

CERTIFICATION OF ENROLLMENT
SECOND SUBSTITUTE SENATE BILL 5622

Chapter 320, Laws of 2011

62nd Legislature
2011 Regular Session

STATE LANDS--RECREATION ACCESS

EFFECTIVE DATE: 07/01/11 - Except section 12, which becomes effective 10/01/11.

Passed by the Senate April 20, 2011
YEAS 33 NAYS 14

BRAD OWEN

President of the Senate

Passed by the House April 21, 2011
YEAS 55 NAYS 42

FRANK CHOPP

Speaker of the House of Representatives

CERTIFICATE

I, Thomas Hoemann, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SECOND SUBSTITUTE SENATE BILL 5622** as passed by the Senate and the House of Representatives on the dates hereon set forth.

THOMAS HOEMANN

Secretary

Approved May 12, 2011, 1:38 p.m.

FILED

May 13, 2011

CHRISTINE GREGOIRE

Governor of the State of Washington

**Secretary of State
State of Washington**

SECOND SUBSTITUTE SENATE BILL 5622

Passed Legislature - 2011 Regular Session

State of Washington

62nd Legislature

2011 Regular Session

By Senate Ways & Means (originally sponsored by Senators Ranker, Swecker, Fraser, Hargrove, White, Regala, Shin, Chase, Kline, and Conway; by request of Parks and Recreation Commission, Department of Natural Resources, and Department of Fish and Wildlife)

READ FIRST TIME 04/15/11.

1 AN ACT Relating to recreation access on state lands; amending RCW
2 4.24.210, 46.16A.090, 7.84.030, 79A.05.160, 43.12.065, 77.15.020,
3 77.32.560, 77.32.010, 77.15.750, 43.30.385, 79A.05.215, 77.12.170,
4 79A.05.070, and 79A.05.225; adding a new section to chapter 7.84 RCW;
5 adding a new chapter to Title 79A RCW; repealing RCW 77.32.380;
6 prescribing penalties; providing effective dates; and declaring an
7 emergency.

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

9 NEW SECTION. **Sec. 1.** (1) The legislature finds that there is an
10 increasing demand for outdoor recreation opportunities and conservation
11 measures on lands managed by the department of fish and wildlife, the
12 department of natural resources, and the parks and recreation
13 commission. Development and maintenance of outdoor recreation
14 facilities and conservation of lands have not kept pace with this
15 demand. This demand, combined with shrinking resources for management,
16 has led to the degradation of our lands to the detriment of the
17 recreating public and efforts to conserve our natural resources.

18 (2) The legislature further finds that the recreating public cannot

1 readily discern which agency of the state is responsible for the
2 management of particular state lands or which policies apply to those
3 lands.

4 (3) It is the intent of this act to reform and improve access to
5 and management of state lands on a sustainable basis for the recreating
6 public by: Providing a motor vehicle access pass and access policies
7 for state lands; recovering the cost incurred by the state for
8 operations and management of recreation opportunities; providing
9 resources to address the growing demand and impacts of outdoor
10 recreationists and conservation of our natural resources; and providing
11 effective education and enforcement of state land access policies.

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

14 (1) "Agency" or "agencies" means the department of fish and
15 wildlife, the department of natural resources, and the parks and
16 recreation commission.

17 (2) "Annual natural investment permit" means the annual permit
18 issued by the parks and recreation commission for the purpose of
19 launching boats from the designated state parks boat launch sites.

20 (3) "Camper registration" means proof of payment of a camping fee
21 on recreational lands managed by the parks and recreation commission.

22 (4) "Day-use permit" means the permit created in section 4 of this
23 act.

24 (5) "Discover pass" means the annual pass created in section 3 of
25 this act.

26 (6) "Motor vehicle" has the same meaning as defined in RCW
27 46.04.320 and which are required to be registered under chapter 46.16A
28 RCW. "Motor vehicle" does not include those motor vehicles exempt from
29 registration under RCW 46.16A.080 and state and publicly owned motor
30 vehicles as provided in RCW 46.16A.170.

31 (7) "Recreation site or lands" means a state park or fish and
32 wildlife conservation sites including water access areas, boat ramps,
33 wildlife areas, parking areas, roads, and trailheads, or department of
34 natural resources developed or designated recreation areas, sites,
35 trailheads, and parking areas.

36 (8) "Sno-park seasonal permit" means the seasonal permit issued by

1 the parks and recreation commission for providing access to winter
2 recreational facilities for the period of November 1st through March
3 31st.

4 (9) "Vehicle access pass" means the pass created in section 5 of
5 this act.

6 NEW SECTION. **Sec. 3.** (1) A discover pass is required for any
7 motor vehicle to park or operate on any recreation site or lands,
8 except for short-term parking as may be authorized under section 8 of
9 this act.

10 (2) The cost of the discover pass is thirty dollars per motor
11 vehicle. Every four years the office of financial management must
12 review the cost of the discover pass and, if necessary, recommend to
13 the legislature an adjustment to the cost of the discover pass to
14 account for inflation.

15 (3) The discover pass is valid for one year from the date of
16 issuance.

17 (4) The discover pass must be made available for purchase
18 throughout the year through the department of fish and wildlife's
19 automated licensing system consistent with RCW 77.32.050.

20 (5) The discover pass must be made available for purchase through
21 the department of licensing as provided in RCW 46.16A.090. The
22 department of licensing, county auditor, or other agent or subagent
23 appointed by the director, is not responsible for delivering a
24 purchased discover pass to a motor vehicle owner. The agencies must
25 deliver the purchased discover pass to a motor vehicle owner.

26 (6) The state parks and recreation commission may make the discover
27 pass available for purchase through its reservation system and other
28 outlets authorized by law to sell licenses, permits, or passes.

29 (7) The discover pass must contain space for the motor vehicle
30 license plate number.

31 (8) A complimentary discover pass must be provided to a volunteer
32 who performed twenty-four hours of service on agency-sanctioned
33 volunteer projects in a year. The agency must provide vouchers to
34 volunteers identifying the number of volunteer hours they have provided
35 for each project. The vouchers may be brought to an agency to be
36 redeemed for a discover pass.

1 NEW SECTION. **Sec. 4.** (1) A person may purchase a day-use permit
2 to meet the requirements of section 9 of this act. The day-use permit
3 is ten dollars per day and must be available for purchase from each
4 agency. The day-use permit is valid for one calendar day.

5 (2) The agencies may provide short-term parking under section 8 of
6 this act where the day-use permit is not required.

7 (3) Every four years the office of financial management must review
8 the cost of the day-use permit and, if necessary, recommend to the
9 legislature an adjustment to the cost of the day-use permit to account
10 for inflation.

11 NEW SECTION. **Sec. 5.** (1) The vehicle access pass is created
12 solely for access to the department of fish and wildlife recreation
13 sites or lands. The vehicle access pass is only available to a person
14 who purchases a current valid: Big game hunting license issued under
15 RCW 77.32.450; small game hunting license issued under RCW 77.32.460;
16 western Washington pheasant permit issued under RCW 77.32.575; trapping
17 license issued under RCW 77.65.450; watchable wildlife decal issued
18 under RCW 77.32.560; or combination, saltwater, or freshwater personal
19 use fishing license issued under RCW 77.32.470.

20 (2) One vehicle access pass must be issued per purchase pursuant to
21 subsection (1) of this section.

22 (3) The vehicle access pass is valid for the license year of the
23 license it is purchased with.

24 NEW SECTION. **Sec. 6.** (1) The discover pass or the day-use permit
25 are not required for persons who have a valid camper registration, or
26 annual natural investment permit, issued by the state parks and
27 recreation commission.

28 (2) The state parks and recreation commission may provide up to
29 twelve days a year where entry to the state parks is free. At least
30 three of those days must be on weekends.

31 NEW SECTION. **Sec. 7.** The discover pass or the day-use permit are
32 not required, for persons who have a valid sno-park seasonal permit
33 issued by the state parks and recreation commission, at designated
34 sno-parks between November 1st through March 31st.

1 NEW SECTION. **Sec. 8.** Each agency, where applicable, must
2 designate short term parking not to exceed thirty minutes where the
3 discover pass or day-use permit are not required at recreation sites or
4 lands.

5 NEW SECTION. **Sec. 9.** (1) The discover pass, the vehicle access
6 pass, or the day-use permit must be visibly displayed in the front
7 windshield of any motor vehicle:

- 8 (a) Operating on a recreation site or lands; or
- 9 (b) Parking at a recreation site or lands.

10 (2) The discover pass, the vehicle access pass, or the day-use
11 permit is not required on private lands, state-owned aquatic lands
12 other than water access areas, or at agency offices, hatcheries, or
13 other facilities where public business is conducted.

14 (3)(a) The discover pass, the vehicle access pass, or the day-use
15 permit is not required for persons who use, possess, or enter lands
16 owned or managed by the agencies for purposes consistent with a written
17 authorization from the agency, including but not limited to leases,
18 contracts, and easements.

19 (b) The discover pass or the day-use permit is not required on
20 department of fish and wildlife lands for persons possessing a current
21 vehicle access pass pursuant to section 5 of this act.

22 (4) Failure to comply with subsection (1) of this section is a
23 natural resource infraction under chapter 7.84 RCW. An agency is
24 authorized to issue a notice of infraction to any person who fails to
25 comply with subsection (1)(a) of this section or to any motor vehicle
26 that fails to comply with subsection (1)(b) of this section.

27 (5) The penalty for failure to comply with the requirements of this
28 section is ninety-nine dollars. This penalty is reduced to fifty-nine
29 dollars if an individual provides proof of purchase of the discover
30 pass to the court within fifteen days after the issuance of the notice
31 of violation.

32 NEW SECTION. **Sec. 10.** (1) The recreation access pass account is
33 created in the state treasury. All moneys received from the sale of
34 discover passes and day-use permits must be deposited into the account.

35 (2) Each fiscal biennium, the first seventy-one million dollars in
36 revenue must be distributed to the agencies in the following manner:

1 (a) Eight percent to the department of fish and wildlife and
2 deposited into the state wildlife account created in RCW 77.12.170;

3 (b) Eight percent to the department of natural resources and
4 deposited into the park land trust revolving fund created in RCW
5 43.30.385; and

6 (c) Eighty-four percent to the state parks and recreation
7 commission and deposited into the state parks renewal and stewardship
8 account created in RCW 79A.05.215.

9 (3) Each fiscal biennium, revenues in excess of seventy-one million
10 dollars must be distributed equally among the agencies to the accounts
11 identified in subsection (2) of this section.

12 **Sec. 11.** RCW 4.24.210 and 2006 c 212 s 6 are each amended to read
13 as follows:

14 (1) Except as otherwise provided in subsection (3) or (4) of this
15 section, any public or private landowners or others in lawful
16 possession and control of any lands whether designated resource, rural,
17 or urban, or water areas or channels and lands adjacent to such areas
18 or channels, who allow members of the public to use them for the
19 purposes of outdoor recreation, which term includes, but is not limited
20 to, the cutting, gathering, and removing of firewood by private persons
21 for their personal use without purchasing the firewood from the
22 landowner, hunting, fishing, camping, picnicking, swimming, hiking,
23 bicycling, skateboarding or other nonmotorized wheel-based activities,
24 hanggliding, paragliding, rock climbing, the riding of horses or other
25 animals, clam digging, pleasure driving of off-road vehicles,
26 snowmobiles, and other vehicles, boating, nature study, winter or water
27 sports, viewing or enjoying historical, archaeological, scenic, or
28 scientific sites, without charging a fee of any kind therefor, shall
29 not be liable for unintentional injuries to such users.

30 (2) Except as otherwise provided in subsection (3) or (4) of this
31 section, any public or private landowner or others in lawful possession
32 and control of any lands whether rural or urban, or water areas or
33 channels and lands adjacent to such areas or channels, who offer or
34 allow such land to be used for purposes of a fish or wildlife
35 cooperative project, or allow access to such land for cleanup of litter
36 or other solid waste, shall not be liable for unintentional injuries to
37 any volunteer group or to any other users.

1 (3) Any public or private landowner, or others in lawful possession
2 and control of the land, may charge an administrative fee of up to
3 twenty-five dollars for the cutting, gathering, and removing of
4 firewood from the land.

5 (4) Nothing in this section shall prevent the liability of a
6 landowner or others in lawful possession and control for injuries
7 sustained to users by reason of a known dangerous artificial latent
8 condition for which warning signs have not been conspicuously posted.
9 A fixed anchor used in rock climbing and put in place by someone other
10 than a landowner is not a known dangerous artificial latent condition
11 and a landowner under subsection (1) of this section shall not be
12 liable for unintentional injuries resulting from the condition or use
13 of such an anchor. Nothing in RCW 4.24.200 and this section limits or
14 expands in any way the doctrine of attractive nuisance. Usage by
15 members of the public, volunteer groups, or other users is permissive
16 and does not support any claim of adverse possession.

17 (5) For purposes of this section, the following are not fees:

18 (a) A license or permit issued for statewide use under authority of
19 chapter 79A.05 RCW or Title 77 RCW; (~~and~~)

20 (b) A pass or permit issued under section 3, 4, or 5 of this act;
21 and

22 (c) A daily charge not to exceed twenty dollars per person, per
23 day, for access to a publicly owned ORV sports park, as defined in RCW
24 (~~46.09.020~~) 46.09.310, or other public facility accessed by a
25 highway, street, or nonhighway road for the purposes of off-road
26 vehicle use.

27 **Sec. 12.** RCW 46.16A.090 and 2010 c 161 s 420 are each amended to
28 read as follows:

29 (1) The department, county auditor or other agent, or subagent
30 appointed by the director shall provide an opportunity for a vehicle
31 owner to make a voluntary donation as provided in this section when
32 applying for an initial or renewal vehicle registration.

33 (2)(a) A vehicle owner who registers a vehicle under this chapter
34 may donate one dollar or more to the organ and tissue donation
35 awareness account to promote the donation of organs and tissues under
36 the uniform anatomical gift act as described in chapter 68.64 RCW. The

1 donation of one or more dollars is voluntary and may be refused by the
2 vehicle owner.

3 (b) The department, county auditor or other agent, or subagent
4 appointed by the director shall:

5 (i) Ask a vehicle owner applying for a vehicle registration if the
6 owner would like to donate one dollar or more;

7 (ii) Inform a vehicle owner of the option for organ and tissue
8 donations as required under RCW 46.20.113; and

9 (iii) Make information booklets or other informational material
10 available regarding the importance of organ and tissue donations to
11 vehicle owners.

12 (c) All reasonable costs associated with the creation of the
13 donation program created under this section must be paid proportionally
14 or by another agreement by a participating Washington state organ
15 procurement organization established for organ and tissue donation
16 awareness purposes by the Washington state organ procurement
17 organizations. For the purposes of this section, "reasonable costs"
18 and "Washington state organ procurement organization" have the same
19 meaning as in RCW 68.64.010.

20 (3) The department shall collect from a vehicle owner who pays a
21 vehicle license fee under RCW 46.17.350(1) (a), (d), (e), (g), (h),
22 (j), (n), (o), or (q) or who registers a vehicle under RCW 46.16A.455
23 with a declared gross weight of ten thousand pounds or less a voluntary
24 donation of five dollars. The donation may not be collected from any
25 vehicle owner actively opting not to participate in the donation
26 program. The department shall ensure that the opt-out donation under
27 this section is clear, visible, and prominently displayed in both paper
28 and online vehicle registration renewals. Notification of intent to
29 not participate in the donation program must be provided annually at
30 the time of vehicle registration renewal. The donation must be
31 deposited in the state parks renewal and stewardship account
32 established in RCW 79A.05.215 to be used for the operation and
33 maintenance of state parks.

34 (4) Beginning with vehicle license fees that are due or will become
35 due on or after the effective date of this section, a vehicle owner who
36 registers a vehicle under this chapter may purchase a discover pass for
37 a fee of thirty dollars, as may be adjusted for inflation under section
38 3 of this act. Purchase of the discover pass is voluntary by the

1 vehicle owner. The discover pass fee must be deposited in the
2 recreation access pass account created in section 10 of this act. The
3 department, county auditor, or other agent or subagent appointed by the
4 director is not responsible for delivering a purchased discover pass to
5 a motor vehicle owner. The agencies, as defined in section 2 of this
6 act, must deliver the purchased discover pass to a motor vehicle owner.

7 **NEW SECTION. Sec. 13.** A new section is added to chapter 7.84 RCW
8 to read as follows:

9 The director chosen by the state parks and recreation commission,
10 the commissioner of public lands, and the director of the department of
11 fish and wildlife are each authorized to delegate and accept
12 enforcement authority over natural resource infractions to or from the
13 other agencies through an agreement entered into under the interlocal
14 cooperation act, chapter 39.34 RCW.

15 **Sec. 14.** RCW 7.84.030 and 2009 c 174 s 1 are each amended to read
16 as follows:

17 (1) An infraction proceeding is initiated by the issuance and
18 service of a printed notice of infraction and filing of a printed or
19 electronic copy of the notice of infraction.

20 (2) A notice of infraction may be issued by a person authorized to
21 enforce the provisions of the title or chapter in which the infraction
22 is established, or by a person authorized by an interlocal agreement
23 entered into under section 13 of this act, when the infraction occurs
24 in that person's presence.

25 (3) A court may issue a notice of infraction if a person authorized
26 to enforce the provisions of the title or chapter in which the
27 infraction is established, or by a person authorized by an interlocal
28 agreement entered into under section 13 of this act, files with the
29 court a written statement that the infraction was committed in that
30 person's presence or that the officer has reason to believe an
31 infraction was committed.

32 (4) Service of a notice of infraction issued under subsection (2)
33 or (3) of this section shall be as provided by court rule.

34 (5) A notice of infraction shall be filed with a court having
35 jurisdiction within five days of issuance, excluding Saturdays,
36 Sundays, and holidays.

1 **Sec. 15.** RCW 79A.05.160 and 1965 c 8 s 43.51.170 are each amended
2 to read as follows:

3 (1) The members of the (~~(state parks and recreation)~~) commission
4 and (~~(such of)~~) its designated employees (~~(as the commission may~~
5 ~~designate)~~) shall be vested with police powers to enforce the laws of
6 this state.

7 (2) The director may, under the provisions of section 13 of this
8 act, enter into an agreement allowing employees of the department of
9 natural resources and the department of fish and wildlife to enforce
10 certain civil infractions created under this title.

11 **Sec. 16.** RCW 43.12.065 and 2003 c 53 s 229 are each amended to
12 read as follows:

13 (1) For the promotion of the public safety and the protection of
14 public property, the department of natural resources may, in accordance
15 with chapter 34.05 RCW, issue, promulgate, adopt, and enforce rules
16 pertaining to use by the public of state-owned lands and property which
17 are administered by the department.

18 (2)(a) Except as otherwise provided in this subsection, a violation
19 of any rule adopted under this section is a misdemeanor.

20 (b) Except as provided in (c) of this subsection, the department
21 may specify by rule, when not inconsistent with applicable statutes,
22 that violation of such a rule is an infraction under chapter 7.84
23 RCW(~~(: PROVIDED, That)~~). However, any violation of a rule relating to
24 traffic including parking, standing, stopping, and pedestrian offenses
25 is a traffic infraction.

26 (c) Violation of such a rule equivalent to those provisions of
27 Title 46 RCW set forth in RCW 46.63.020 remains a misdemeanor.

28 (3) The commissioner of public lands and (~~(such of his or her)~~)
29 those employees as (~~(he or she)~~) the commissioner may designate shall
30 be vested with police powers when enforcing:

31 (a) The rules of the department adopted under this section; (~~(or)~~)

32 (b) The civil infractions created under section 9 of this act; or

33 (c) The general criminal statutes or ordinances of the state or its
34 political subdivisions where enforcement is necessary for the
35 protection of state-owned lands and property.

36 (4) The commissioner of public lands may, under the provisions of
37 section 13 of this act, enter into an agreement allowing employees of

1 the state parks and recreation commission and the department of fish
2 and wildlife to enforce certain civil infractions created under this
3 title.

4 **Sec. 17.** RCW 77.15.020 and 2005 c 321 s 2 are each amended to read
5 as follows:

6 (1) If the commission or director has authority to adopt a rule
7 that is punishable as a crime under this chapter, then the commission
8 or director may provide that violation of the rule shall be punished
9 with notice of infraction under RCW 7.84.030. Neither the commission
10 nor the director have the authority to adopt a rule providing that a
11 violation punishable as an infraction shall be a crime.

12 (2) The director may, under the provisions of section 13 of this
13 act, enter into an agreement allowing employees of the state parks and
14 recreation commission and the department of natural resources to
15 enforce certain civil infractions created under this title.

16 **Sec. 18.** RCW 77.32.560 and 2009 c 333 s 42 are each amended to
17 read as follows:

18 (1) The department may sell watchable wildlife decals. Proceeds
19 from the sale of the decal must be deposited into the state wildlife
20 account created in RCW 77.12.170 and must be dedicated to the support
21 of the department's watchable wildlife activities. The department may
22 also use proceeds from the sale of the decal for marketing the decal
23 and for marketing watchable wildlife activities in the state.

24 (2) The term "watchable wildlife activities" includes but is not
25 limited to: Initiating partnerships with communities to jointly
26 develop watchable wildlife projects, building infrastructure to serve
27 wildlife viewers, assisting and training communities in conducting
28 wildlife watching events, developing destination wildlife viewing
29 corridors and trails, tours, maps, brochures, and travel aides, and
30 offering grants to assist rural communities in identifying key wildlife
31 attractions and ways to protect and promote them.

32 (3) The commission must adopt by rule the cost of the watchable
33 wildlife decal. A person may, at their discretion, contribute more
34 than the cost as set by the commission by rule for the watchable
35 wildlife decal in order to support watchable wildlife activities. ((A

1 ~~person who purchases a watchable wildlife decal must be issued one~~
2 ~~vehicle use permit free of charge.))~~

3 **Sec. 19.** RCW 77.32.010 and 2009 c 564 s 956 are each amended to
4 read as follows:

5 (1) Except as otherwise provided in this chapter, a recreational
6 license issued by the director is required to hunt for or take wild
7 animals or wild birds, fish for, take, or harvest fish, shellfish, and
8 seaweed. A recreational fishing or shellfish license is not required
9 for carp, smelt, and crawfish, and a hunting license is not required
10 for bullfrogs.

11 (2) A pass or permit issued (~~by the department is required to park~~
12 ~~a motor vehicle upon improved department access facilities~~) under
13 section 3, 4, or 5 of this act is required to park or operate a motor
14 vehicle on a recreation site or lands, as defined in section 2 of this
15 act.

16 (3) During the 2009-2011 fiscal biennium to enable the
17 implementation of the pilot project established in section 307, chapter
18 329, Laws of 2008, a fishing permit issued to a nontribal member by the
19 Colville Tribes shall satisfy the license requirements in subsection
20 (1) of this section on the waters of Lake Rufus Woods and on the north
21 shore of Lake Rufus Woods, and a Colville Tribes tribal member
22 identification card shall satisfy the license requirements in
23 subsection (1) of this section on all waters of Lake Rufus Woods.

24 **Sec. 20.** RCW 77.15.750 and 2010 c 193 s 9 are each amended to read
25 as follows:

26 (1) A person is guilty of unlawful use of a department permit if
27 the person:

28 (a) Violates any terms or conditions of the permit issued by the
29 department or the director; or

30 (b) Violates any rule of the commission or the director applicable
31 to the requirement for, issuance of, or use of the permit.

32 (2)(a) Permits covered under subsection (1) of this section
33 include, but are not limited to, master hunter permits, crab pot
34 removal permits and shellfish pot removal permits under RCW 77.70.500,
35 depredation permits, landowner hunting permits, commercial carp license

1 permits, permits to possess or dispense beer or malt liquor pursuant to
2 RCW 66.28.210, and permits to hold, sponsor, or attend an event
3 requiring a banquet permit from the liquor control board.

4 (b) Permits excluded from subsection (1) of this section include
5 (~~(fish-and-wildlife-lands-vehicle-use-permits)~~) the discover pass
6 created in section 3 of this act, the vehicle access pass created in
7 section 5 of this act, the day-use permit created in section 4 of this
8 act, commercial use or activity permits, noncommercial use or activity
9 permits, parking permits, experimental fishery permits, trial
10 commercial fishery permits, and scientific collection permits.

11 (3) Unlawful use of a department permit is a misdemeanor.

12 (4) A person is guilty of unlawful use of an experimental fishery
13 permit or a trial commercial fishery permit if the person:

14 (a) Violates any terms or conditions of the permit issued by the
15 department or the director; or

16 (b) Violates any rule of the commission or the director applicable
17 to the issuance or use of the permit.

18 (5) Unlawful use of an experimental fishery permit or a trial
19 commercial fishery permit is a gross misdemeanor.

20 (6) The definitions in this subsection apply throughout this
21 section unless the context clearly requires otherwise.

22 (a) "Experimental fishery permit" means a permit issued by the
23 director for either:

24 (i) An "emerging commercial fishery," defined as a fishery for a
25 newly classified species for which the department has determined that
26 there is a need to limit participation; or

27 (ii) An "expanding commercial fishery," defined as a fishery for a
28 previously classified species in a new area, by a new method, or at a
29 new effort level, for which the department has determined that there is
30 a need to limit participation.

31 (b) "Trial commercial fishery permit" means a permit issued by the
32 department for trial harvest of a newly classified species or harvest
33 of a previously classified species in a new area or by a new means.

34 **Sec. 21.** RCW 43.30.385 and 2009 c 354 s 9 are each amended to read
35 as follows:

36 (1) The park land trust revolving fund is to be utilized by the
37 department for the purpose of acquiring real property, including all

1 reasonable costs associated with these acquisitions, as a replacement
2 for the property transferred to the state parks and recreation
3 commission, as directed by the legislature in order to maintain the
4 land base of the affected trusts or under RCW 79.22.060 and to receive
5 voluntary contributions for the purpose of operating and maintaining
6 public use and recreation facilities, including trails, managed by the
7 department. Proceeds from transfers of real property to the state
8 parks and recreation commission or other proceeds identified from
9 transfers of real property as directed by the legislature shall be
10 deposited in this fund. Disbursement from the park land trust
11 revolving fund to acquire replacement property and for operating and
12 maintaining public use and recreation facilities shall be on the
13 authorization of the department. The proceeds from real property
14 transferred or disposed under RCW 79.22.060 must be solely used to
15 purchase replacement forest land, that must be actively managed as a
16 working forest, within the same county as the property transferred or
17 disposed. The proceeds from the recreation access pass account created
18 in section 10 of this act must be solely used for the purpose of
19 operating and maintaining public use and recreation facilities,
20 including trails, managed by the department. In order to maintain an
21 effective expenditure and revenue control, the park land trust
22 revolving fund is subject in all respects to chapter 43.88 RCW, but no
23 appropriation is required to permit expenditures and payment of
24 obligations from the fund.

25 (2) The department is authorized to solicit and receive voluntary
26 contributions for the purpose of operating and maintaining public use
27 and recreation facilities, including trails, managed by the department.
28 The department may seek voluntary contributions from individuals and
29 organizations for this purpose. Voluntary contributions will be
30 deposited into the park land trust revolving fund and used solely for
31 the purpose of public use and recreation facilities operations and
32 maintenance. Voluntary contributions are not considered a fee for use
33 of these facilities.

34 **Sec. 22.** RCW 79A.05.215 and 2010 c 161 s 1164 are each amended to
35 read as follows:

36 The state parks renewal and stewardship account is created in the
37 state treasury. Except as otherwise provided in this chapter, all

1 receipts from user fees, concessions, leases, donations collected under
2 RCW 46.16A.090(3), and other state park-based activities shall be
3 deposited into the account. The proceeds from the recreation access
4 pass account created in section 10 of this act must be used for the
5 purpose of operating and maintaining state parks. Expenditures from
6 the account may be used for operating state parks, developing and
7 renovating park facilities, undertaking deferred maintenance, enhancing
8 park stewardship, and other state park purposes. Expenditures from the
9 account may be made only after appropriation by the legislature.

10 **Sec. 23.** RCW 77.12.170 and 2009 c 333 s 13 are each amended to
11 read as follows:

12 (1) There is established in the state treasury the state wildlife
13 account which consists of moneys received from:

14 (a) Rentals or concessions of the department;

15 (b) The sale of real or personal property held for department
16 purposes, unless the property is seized or recovered through a fish,
17 shellfish, or wildlife enforcement action;

18 (c) The assessment of administrative penalties, and the sale of
19 licenses, permits, tags, and stamps required by chapter 77.32 RCW and
20 RCW 77.65.490, except annual resident adult saltwater and all annual
21 razor clam and shellfish licenses, which shall be deposited into the
22 state general fund;

23 (d) Fees for informational materials published by the department;

24 (e) Fees for personalized vehicle, Wild on Washington, and
25 Endangered Wildlife license plates and Washington's Wildlife license
26 plate collection as provided in chapter ((46.16)) 46.17 RCW;

27 (f) Articles or wildlife sold by the director under this title;

28 (g) Compensation for damage to department property or wildlife
29 losses or contributions, gifts, or grants received under RCW 77.12.320.
30 However, this excludes fish and shellfish overages, and court-ordered
31 restitution or donations associated with any fish, shellfish, or
32 wildlife enforcement action, as such moneys must be deposited pursuant
33 to RCW 77.15.425;

34 (h) Excise tax on anadromous game fish collected under chapter
35 82.27 RCW;

36 (i) The department's share of revenues from auctions and raffles
37 authorized by the commission; ((and))

1 (j) The sale of watchable wildlife decals under RCW 77.32.560; and
2 (k) Moneys received from the recreation access pass account created
3 in section 10 of this act must be dedicated to stewardship, operations,
4 and maintenance of department lands used for public recreation
5 purposes.

6 (2) State and county officers receiving any moneys listed in
7 subsection (1) of this section shall deposit them in the state treasury
8 to be credited to the state wildlife account.

9 **Sec. 24.** RCW 79A.05.070 and 2006 c 141 s 1 are each amended to
10 read as follows:

11 The commission may:

12 (1) Make rules and regulations for the proper administration of its
13 duties;

14 (2) Accept any grants of funds made with or without a matching
15 requirement by the United States, or any agency thereof, for purposes
16 in keeping with the purposes of this chapter; accept gifts, bequests,
17 devises and endowments for purposes in keeping with such purposes;
18 enter into cooperative agreements with and provide for private
19 nonprofit groups to use state park property and facilities to raise
20 money to contribute gifts, grants, and support to the commission for
21 the purposes of this chapter. The commission may assist the nonprofit
22 group in a cooperative effort by providing necessary agency personnel
23 and services, if available. However, none of the moneys raised may
24 inure to the benefit of the nonprofit group, except in furtherance of
25 its purposes to benefit the commission as provided in this chapter.
26 The agency and the private nonprofit group shall agree on the nature of
27 any project to be supported by such gift or grant prior to the use of
28 any agency property or facilities for raising money. Any such gifts
29 may be in the form of recreational facilities developed or built in
30 part or in whole for public use on agency property, provided that the
31 facility is consistent with the purposes of the agency;

32 (3) Require certification by the commission of all parks and
33 recreation workers employed in state aided or state controlled
34 programs;

35 (4) Act jointly, when advisable, with the United States, any other
36 state agencies, institutions, departments, boards, or commissions in
37 order to carry out the objectives and responsibilities of this chapter;

1 (5) Grant franchises and easements for any legitimate purpose on
2 parks or parkways, for such terms and subject to such conditions and
3 considerations as the commission shall specify;

4 (6) Charge such fees for services, utilities, and use of facilities
5 as the commission shall deem proper(~~(. The commission may not charge~~
6 ~~fees for general park access or parking))~~);

7 (7) Enter into agreements whereby individuals or companies may rent
8 undeveloped parks or parkway land for grazing, agricultural, or mineral
9 development purposes upon such terms and conditions as the commission
10 shall deem proper, for a term not to exceed forty years;

11 (8) Determine the qualifications of and employ a director of parks
12 and recreation who shall receive a salary as fixed by the governor in
13 accordance with the provisions of RCW 43.03.040 and determine the
14 qualifications and salary of and employ such other persons as may be
15 needed to carry out the provisions hereof; and

16 (9) Without being limited to the powers hereinbefore enumerated,
17 the commission shall have such other powers as in the judgment of a
18 majority of its members are deemed necessary to effectuate the purposes
19 of this chapter: PROVIDED, That the commission shall not have power to
20 supervise directly any local park or recreation district, and no funds
21 shall be made available for such purpose.

22 **Sec. 25.** RCW 79A.05.225 and 1999 c 249 s 1401 are each amended to
23 read as follows:

24 (1) In addition to its other powers, duties, and functions the
25 commission may:

26 ~~((1))~~ (a) Plan, construct, and maintain suitable facilities for
27 winter recreational activities on lands administered or acquired by the
28 commission or as authorized on lands administered by other public
29 agencies or private landowners by agreement;

30 ~~((2))~~ (b) Provide and issue upon payment of the proper fee, under
31 RCW 79A.05.230, 79A.05.240, and 46.61.585, with the assistance of such
32 authorized agents as may be necessary for the convenience of the
33 public, special permits to park in designated winter recreational area
34 parking spaces;

35 ~~((3))~~ (c) Administer the snow removal operations for all
36 designated winter recreational area parking spaces; and

1 (~~(4)~~) (d) Compile, publish, and distribute maps indicating such
2 parking spaces, adjacent trails, and areas and facilities suitable for
3 winter recreational activities.

4 (2) The commission must require the winter recreation program and
5 its services to be self-supported solely through permit fees, gifts,
6 grants, donations, and other revenues dedicated to the winter
7 recreational program account in RCW 79A.05.235 and the snowmobile
8 account in RCW 46.10.075.

9 (3) The commission may contract with any public or private agency
10 for the actual conduct of such duties, but shall remain responsible for
11 the proper administration thereof. The commission is not liable for
12 unintentional injuries to users of lands administered for winter
13 recreation purposes under this section or under RCW (~~46.10.210~~)
14 46.10.370, whether the lands are administered by the commission, by
15 other public agencies, or by private landowners through agreement with
16 the commission. Nothing in this section prevents the liability of the
17 commission for injuries sustained by a user by reason of a known
18 dangerous artificial latent condition for which warning signs have not
19 been conspicuously posted. A road covered with snow and groomed for
20 the purposes of winter recreation consistent with this chapter and
21 chapter 46.10 RCW shall not be presumed to be a known dangerous
22 artificial latent condition for the purposes of this chapter.

23 NEW SECTION. Sec. 26. Section 12 of this act takes effect October
24 1, 2011.

25 NEW SECTION. Sec. 27. Sections 1 through 10 of this act
26 constitute a new chapter in Title 79A RCW.

27 NEW SECTION. Sec. 28. RCW 77.32.380 (Fish and wildlife lands
28 vehicle use permit--Improved access facility--Fee--Youth groups--
29 Display--Transfer between vehicles--Penalty) and 2003 c 317 s 4, 2001
30 c 243 s 1, 2000 c 107 s 271, 1998 c 87 s 1, 1993 sp.s. c 2 s 77, 1991
31 sp.s. c 7 s 12, 1988 c 36 s 52, 1987 c 506 s 90, 1985 c 464 s 11, &
32 1981 c 310 s 15 are each repealed.

33 NEW SECTION. Sec. 29. Except for section 12 of this act, this act

1 is necessary for the immediate preservation of the public peace,
2 health, or safety, or support of the state government and its existing
3 public institutions, and takes effect July 1, 2011.

Passed by the Senate April 20, 2011.

Passed by the House April 21, 2011.

Approved by the Governor May 12, 2011.

Filed in Office of Secretary of State May 13, 2011.