
SENATE BILL 5761

State of Washington

61st Legislature

2009 Regular Session

By Senator Jacobsen

Read first time 01/30/09. Referred to Committee on Natural Resources,
Ocean & Recreation.

1 AN ACT Relating to recreation on lands owned by the department of
2 natural resources; amending RCW 79.105.240; adding a new section to
3 chapter 43.30 RCW; adding a new section to chapter 79.105 RCW; adding
4 a new chapter to Title 79 RCW; and prescribing penalties.

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

6 NEW SECTION. **Sec. 1.** The legislature finds that the department of
7 natural resources has difficulty maintaining recreation sites they own
8 because of insufficient funds. These recreation sites are enjoyed not
9 only for family outings, but also by a wide variety of groups including
10 youth organizations, hunters, fishers, horsemen, hikers, bikers, people
11 who view wildlife, and other outdoor recreation groups. The
12 legislature finds that the lack of funds to maintain and repair these
13 recreation sites may result in the closure of some of these sites to
14 the public at a time when the demand for outdoor recreation areas
15 continues to increase.

16 The legislature recognizes that many state residents enjoy visiting
17 state-owned recreation sites throughout different parts of the state.
18 The legislature is aware that although the department of natural
19 resources currently does not charge a day-use fee at their recreation

1 sites, there is a possibility that these fees may be imposed at some
2 future date. The legislature also finds that the creation of a
3 renewable annual recreation pass may result in many more people
4 visiting a number of recreation sites within the state because of
5 better maintained facilities and increased awareness of recreation
6 opportunities. It is therefore the intent of the legislature to create
7 a recreation pass that will be available to serve as a renewable annual
8 recreation pass for recreation sites owned by the department of natural
9 resources.

10 NEW SECTION. **Sec. 2.** The definitions in this section apply
11 throughout this chapter unless the context clearly requires otherwise.

12 (1) "Department" means the department of natural resources.

13 (2) "Pass" or "recreation pass" means the recreation pass created
14 under section 3 of this act.

15 (3) "Recreation site" means those areas designated by the
16 department.

17 NEW SECTION. **Sec. 3.** (1) The recreation pass is created as a
18 renewable annual pass that is valid at any recreation site owned by the
19 department. The cost of the pass may not exceed fifteen dollars,
20 except that the amount of the fee may be adjusted for inflation by the
21 office of financial management subject to the limitation contained in
22 RCW 43.135.055(1).

23 (2) The department must encourage the person purchasing the pass to
24 answer optional questions regarding how often they are likely to use
25 the pass during the year and on which recreation sites they are likely
26 to use the pass.

27 NEW SECTION. **Sec. 4.** A new section is added to chapter 43.30 RCW
28 to read as follows:

29 (1) A person must purchase and display a recreation pass created
30 under section 3 of this act for access to recreation sites owned by the
31 department.

32 (2) The department may exempt nonprofits, youth groups, and other
33 persons from the requirements of chapter 79.-- RCW (the new chapter
34 created in section 9 of this act) if it is in the public interest to do
35 so.

1 NEW SECTION. **Sec. 5.** (1) The recreation pass must be displayed
2 from the interior of the motor vehicle so that it is clearly visible
3 from outside of the motor vehicle before entering upon or using the
4 motor vehicle on a recreation site. The pass can be transferred
5 between two vehicles and must contain space for the vehicle license
6 numbers of each vehicle.

7 (2) Failure to display the recreation pass in accordance with this
8 section is an infraction under chapter 7.84 RCW. Department employees
9 may issue a notice of infraction to the registered owner of any motor
10 vehicle entering upon or using the motor vehicle without the recreation
11 pass. The penalty for failure to clearly display the required pass or
12 permit is sixty-six dollars. This penalty is reduced to thirty dollars
13 if the registered owner provides proof to the court that he or she
14 purchased a recreation pass within fifteen days after the issuance of
15 the violation.

16 NEW SECTION. **Sec. 6.** (1) The department of natural resources
17 recreation pass account is created in the custody of the state
18 treasurer. All receipts from the sales of the recreation pass under
19 section 3 of this act and penalties collected under section 4 of this
20 act must be deposited into the account. Expenditures from the account
21 may only be used by the department as provided in subsection (2) of
22 this section. Only the director of the department or the director's
23 designee may authorize expenditures from the account. The account is
24 subject to allotment procedures under chapter 43.88 RCW, but an
25 appropriation is not required for expenditures.

26 (2) The department must use at least seventy-five percent of the
27 funds for maintenance, repair, and equipment for the department's
28 recreation sites. No more than twenty-five percent of the funds may be
29 used for the costs of collecting the fee.

30 NEW SECTION. **Sec. 7.** A new section is added to chapter 79.105 RCW
31 to read as follows:

32 (1) The department shall determine the annual rent for any lease of
33 state-owned aquatic lands for a water-dependent use that qualifies for
34 a youth recreation aquatic lands lease rate by following the method set
35 forth in RCW 79.105.240 (1) through (6) and then multiplying the
36 resulting amount by one-half.

1 (2) To be eligible for a youth recreation aquatic lands lease rate,
2 an organization must: (a) Be exempt from federal income tax under 26
3 U.S.C. Sec. 501(c)(3); and (b) certify that the primary use of the
4 aquatic lands is boating and maritime recreation and instruction for
5 youth.

6 (3) Upon request, the department shall promptly redetermine under
7 subsection (1) of this section the annual rent for a lease of state-
8 owned aquatic lands existing on the effective date of this section
9 that meets the requirements of subsection (2) of this section.

10 (4) If the department determines that a lease with an annual rent
11 determined under subsection (1) of this section no longer meets the
12 requirements of subsection (2) of this section, the department shall
13 promptly redetermine the annual rent under RCW 79.105.240.

14 **Sec. 8.** RCW 79.105.240 and 2005 c 155 s 147 are each amended to
15 read as follows:

16 Except as otherwise provided in section 7 of this act and by this
17 chapter, annual rent rates for the lease of state-owned aquatic lands
18 for water-dependent uses shall be determined as follows:

19 (1)(a) The assessed land value, exclusive of improvements, as
20 determined by the county assessor, of the upland tax parcel used in
21 conjunction with the leased area or, if there are no such uplands, of
22 the nearest upland tax parcel used for water-dependent purposes divided
23 by the parcel area equals the upland value.

24 (b) The upland value times the area of leased aquatic lands times
25 thirty percent equals the aquatic land value.

26 (2) As of July 1, 1989, and each July 1st thereafter, the
27 department shall determine the real capitalization rate to be applied
28 to water-dependent aquatic land leases commencing or being adjusted
29 under subsection (3)(a) of this section in that fiscal year. The real
30 capitalization rate shall be the real rate of return, except that until
31 June 30, 1989, the real capitalization rate shall be five percent and
32 thereafter it shall not change by more than one percentage point in any
33 one year or be more than seven percent or less than three percent.

34 (3) The annual rent shall be:

35 (a) Determined initially, and redetermined every four years or as
36 otherwise provided in the lease, by multiplying the aquatic land value
37 times the real capitalization rate; and

1 (b) Adjusted by the inflation rate each year in which the rent is
2 not determined under (a) of this subsection.

3 (4) If the upland parcel used in conjunction with the leased area
4 is not assessed or has an assessed value inconsistent with the purposes
5 of the lease, the nearest comparable upland parcel used for similar
6 purposes shall be substituted and the lease payment determined in the
7 same manner as provided in this section.

8 (5) For the purposes of this section, "upland tax parcel" is a tax
9 parcel, some portion of which has upland characteristics. Filled
10 tidelands or shorelands with upland characteristics which abut state-
11 owned aquatic land shall be considered as uplands in determining
12 aquatic land values.

13 (6) The annual rent for filled state-owned aquatic lands that have
14 the characteristics of uplands shall be determined in accordance with
15 RCW 79.105.270 in those cases in which the state owns the fill and has
16 a right to charge for the fill.

17 (7) For all new leases for other water-dependent uses, issued after
18 December 31, 1997, the initial annual water-dependent rent shall be
19 determined by the methods in subsections (1) through (6) of this
20 section.

21 NEW SECTION. **Sec. 9.** Sections 1 through 3, 5, and 6 of this act
22 constitute a new chapter in Title 79 RCW.

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