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SENATE BILL 5556

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State of Washington

56th Legislature

1999 Regular Session

By Senators Fraser, Oke, Jacobsen, Haugen, Heavey, T. Sheldon, Winsley, Rasmussen, Patterson, Sellar, Zarelli, Roach, Stevens, Kohl-Welles, McCaslin, Thibaudeau, Honeyford, Costa, Eide, Morton, Horn and Hochstatter

Read first time 01/27/1999. Referred to Committee on Natural Resources, Parks & Recreation.

1 AN ACT Relating to fuel taxes attributable to marine and nonhighway  
2 uses; and amending RCW 43.99.070, 46.09.170, and 46.10.170.

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

4 **Sec. 1.** RCW 43.99.070 and 1995 c 166 s 4 are each amended to read  
5 as follows:

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

1       **Sec. 2.** RCW 46.09.170 and 1995 c 166 s 9 are each amended to read  
2 as follows:

3       (1) From time to time, but at least once each year, the state  
4 treasurer shall refund from the motor vehicle fund one percent of the  
5 motor vehicle fuel tax revenues collected under chapter 82.36 RCW,  
6 (~~based on the tax rate in effect January 1, 1990,~~) less proper  
7 deductions for refunds and costs of collection as provided in RCW  
8 46.68.090. The treasurer shall place these funds in the general fund  
9 as follows:

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

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

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

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

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

24       (v) 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 (d)(i) of this  
29 subsection;

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

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

38       (d) Fifty-four and one-half percent, together with the funds  
39 received by the interagency committee for outdoor recreation under RCW

1 46.09.110, shall be credited to the nonhighway and off-road vehicle  
2 activities program account to be administered by the committee for  
3 planning, acquisition, development, maintenance, and management of ORV  
4 recreation facilities and nonhighway road recreation facilities; ORV  
5 user education and information; and ORV law enforcement programs. The  
6 funds under this subsection shall be expended in accordance with the  
7 following limitations:

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

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

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

16 (2) On a yearly basis an agency may not, except as provided in RCW  
17 46.09.110, expend more than ten percent of the funds it receives under  
18 this chapter for general administration expenses incurred in carrying  
19 out this chapter.

20 **Sec. 3.** RCW 46.10.170 and 1994 c 262 s 4 are each amended to read  
21 as follows:

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

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