

# SENATE BILL REPORT

## SHB 1293

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As of February 28, 2020

**Title:** An act relating to the distribution of monetary penalties to local courts and state agencies paid for failure to comply with discover pass requirements.

**Brief Description:** Concerning the distribution of monetary penalties to local courts and state agencies paid for failure to comply with discover pass requirements.

**Sponsors:** House Committee on Appropriations (originally sponsored by Representatives Tharinger, Blake, Kretz and Mosbrucker).

**Brief History:** Passed House: 2/12/20, 93-0; 2/12/20, 97-0.

**Committee Activity:** Agriculture, Water, Natural Resources & Parks: 2/20/20 [DP-WM].  
Ways & Means: 2/28/20.

### Brief Summary of Bill

- Requires counties to retain 25 percent of the penalty money received from Discover Pass, vehicle access pass, or day-use permit infractions, rather than transferring all of the penalty money to the state.

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### SENATE COMMITTEE ON AGRICULTURE, WATER, NATURAL RESOURCES & PARKS

**Majority Report:** Do pass and be referred to Committee on Ways & Means.

Signed by Senators Van De Wege, Chair; Salomon, Vice Chair; Warnick, Ranking Member; Honeyford, McCoy, Rolfes and Short.

**Staff:** Karen Epps (786-7424)

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### SENATE COMMITTEE ON WAYS & MEANS

**Staff:** Jed Herman (786-7346)

**Background:** The Discover Pass is an annual pass that allows a vehicle to access state recreation lands owned by the State Parks and Recreation Commission (State Parks), the Department of Fish and Wildlife (DFW), or the Department of Natural Resources (DNR).

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*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.*

The cost of a Discover Pass is \$30. The cost of a day-use permit, which serves the same function as the annual pass but is only valid for one calendar day, is \$10. Revenue from both passes is initially deposited in the Recreation Access Pass Account, and is then distributed to the three agencies as follows: 84 percent to State Parks, 8 percent to DFW, and 8 percent to DNR.

Discover Pass Infraction Revenue. Failure to comply with the Discover Pass requirement is a natural resource infraction with a statutory fine of \$99. This penalty must be reduced to \$59 if an individual provides proof of purchase of a Discover Pass to the court within 15 days after the issuance of the notice of violation. Counties must transfer revenue received from this penalty to the state treasurer for deposit into the Recreation Access Pass Account.

Infraction Revenue in General. Thirty-two percent of fines assessed or collected through a district court are provided to the state for deposit in the state general fund, while the remainder is retained by the county. All fines assessed and collected for county parking infractions are retained by the county.

**Summary of Bill:** The county treasurer must transfer 75 percent of revenue from state recreation access pass infraction penalties to the state for deposit into the Recreation Access Pass Account, rather than 100 percent. The other 25 percent is retained by the county.

**Appropriation:** None.

**Fiscal Note:** Available.

**Creates Committee/Commission/Task Force that includes Legislative members:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Staff Summary of Public Testimony (Agriculture, Water, Natural Resources & Parks):** PRO: District courts have jurisdiction over infractions, and counties are allowed to keep a portion of fines assessed. There is an exception for Discover Pass infractions, and counties must remit 100 percent of the fines assessed without being able to keep any funds to cover the cost of processing the infractions—which is significant to counties. The person who is cited has the right to a hearing in district court, the district court must calendar and hear those cases, and there are costs to the court. Pass compliance is an important part of any pass system, and the district court system is a partner in helping public land agencies maintain compliance with the laws. Discover Pass agencies have worked hard to decrease violations through outreach and education as well as making it easier to purchase passes where cars are parked. Infraction revenue is projected to be down over 50 percent from five years ago.

**Persons Testifying (Agriculture, Water, Natural Resources & Parks):** PRO: Juliana Roe, Washington State Association of Counties; Paul Wohl, District and Municipal Court Judges Association; Owen Rowe, Washington State Parks and Recreation Commission, Governmental Affairs Director.

**Persons Signed In To Testify But Not Testifying (Agriculture, Water, Natural Resources & Parks):** No one.

**Staff Summary of Public Testimony (Ways & Means):** PRO: Counties support this bill. Penalties from other matters of law allow counties to retain a portion of the money to cover costs. The current law for the Discover Pass requires 100 percent to be sent to the state. This bill allows us to keep a portion. We have been working closely with counties for three years to address this issue. Infractions have gone down by 50 percent since 2015. Administering hearings for those who appeal a Discover Pass violation has costs, this bill helps us cover those costs.

**Persons Testifying (Ways & Means):** PRO: Juliana Roe, Washington State Association of Counties; Paul Wohl, District and Municipal Court Judges Association; Owen Rowe, Governmental Affairs Director, Washington Parks and Recreation Commission.

**Persons Signed In To Testify But Not Testifying (Ways & Means):** No one.