
HOUSE BILL 1651

State of Washington 60th Legislature 2007 Regular Session

By Representatives Fromhold, Alexander, B. Sullivan, Walsh and Simpson

Read first time 01/24/2007. Referred to Committee on Agriculture & Natural Resources.

1 AN ACT Relating to boating activities; amending RCW 82.49.030 and
2 82.49.065; adding new sections to chapter 79A.60 RCW; and adding a new
3 section to chapter 43.135 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 79A.60 RCW
6 to read as follows:

7 The boating activities account is created in the state treasury.
8 All receipts from watercraft excise tax revenues received under RCW
9 82.49.030 must be deposited into the account. Moneys in the account
10 may be spent only after appropriation. Expenditures from the account
11 may be used only as authorized under sections 2 and 3 of this act.

12 Grants, gifts, or other financial assistance received by the
13 interagency committee for outdoor recreation from nonstate sources for
14 purposes of boating activities may be deposited into the account.

15 NEW SECTION. **Sec. 2.** A new section is added to chapter 79A.60 RCW
16 to read as follows:

17 (1) The boating activities program is created in the interagency
18 committee for outdoor recreation.

1 (2) The interagency committee for outdoor recreation shall
2 distribute moneys appropriated from the boating activities account
3 created in section 1 of this act as follows, or as otherwise
4 appropriated by the legislature, after deduction for the committee's
5 expenses in administering the boating activities grant program and for
6 related studies:

7 (a) To the commission for boater safety, boater education, boating-
8 related law enforcement activities, activities included in RCW
9 88.02.040, related administrative expenses, and boating-related
10 environmental programs, such as pumpout stations, to enhance clean
11 waters for boating;

12 (b) For grants to state agencies, counties, municipalities, federal
13 agencies, nonprofit organizations, and Indian tribes to improve boating
14 access to water and marine parks, enhance the boater experience, boater
15 safety, boater education, and boating-related law enforcement
16 activities, and to provide funds for boating-related environmental
17 programs, such as pumpout stations, to enhance clean waters for
18 boating; and

19 (c) If the amount available for distribution from the boating
20 activities account is equal to or less than two million five hundred
21 thousand dollars per fiscal year, then eighty percent of the amount
22 available must be distributed to the commission for the purposes of (a)
23 of this subsection and twenty percent for grants in (b) of this
24 subsection. Amounts available for distribution in excess of two
25 million five hundred thousand dollars per fiscal year shall be
26 distributed by the committee for purposes of (a) and (b) of this
27 subsection.

28 (3) The interagency committee for outdoor recreation shall
29 establish an application process for boating activities grants.

30 (4) Agencies receiving grants for capital purposes from the boating
31 activities account shall consider the possibility of contracting with
32 the commission, the department of natural resources, or other federal,
33 state, and local agencies to employ the youth development and
34 conservation corps or other youth crews in completing the project.

35 (5) To solicit input on the boating activities grant application
36 process, criteria for grant awards, and use of grant moneys, and to
37 determine the interests of the boating community, the interagency
38 committee for outdoor recreation shall solicit input from a boating

1 activities advisory committee. The interagency committee for outdoor
2 recreation may utilize a currently established boating issues committee
3 that has similar responsibility for input on recreational boating-
4 related funding issues. Members of the boating activities advisory
5 committee are not eligible for compensation but may be reimbursed for
6 travel expenses as provided in RCW 43.03.050 and 43.03.060.

7 (6) The interagency committee for outdoor recreation may adopt
8 rules to implement this section.

9 NEW SECTION. **Sec. 3.** A new section is added to chapter 79A.60 RCW
10 to read as follows:

11 (1) By December 1, 2007, the interagency committee for outdoor
12 recreation shall complete an initial study of boater needs and make
13 recommendations to the appropriate committees of the legislature on the
14 initial amount of funding that should be provided to the commission for
15 boating-related law enforcement purposes under section 2(2)(a) of this
16 act.

17 (2) By September 1, 2008, and by September 1st of each even-
18 numbered year thereafter, the interagency committee for outdoor
19 recreation shall update its study of boater needs as necessary and
20 shall make recommendations to the governor and the appropriate
21 committees of the legislature concerning funding allocations to state
22 parks and other grant applicants.

23 **Sec. 4.** RCW 82.49.030 and 2000 c 103 s 18 are each amended to read
24 as follows:

25 (1) The excise tax imposed under this chapter is due and payable to
26 the department of licensing or its agents at the time of registration
27 of a vessel. The department of licensing shall not issue or renew a
28 registration for a vessel until the tax is paid in full.

29 (2) The excise tax collected under this chapter shall be deposited
30 in the ((general fund)) boating activities account created in section
31 1 of this act.

32 **Sec. 5.** RCW 82.49.065 and 2003 c 53 s 405 are each amended to read
33 as follows:

34 (1) Whenever any person has paid a vessel license fee, and with the
35 fee has paid an excise tax imposed under this chapter, and the director

1 of licensing determines that the payor is entitled to a refund of the
2 entire amount of the license fee as provided by law, then the payor
3 shall also be entitled to a refund of the entire excise tax collected
4 under this chapter together with interest at the rate specified in RCW
5 82.32.060. If the director determines that any person is entitled to
6 a refund of only a part of the license fee paid, the payor shall be
7 entitled to a refund of the difference, if any, between the excise tax
8 collected and that which should have been collected together with
9 interest at the rate specified in RCW 82.32.060. The state treasurer
10 shall determine the amount of such refund by reference to the
11 applicable excise tax schedule prepared by the department of revenue in
12 cooperation with the department of licensing.

13 (2) If no claim is to be made for the refund of the license fee, or
14 any part of the fee, but claim is made by any person that he or she has
15 paid an erroneously excessive amount of excise tax, the department of
16 licensing shall determine in the manner generally provided in this
17 chapter the amount of such excess, if any, that has been paid and shall
18 certify to the state treasurer that the person is entitled to a refund
19 in that amount together with interest at the rate specified in RCW
20 82.32.060.

21 (3) If due to error a person has been required to pay an excise tax
22 pursuant to this chapter and a license fee under chapter 88.02 RCW
23 which amounts to an overpayment of ten dollars or more, such person
24 shall be entitled to a refund of the entire amount of such overpayment,
25 together with interest at the rate specified in RCW 82.32.060,
26 regardless of whether a refund of the overpayment has been requested.
27 If due to error the department or its agents has failed to collect the
28 full amount of the license fee and excise tax due, which underpayment
29 is in the amount of ten dollars or more, the department shall charge
30 and collect such additional amount as will constitute full payment of
31 the tax and any penalties or interest at the rate specified in RCW
32 82.32.050.

33 (4) If the department approves the claim, it shall notify the state
34 treasurer to that effect and the treasurer shall make such approved
35 refunds and the other refunds provided for in this section from the
36 (~~general fund~~) boating activities account created in section 1 of
37 this act and shall mail or deliver the same to the person entitled to
38 the refund.

1 (5) Any person who makes a false statement under which he or she
2 obtains a refund to which he or she is not entitled under this section
3 is guilty of a gross misdemeanor.

4 NEW SECTION. **Sec. 6.** A new section is added to chapter 43.135 RCW
5 to read as follows:

6 RCW 43.135.035(4) does not apply to RCW 82.49.030.

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