nonhighway and off road vehicle advisory)) committee  
21 consists of governmental representatives, land managers, and a  
22 proportional representation of persons with recreational experience in  
23 areas identified in the most recent fuel use study, including but not  
24 limited to people with ((off road vehicle)) ORV, hiking, equestrian,  
25 mountain biking, hunting, fishing, and wildlife viewing experience.

26       (2) Only ((representatives of organized)) the ORV ((groups))  
27 recreationists may be voting members of the committee with respect to  
28 expenditure of funds received under RCW 46.09.110.

29       (3) At least once a year, the interagency committee for outdoor  
30 recreation, the department of natural resources, the department of fish  
31 and wildlife, and the state parks and recreation commission shall  
32 report to the nonhighway and off-road vehicle activities advisory  
33 committee on the expenditures of funds received under RCW 46.09.110 and  
34 46.09.170 and must proactively seek the advisory committee's advice  
35 regarding proposed expenditures.

36       (4) The advisory committee shall advise these agencies regarding

1 the allocation of funds received under RCW 46.09.170 to ensure that  
2 overall expenditures reflect consideration of the results of the most  
3 recent fuel use study.

4 NEW SECTION. **Sec. 9.** (1) Section 3 of this act expires July 1,  
5 2004.

6 (2) Section 4 of this act takes effect July 1, 2004.

7 (3) Section 5 of this act expires June 30, 2005.

8 (4) Section 6 of this act takes effect June 30, 2005.

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