
HOUSE BILL 2374

State of Washington 59th Legislature 2006 Regular Session

By Representatives Pearson, Condotta, Haler, Kristiansen, Kretz,
McCune and Holmquist

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Committee on Natural Resources, Ecology & Parks.

1 AN ACT Relating to motorized access on lands managed by the
2 department of natural resources; amending RCW 46.09.170; and adding a
3 new section to chapter 79.10 RCW.

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

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 79.10 RCW
6 under the subchapter heading "multiple use" to read as follows:

7 (1) The department shall prepare, maintain, and administer
8 individual public motorized access plans for all public lands, other
9 than aquatic lands, contained within each of the department's
10 administrative units.

11 (2) The access plans must:

12 (a) Estimate the number of miles of road or trail within each
13 administrative unit that were open for public motorized access in 2003;

14 (b) Ensure that changes in road access within each administrative
15 unit are implemented so that there is not a net loss of road or trail
16 miles available for public motorized access within each administrative
17 unit from the 2003 levels identified in the access plan; and

18 (c) Ensure that all future road or trail access closure decisions

1 within an administrative unit are coupled by the opening of an equal
2 number of road or trail miles for public motorized access within the
3 same administrative district.

4 (3) When planning for public motorized access, the department shall
5 consider road or trail miles available to the general public using
6 either street-legal motor vehicles or off-road vehicles, as that term
7 is defined in RCW 46.09.020. The department shall not consider roads
8 temporarily open to accommodate the needs of a forestry operation as
9 miles of public motorized access. The department may consider road
10 miles temporarily closed to public motorized access due to fire safety
11 considerations as miles of public motorized activity.

12 (4) The initial individual public motorized access plans for each
13 administrative district must be completed by April 1, 2007, with
14 implementation completed by August 1, 2007.

15 **Sec. 2.** RCW 46.09.170 and 2004 c 105 s 6 are each amended to read
16 as follows:

17 (1) From time to time, but at least once each year, the state
18 treasurer shall refund from the motor vehicle fund one percent of the
19 motor vehicle fuel tax revenues collected under chapter 82.36 RCW,
20 based on a tax rate of: (a) Nineteen cents per gallon of motor vehicle
21 fuel from July 1, 2003, through June 30, 2005; (b) twenty cents per
22 gallon of motor vehicle fuel from July 1, 2005, through June 30, 2007;
23 (c) twenty-one cents per gallon of motor vehicle fuel from July 1,
24 2007, through June 30, 2009; (d) twenty-two cents per gallon of motor
25 vehicle fuel from July 1, 2009, through June 30, 2011; and (e) twenty-
26 three cents per gallon of motor vehicle fuel beginning July 1, 2011,
27 and thereafter, less proper deductions for refunds and costs of
28 collection as provided in RCW 46.68.090.

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

31 (a) If the department of natural resources has adopted individual
32 public motorized access plans as required by section 1 of this act and
33 can demonstrate full compliance with the requirements for
34 administration of the plans, then thirty-six percent of the funds shall
35 be credited to the ORV and nonhighway vehicle account and administered
36 by the department of natural resources solely for acquisition,

1 planning, development, maintenance, and management of ORV,
2 nonmotorized, and nonhighway road recreation facilities, and
3 information programs and maintenance of nonhighway roads;

4 (b) Three and one-half percent of the funds shall be credited to
5 the ORV and nonhighway vehicle account and administered by the
6 department of fish and wildlife solely for the acquisition, planning,
7 development, maintenance, and management of ORV, nonmotorized, and
8 nonhighway road recreation facilities and the maintenance of nonhighway
9 roads;

10 (c) Two percent of the funds shall be credited to the ORV and
11 nonhighway vehicle account and administered by the parks and recreation
12 commission solely for the acquisition, planning, development,
13 maintenance, and management of ORV, nonmotorized, and nonhighway road
14 recreation facilities; and

15 (d) Fifty-eight and one-half percent of the funds shall be credited
16 to the nonhighway and off-road vehicle activities program account to be
17 administered by the committee for planning, acquisition, development,
18 maintenance, and management of ORV, nonmotorized, and nonhighway road
19 recreation facilities and for education, information, and law
20 enforcement programs. The funds under this subsection shall be
21 expended in accordance with the following limitations:

22 (i) Not more than thirty percent may be expended for education,
23 information, and law enforcement programs under this chapter;

24 (ii) Not less than seventy percent may be expended for ORV,
25 nonmotorized, and nonhighway road recreation facilities. Except as
26 provided in (d)(iii) of this subsection, of this amount:

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

30 (B) Not less than thirty percent may be expended for nonmotorized
31 recreation facilities. Funds expended under this subsection
32 (2)(d)(ii)(B) shall be known as Ira Spring outdoor recreation
33 facilities funds; and

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

36 (iii) The committee may waive the minimum percentage cited in
37 (d)(ii) of this subsection due to insufficient requests for funds or

1 projects that score low in the committee's project evaluation. Funds
2 remaining after such a waiver must be allocated in accordance with
3 committee policy.

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

8 ~~(4) ((During the 2003-05 fiscal biennium, the legislature may
9 appropriate such amounts as reflect the excess fund balance in the NOVA
10 account to the interagency committee for outdoor recreation, the
11 department of natural resources, the department of fish and wildlife,
12 and the state parks and recreation commission. This appropriation is
13 not required to follow the specific distribution specified in
14 subsection (2) of this section.))~~ If the department of natural
15 resources fails to meet the eligibility requirements to receive funds
16 under subsection (2) of this section, the treasurer shall distribute
17 the portion of funding that would have otherwise gone to the department
18 of natural resources to the committee to be used consistent with RCW
19 46.09.110.

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