



# THE LEGISLATURE HAS STOLEN YOUR OHV FUNDS AND GAVE THEM TO STATE PARKS INSTEAD

When the Washington State Legislature passed budget bill HB1244 this spring, they took all of your Nonhighway and Offroad Vehicle Activities (NOVA) funds and gave them Washington State Parks. That is nearly 10 million dollars of your gas tax and ORV license tab money gone, leaving nothing for offroad vehicle recreation for the next two years. State Parks will not be spending your money on motorized recreation.

## **NOVA Fund History**

Pursuant to the Washington State Constitution, Article I, Section 40 the fuel tax collected must be used for highway purposes or refunded.

In 1972 the offroad vehicle community supported passage of legislation that waived their right to that refund in exchanged for having those same funds put into a dedicated account to promote and protect their sport.

To accomplish this, the Nonhighway and Offroad Vehicle Activities (NOVA) account was created. This account was administered by the Washington State Inter-Agency Committee for Outdoor Recreation (IAC). The IAC is now called the Recreation and Conservation Office (RCO)

The intent of the NOVA program, per the IAC policy guidelines from 1973 is as follows: "the goal of the IAC in its administration and distribution of ATV Funds is to increase the available trails and areas for all-terrain vehicles by operating a program to provide funding assistance to local and state agencies for the planning, acquisition, development of land and facilities for ATV use."

The NOVA advisory committee was created and staffed with various offroad vehicle representatives to direct how the funds were actually spent.

To determine the portion of the fuel tax monies that would be directed to the NOVA account a study was conducted. The study found that 4.6 percent of the monies should be allocated. In 1974 the Legislature chose to ignore these findings and allocate 1 percent instead.

In 1985 the Non Highway Roads (NHR) program was created by the Legislature. This program diverted 20 percent of the NOVA account funds away from the original intent of the NOVA program.

Clearly some portion of the unfunded 3.6 percent portion of the fuel tax identified in the original fuel use study must be attributed to other users such as equestrians, hikers and mountain bikers traveling in vehicles on non-highway roads (NHR) to trailheads. That 3.6 percent is where the NHR funding should rightly come from.

During the 1990 session, the Legislature raised the fuel tax from 18 cents per gallon to 23 cents per gallon. This same legislation placed a cap on the NOVA funding and required that its portion to be based on only 18 cents per gallon instead of the actual 23 cents per gallon collected, further reducing the original one percent allocation.

Senate Bill SB5844 was introduced in 1997 and would have corrected these inequities. It was passed by the Senate 49 to 1, but was killed by the House Budget Committee and was never allowed a vote of the full House of Representatives.

Unfortunately as time has passed, the State gas tax rate has increased to 37.5 cents per gallon, but the cap on the portion to be refunded into the NOVA account has only been raised to 23 cents per gallon.

In 2007 the Joint Legislative Audit and Review Committee issued a report addressing this inequity and recommended revising the RCW. (see page 135 of this report)

HB2819 in 2008 and HB2101 in 2009 were introduced to comply with these findings but both times these bills were not even allowed as much as a committee hearing.

In addition to the fuel tax refund allocation inequities, the integrity and legitimacy of the NOVA program has been further compromised by a variety of other funding diversions.

Currently 36 percent of these funds are allocated to the Washington State Department of Natural Resources. Historically the DNR has not been able to account for how these monies are actually used. Additional funds are allocated to law enforcement in areas without ORV recreation opportunities and various non-motorized recreation projects.

This misallocation is facilitated by a revised NOVA advisory committee structure where ORV recreation representatives comprise only three of the fifteen committee members.

Since its inception, the NOVA program has incrementally evolved into a mere shell of its original intent. Considering how small the portion of the fuel taxes paid by offroad vehicle enthusiasts are actually getting refunded for expenditures on their behalf, the situation has become very unfair and quite likely a blatant violation of our State Constitution.

### **NOW THE LEGISLATURE TOOK IT A STEP FURTHER AND STOLE EVERY PENNY!**

Prior to this year your Washington State Parks received about \$250 an acre a year of your tax dollars to facilitate recreation on the public land that they manage, while the Washington Department of Natural Resources received less than 50 cents an acre to facilitate recreation on the public land that they manage. Thanks to the Legislature the DNR now gets almost nothing while State Parks gets it all.

## **THE WASHINGTON OFF HIGHWAY VEHICLE ALLIANCE IS GOING TO FIGHT THIS THEFT OF YOUR MONEY EVERY STEP OF THE WAY!**

Go to [www.wohva.org](http://www.wohva.org) and see how you can join us in the battle to protect our hard earned tax dollars and our right to recreate on public land.