
Ways & Means Committee

HB 1796

Brief Description: Concerning recreation access on state lands.

Sponsors: Representatives Van De Wege, Takko, Upthegrove, Finn, Seaquist, Sullivan, Liias, Jacks, McCoy, Moscoso, Hudgins, Hunt and Reykdal; by request of Parks and Recreation Commission, Department of Natural Resources and Department of Fish and Wildlife.

Brief Summary of Bill

- Creates the Discover Pass and Day-Use Permit and requires these permits to be visible in any vehicle located at a recreation site or recreation lands managed by the Department of Natural Resources, the Department of Fish and Wildlife, or the Parks and Recreation Commission.

Hearing Date: 2/15/11

Staff: Owen Rowe (786-7391).

Background:

The Washington Department of Fish and Wildlife (WDFW), Department of Natural Resources (DNR), and the State Parks and Recreation Commission (State Parks) are charged with managing the public lands of the state. The WDFW owns or manages nearly one million acres of public land for fish and wildlife, habitat conservation, and wildlife-related recreation. The DNR protects and manages 5.6 million acres of state-owned land. In addition, the Washington State park system includes 119 developed parks.

The DNR and State Parks currently do not charge fees for access to their lands or recreation sites. The WDFW charges \$10 for the annual fish and wildlife lands vehicle use permit, or the permit is included with hunting and fishing licenses.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

In 2009 the Legislature created the Opt-Out Donation Program to support the maintenance and operation of State Parks. The donation is \$5, and is made at the time an owner registers a vehicle with the Department of Licensing (DOL).

Public or private landowners are not liable for unintentional injuries to members of the public who use the land for outdoor recreation, if no fee is charged. State Parks and the WDFW vehicle use and parking permits are not considered a fee for purposes of recreational immunity.

Summary of Bill:

Discover Pass.

The Discover Pass is created to allow for vehicle access on state lands owned or managed by the DNR, the WDFW, and State Parks. The Discover Pass costs \$30 per year and is available for purchase at the DOL at the time of vehicle registration and through the WDFW's automated licensing system. The purchase of the Discover Pass is voluntary and may be refused by the vehicle owner.

Day-Use Permit.

A Day-Use Permit is created as an alternative to the Discover Pass; the cost is \$10 per calendar day and is available for purchase through each state agency.

The Discover Pass and Day-Use Permit Account.

The Discover Pass and Day-Use Permit Account (Account) is created in the State Treasury. All funds from the sale of Discover Passes and Day-Use Permits must be deposited into the Account.

For the first \$71 million in revenue collected under the provisions of this bill each fiscal biennium:

- 7.5 percent is deposited into the State Wildlife Account–WDFW
- 7.5 percent is deposited into Park Land Trust Revolving Account–DNR; and
- 85 percent is deposited in State Parks Renewal and Stewardship Account.

For revenues exceeding \$71 million each fiscal biennium:

- Revenues are distributed equally amongst the agencies.

Natural Resource Infraction.

The bill requires the Discover Pass and the Day-Use Permit to be visible in any vehicle located at a state recreation site or on recreation lands managed by the WDFW, the DNR and State Parks. Failure to display the Discover Pass or the Day-Use Permit is a natural resource infraction with a penalty of \$99. If an annual Discover Pass is purchased within 15 days after notice of an infraction, the penalty is reduced to \$59.

Other Provisions.

The current \$5 Opt-Out Donation Program to support the maintenance and operation of State Parks is eliminated under this bill.

A complimentary Discover Pass must be provided to volunteers who performed 40 hours of service on agency-sanctioned volunteer projects in a year.

This Discover Pass or Day-Use Permit is not required for persons who use, possess, or enter lands owned or managed by the DFW, the DNR and State Parks for purposes consistent with a written authorization from the the DFW, the DNR, or State Parks, including but not limited to leases, contracts, and easements.

The Discover Pass and the Day-Use Permit are not considered a fee under the recreational immunity statute for purposes of liability.

The three agencies are authorized to delegate and accept enforcement authority under the Interlocal Cooperation Act.

Appropriation: None.

Fiscal Note: Requested on February 2, 2011.

Effective Date: The bill takes effect on October 1, 2011.