
BILL REQUEST - CODE REVISER'S OFFICE

BILL REQ. #: Z-0008.3/11 3rd ROUGH DRAFT

ATTY/TYPIST: ML:seg

BRIEF DESCRIPTION: Creating an invasive species emergency response account.

1 AN ACT Relating to creating an invasive species emergency response
2 account; amending RCW 79A.25.040, 70.95.510, 70.95.532, and 46.68.---
3 (2010 c 161 s 822); adding a new section to chapter 79A.25 RCW; and
4 creating a new section.

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

6 NEW SECTION. **Sec. 1.** The land, water, and other natural resources
7 of Washington state are severely impacted by an increasing number of
8 harmful invasive species. Invasions by these species are damaging to
9 the environment and causing economic hardship within the state.
10 Invasive species present a serious threat that adversely affects
11 industries vital to the economy of Washington, including but not
12 limited to the agriculture, forestry, recreational boating, fishing,
13 hunting, tourism industries, nursery business, transportation, and
14 hydroelectric generation. Failure to eradicate or control new
15 infestations of invasive species will reduce the productivity of
16 industries in the state, potentially resulting in the loss of business
17 and existing jobs.

18 The Washington invasive species council is a leader for conducting
19 a coordinated and comprehensive effort to prevent the entry of invasive

1 species into the state and to eliminate and reduce the effects of
2 invasive species already present. The creation of an invasive species
3 emergency response account is proposed to enable state and local
4 agencies to take the first steps to respond quickly to and eradicate
5 new invasive species infestations. The eradication or control of new
6 infestations using moneys from the invasive species emergency response
7 account will benefit the natural resources and economy of Washington
8 state, and, by enabling quick action, will ultimately reduce state
9 spending on more extensive invasive species eradication.

10 The invasive species emergency response account would be made
11 available to both state and local government agencies, and rules for
12 eligibility for funds would be adopted by the Washington invasive
13 species council. Funds in the invasive species emergency response
14 account would be sustainable, tied to particular vectors responsible
15 for the introduction and spread of invasive species, and dedicated for
16 this purpose.

17 NEW SECTION. **Sec. 2.** A new section is added to chapter 79A.25 RCW
18 to read as follows:

19 (1) The invasive species emergency response account is created in
20 the custody of the state treasurer. The following moneys must be
21 deposited in the account: (a) One percent of the moneys received by
22 the marine fuel tax refund account created in RCW 79A.25.040; (b) the
23 moneys directed to the account under RCW 70.95.532(3); and (c) the
24 moneys directed to the account under RCW 46.68.---(2)(b) (section
25 6(2)(b) of this act). Expenditures from the account may be used only
26 to make emergency grants to state agencies and local governments to
27 respond to documented invasive species outbreaks. The grants are
28 designed to provide start-up money to initiate response actions.
29 Recipients of grants are responsible for providing moneys to complete
30 response actions. Only the director or the director's designee may
31 authorize expenditures from the account. The account is subject to
32 allotment procedures under chapter 43.88 RCW, but an appropriation is
33 not required for expenditures.

34 (2) The recreation and conservation office shall provide grant
35 management services.

36 (3) The council must adopt rules regarding recipient eligibility
37 for receipt of grants prior to any expenditures from this account.

1 **Sec. 3.** RCW 79A.25.040 and 2010 c 23 s 2 are each amended to read
2 as follows:

3 There is created the marine fuel tax refund account in the state
4 treasury. The director of licensing shall request the state treasurer
5 to refund monthly from the motor vehicle fund an amount equal to one
6 percent of the motor vehicle fuel tax moneys collected during that
7 period. The state treasurer shall refund such amounts and place them
8 in the marine fuel tax refund account to be held for those entitled
9 thereto pursuant to chapter 82.36 RCW and RCW 79A.25.050 and section 2
10 of this act, except that the treasurer may not refund and place in the
11 marine fuel tax refund account more than the greater of the following
12 amounts: (1) An amount equal to two percent of all moneys paid to the
13 treasurer as motor vehicle fuel tax for such period, (2) an amount
14 necessary to meet all approved claims for refund of tax on marine fuel
15 for such period.

16 **Sec. 4.** RCW 70.95.510 and 2009 c 261 s 2 are each amended to read
17 as follows:

18 (1) There is levied a one dollar and five cents per tire fee on the
19 retail sale of new replacement vehicle tires. The fee imposed in this
20 section must be paid by the buyer to the seller, and each seller shall
21 collect from the buyer the full amount of the fee. The fee collected
22 from the buyer by the seller less the ten percent amount retained by
23 the seller as provided in RCW 70.95.535(1) must be paid to the
24 department of revenue in accordance with RCW 82.32.045.

25 (2) The department of revenue shall incorporate into the agency's
26 regular audit cycle a reconciliation of the number of tires sold and
27 the amount of revenue collected by the businesses selling new
28 replacement vehicle tires at retail. The department of revenue shall
29 collect on the business excise tax return from the businesses selling
30 new replacement vehicle tires at retail:

31 (a) The number of tires sold; and

32 (b) The fee levied in this section.

33 (3) All other applicable provisions of chapter 82.32 RCW have full
34 force and application with respect to the fee imposed under this
35 section. The department of revenue shall administer this section.

36 (4) For the purposes of this section, "new replacement vehicle

1 tires" means tires that are newly manufactured for vehicle purposes and
2 does not include retreaded vehicle tires.

3 **Sec. 5.** RCW 70.95.532 and 2010 c 247 s 704 are each amended to
4 read as follows:

5 (1) All receipts from tire fees imposed under RCW 70.95.510, except
6 as provided in subsection (2) and (3) of this section, must be
7 deposited in the waste tire removal account created under RCW
8 70.95.521. Moneys in the account may be spent only after
9 appropriation. Expenditures from the account may be used for the
10 cleanup of unauthorized waste tire piles and measures that prevent
11 future accumulation of unauthorized waste tire piles.

12 (2) On September 1st of odd-numbered years, the state treasurer
13 must transfer any cash balance in excess of one million dollars from
14 the waste tire removal account created under RCW 70.95.521 to the motor
15 vehicle account for the purpose of road wear related maintenance on
16 state and local public highways.

17 (3) Five cents of the per tire fee imposed under RCW 70.95.510 must
18 be deposited in the invasive species emergency response account created
19 in section 2 of this act.

20 (4) During the 2009-2011 fiscal biennium, the legislature may
21 transfer any cash balance in excess of one million dollars from the
22 waste tire removal account to the motor vehicle account for the purpose
23 of road wear-related maintenance on state and local public highways.

24 **Sec. 6.** RCW 46.68.--- and 2010 c 161 (SB 6379) s 822 are each
25 amended to read as follows:

26 The moneys collected by the department for ORV registrations,
27 temporary ORV use permits, decals, and tabs under this chapter and
28 chapter 46.17 RCW must be distributed from time to time, but at least
29 once a year, in the following manner:

30 (1) The department shall retain enough money to cover expenses
31 incurred in the administration of this chapter. The amount kept by the
32 department must never exceed eighteen percent of fees collected.

33 (2) The remaining moneys must be distributed (~~for off-road vehicle~~
34 ~~recreation facilities~~) by the board (~~in accordance with RCW 46.09.---~~
35 ~~(2)(d)(ii)(A) (section 222, chapter 161, Laws of 2010)~~) as follows:

36 (a) Ninety-nine percent of the remaining moneys must be distributed for

1 off-road vehicle recreation facilities in accordance with RCW 46.09.---
2 (2)(d)(ii)(A) (section 222, chapter 161, Laws of 2010); and (b) one
3 percent of the remaining moneys must be deposited in the invasive
4 species emergency response account created in section 2 of this act.

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