

SENATE BILL REPORT

E2SHB 2373

As of March 1, 2012

Title: An act relating to the state's management of its recreational resources.

Brief Description: Concerning the state's management of its recreational resources.

Sponsors: House Committee on Ways & Means (originally sponsored by Representatives Van De Wege and Tharinger).

Brief History: Passed House: 2/28/12, 54-44.

Committee Activity: Energy, Natural Resources & Marine Waters:

SENATE COMMITTEE ON ENERGY, NATURAL RESOURCES & MARINE WATERS

Staff: Angeline Thomas (786-7470), Curt Gavigan (786-7437)

Background: Discover Pass Program Generally. During the 2011 regular session, the Legislature passed 2SSB 5622 which generally requires an annual Discover Pass or day-use permit for access to certain recreation lands managed by the State Parks & Recreation Commission (State Parks), the Department of Natural Resources (DNR), and the Department of Fish & Wildlife (DFW).

The legislation also created the DFW Vehicle Access Pass, which is issued along with certain hunting and fishing licenses and allows access to DFW managed lands.

Non-Transferability of the Discover Pass. The 2011 legislation sets the statutory fee for a Discover Pass per motor vehicle and requires that it contain space for the motor vehicle license plate number. In implementing the Discover Pass program, State Parks, DNR, and DFW have interpreted this language as allowing a Discover Pass to be used for a single motor vehicle.

Application of the Discover Pass to Recreation Sites or Lands. The Discover Pass is generally required for access to any recreation site or lands managed by State Parks, DNR, or DFW. The legislation defines the term recreation site or lands as it relates to DNR managed lands as developed or designated recreation areas, sites, trailheads, and parking areas. DNR has developed criteria for determining those areas where it will require the Discover Pass.

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.

Exemptions. A Discover Pass or day-use permit is not required in the following circumstances:

- when camping at a state park;
- when parked in a designated 30-minute short-term parking area;
- for holders of certain hunting and fishing licenses on the DFW recreation lands and water-access sites; for those individuals, a vehicle access pass is required for vehicle access to the DFW lands and boat launches;
- portions of DNR land considered to not be for recreational purposes; and
- persons or entities who use, possess, or enter lands owned or managed by DFW, DNR, and State Parks for purposes consistent with a written authorization from the respected agency, including but not limited to leases, contracts, and easements.

State Parks Vehicle Registration Opt-out Donation Program. The Department of Licensing (DOL) must collect from the owner of certain vehicle types a donation of \$5 for the operation and maintenance of state parks upon vehicle registration. The donation may not be collected from an owner actively opting not to participate, and the opt-out donation must be clear, visible, and prominently displayed.

Summary of Bill: Modifies Provisions of the Discover Pass Program. The Discover Pass and Vehicles Access Pass is transferable to two vehicles, and the agencies are provided with the option to issue a Family Discover Pass which is transferrable to any vehicle. The fee for the Family Discover Pass may not exceed \$50.

Existing Discover Pass exemptions are modified, and new exemption authorities are created. These changes include:

- expanding the Sno-Park permit exemption to include both a daily or seasonal Sno-park permit;
- authorizing the agencies to waive the Discover Pass requirement for a person who has paid for the ability to access state land or is attending an event for which an agency received payment; statutory direction is provided to State Parks regarding the exercise of this authority and fee setting for events and activities; and
- providing a complementary Discover Pass to a person who qualifies for a lifetime veteran's disability pass that provides free camping at State Parks under current law.

Provisions regarding Discover Pass sales are specified, including authorizing sales by private vendors contracted by the agencies, DOL, and county auditors and subagents. The agencies may provide passes to vendors under contract at a reduced rate, though the vendor must sell passes at the statutory rate. State Parks is also authorized to utilize iron rangers to collect fees and distribute Discover Passes.

Other changes are made regarding the Discover Pass and its administration, including:

- expanding the geographic scope of the Discover Pass requirement on DNR managed lands to include all uplands managed by the agency;
- directing the agencies to maintain a policy regarding situations where individuals must change a license plate number during the effective date of a Discover Pass;
- allowing the one-year effective period of a Discover Pass to run from the date of its activation, which may differ from the purchase date under policies developed by the agencies;

- changing from permissive to mandatory the requirement that State Parks provide up to 12 free access days per year, and expresses intent that those days correspond to free access days at National Parks;
- reducing the maximum duration of the Discover Pass exemption for short term parking in designated locations from 30 to 15 minutes; and
- requiring the agencies to accept volunteer time cleaning ocean beaches of debris after the 2011 Tohoku earthquake towards the hours needed for a complementary Discover Pass.

Provides Certain Local Hotel-Motel Tax Revenue for State Parks. The sales and use tax collected on lodging at State Parks is permanently redistributed from the Local Sales and Use Tax Account to the Parks Renewal and Stewardship Account. The calculation must be made annually by the Department of Revenue. State Parks must use the money for maintenance and operation of State Parks.

Expands the List of Vehicles to Which the State Parks Opt-out Donation Program Applies. Vehicles, including commercial trailers, mopeds, ORVs, and trucks and busses up to 12,000 pounds are included in the program for collection of opt-out donations upon vehicle registration.

Establishes a Temporary Fee on Recreational Vehicles to Benefit State Parks. A \$10 fee on recreational vehicle registrations is established until July 1, 2015. Revenues must be used for operation and maintenance of parks that provide recreational vehicle access and overnight accommodations.

Establishes a Reporting Requirement. By December 31, 2013, the agencies must provide recommendations to improve the administration of the Discover Pass and recreational access policies.

Appropriation: None.

Fiscal Note: Available on substitute bill.

Committee/Commission/Task Force Created: No.

Effective Date: The bill contains an emergency clause and takes effect immediately.