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3 **SHB 1053** - S COMM AMD
4 By Committee on Transportation

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6 On page 18, after line 6, insert the following:

7 "Sec 18. RCW 43.99.070 and 1995 c 166 s 4 are each amended to read
8 as follows:

9 Upon expiration of the time limited by RCW 82.36.330 for claiming
10 of refunds of tax on marine fuel, the state of Washington shall succeed
11 to the right to such refunds. The director of licensing, after taking
12 into account past and anticipated claims for refunds from and deposits
13 to the marine fuel tax refund account and the costs of carrying out the
14 provisions of RCW 43.99.030, shall request the state treasurer to
15 transfer (~~monthly from the marine fuel tax refund account an amount~~
16 ~~equal to the proportion of the moneys in the account representing the~~
17 ~~motor vehicle fuel tax rate under RCW 82.36.025 in effect on January 1,~~
18 ~~1990, to the recreation resource account and the remainder to the motor~~
19 ~~vehicle fund)) to the recreation resource account such of the moneys in
20 the marine fuel tax refund account that are not required for payment of
21 the refund claims or costs, and the state treasurer shall make the
22 transfer.~~

23 **Sec. 19.** RCW 46.09.170 and 1995 c 166 s 9 are each amended to read
24 as follows:

25 (1) From time to time, but at least once each year, the state
26 treasurer shall refund from the motor vehicle fund one percent of the
27 motor vehicle fuel tax revenues collected under chapter 82.36 RCW,
28 (~~based on the tax rate in effect January 1, 1990,~~) less proper
29 deductions for refunds and costs of collection as provided in RCW
30 46.68.090. The treasurer shall place these funds in the general fund
31 as follows:

32 (a) Forty percent shall be credited to the ORV and nonhighway
33 vehicle account and administered by the department of natural resources
34 solely for planning, maintenance, and management of ORV recreation
35 facilities, nonhighway roads, and nonhighway road recreation

1 facilities. The funds under this subsection shall be expended in
2 accordance with the following limitations:

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

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

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

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

11 (v) Ten percent shall be transferred to the interagency committee
12 for outdoor recreation for grants to law enforcement agencies in those
13 counties where the department of natural resources maintains ORV
14 facilities. This amount is in addition to those distributions made by
15 the interagency committee for outdoor recreation under (d)(i) of this
16 subsection;

17 (b) Three and one-half percent shall be credited to the ORV and
18 nonhighway vehicle account and administered by the department of fish
19 and wildlife solely for the acquisition, planning, development,
20 maintenance, and management of nonhighway roads and recreation
21 facilities;

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

25 (d) Fifty-four and one-half percent, together with the funds
26 received by the interagency committee for outdoor recreation under RCW
27 46.09.110, shall be credited to the nonhighway and off-road vehicle
28 activities program account to be administered by the committee for
29 planning, acquisition, development, maintenance, and management of ORV
30 recreation facilities and nonhighway road recreation facilities; ORV
31 user education and information; and ORV law enforcement programs. The
32 funds under this subsection shall be expended in accordance with the
33 following limitations:

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

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

1 (iii) Not more than twenty percent may be expended for nonhighway
2 road recreation facilities.

3 (2) On a yearly basis an agency may not, except as provided in RCW
4 46.09.110, expend more than ten percent of the funds it receives under
5 this chapter for general administration expenses incurred in carrying
6 out this chapter.

7 (3) Notwithstanding any other provision of law, funds disbursed for
8 grants awarded after December 1, 2001, from the accounts in subsection
9 (1)(d) of this section shall be spent on motorized and nonmotorized
10 users in proportion to their actual contributions to such funds as
11 determined by the legislature pursuant to the study authorized by
12 section 4 of this act.

13 **Sec. 20.** RCW 46.10.170 and 1994 c 262 s 4 are each amended to read
14 as follows:

15 From time to time, but at least once each four years, the
16 department shall determine the amount of moneys paid to it as motor
17 vehicle fuel tax that is tax on snowmobile fuel. Such determination
18 shall use one hundred thirty-five gallons as the average yearly fuel
19 usage per snowmobile(~~(7)~~) and the number of registered snowmobiles
20 during the calendar year under determination(~~(7, and the fuel tax rate~~
21 ~~in effect January 1, 1990)~~).

22 NEW SECTION. **Sec. 21.** (1) The Washington state interagency
23 committee for outdoor recreation and the Washington state department of
24 licensing shall jointly contract with an independent entity to study
25 the sources and determine the distributions and uses of funds provided
26 to off-road vehicle and nonhighway road recreational activities under
27 RCW 46.09.170. The study shall analyze and determine the relative
28 portion of the motor vehicle fuel tax revenues deposited to the general
29 fund under RCW 46.09.170 that are attributable to vehicles operating
30 off-road or on nonhighway roads for recreational purposes as provided
31 in RCW 46.09.170. The study shall include the types of vehicles, the
32 types of recreational activities, and the types of recreational
33 facilities used.

34 (2) The Washington state interagency committee for outdoor
35 recreation and the Washington state department of licensing shall
36 jointly review the analysis and submit a report to the standing
37 committees of the legislature, including recommendations regarding

1 amendments to RCW 46.09.170 to allocate revenues consistent with the
2 relative proportion of the uses generating such revenues. In making
3 such recommendations the committee and department of licensing shall
4 specifically consider joint use by nonmotorized recreational users of
5 trails funded as ORV recreational facilities. The report shall be
6 submitted no later than September 30, 2001.

7 (3) The Washington state interagency committee for outdoor
8 recreation and the department of licensing shall jointly establish a
9 technical advisory committee composed of a cross-section of nonhighway
10 road recreational trail users to advise the agency regarding the study
11 and report required by this act.

12 (4) Funds appropriated from the nonhighway and off-road vehicle
13 account for the purposes of this act shall be in addition to the agency
14 general administration expenditure limitations of RCW 46.09.170(2).

15 Renumber the sections consecutively and correct any internal
16 references accordingly.

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EFFECT: Removes cap on transfer of motor vehicle fuel revenues to non-motorized and off-road vehicle accounts, and directs a study of the grant distributions from these accounts.