
SENATE BILL 5143

State of Washington

58th Legislature

2003 Regular Session

By Senators Hewitt, Oke and Regala

Read first time 01/15/2003. Referred to Committee on Parks, Fish & Wildlife.

1 AN ACT Relating to the keeping state recreation facilities open;
2 amending RCW 4.24.210; adding a new section to chapter 43.30 RCW;
3 adding a new chapter to Title 79A RCW; prescribing penalties; making an
4 appropriation; and declaring an emergency.

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

6 NEW SECTION. **Sec. 1.** (1) The legislature finds that the
7 commission, the department of natural resources, and the fish and
8 wildlife commission have difficulty maintaining recreation sites they
9 own and operate because of insufficient funds. The legislature also
10 finds that the lack of funds to operate, maintain, and repair these
11 recreation sites is resulting in the closure of some of these sites to
12 the public at a time when the demand for outdoor recreation areas
13 continues to increase.

14 (2) The legislature recognizes that many state residents and
15 visitors to Washington enjoy visiting state-owned and operated
16 recreation sites throughout different parts of the state, and that many
17 people visit lands owned and operated by more than one state agency.
18 The legislature is aware that the commission is instituting a statewide
19 parking fee, the fish and wildlife commission has an annual pass for

1 parking at their access sites, and the department of natural resources
2 currently does not charge a parking fee at their recreation sites, nor
3 does the department of natural resources charge any other fees for
4 outdoor recreation activities.

5 (3) It is the intent of the legislature that state recreation
6 facilities be kept open and that there be a single basic pass available
7 to the citizens of the state of Washington that would provide, for a
8 single fee, access to the parking, day-use, trailhead and trail, and
9 primitive overnight camping facilities owned and operated by the
10 commission, the fish and wildlife commission, and the department of
11 natural resources, with a single deluxe pass that would provide boat
12 launch access in addition to the access provided in the basic pass. It
13 is further the intent of the legislature that a similar nonresident
14 pass be made available, at a higher cost, to visitors to the state of
15 Washington.

16 (4) It is also the intent of the legislature to encourage
17 coordination with federal natural resource recreational land managers
18 and neighboring states to develop a regional outdoor recreation pass.

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

21 (1) "Commission" means the state parks and recreation commission.

22 (2) "Committee" means the interagency committee for outdoor
23 recreation.

24 (3) "Pass" means the evergreen recreation pass, created in section
25 3 of this act.

26 NEW SECTION. **Sec. 3.** (1) The evergreen recreation pass is created
27 and administered by the committee. The committee may provide for the
28 sale of the pass by the various state agencies and their vendors, and
29 by other vendors.

30 (2) The pass must also be available for purchase through the
31 department of licensing. The department of licensing shall include a
32 notice of the availability of the pass, including the opportunity to
33 renew the pass, in each notice of motor vehicle registration renewal.
34 The department of licensing shall also encourage private vendors to
35 distribute the pass and to make the pass available for persons renewing
36 motor vehicle registrations on-line.

1 (3) The committee shall: (a) Determine the form of the pass; (b)
2 determine the term of the pass, be it calendar year or some other term;
3 and (c) beginning June 30, 2006, and no later than June 30th of each
4 even-numbered year, recommend to the governor and the legislature how
5 the proceeds from the sale of the pass should be distributed to the
6 committee, the commission, the fish and wildlife commission, and the
7 department of natural resources, for the cost of developing and
8 administering the pass and the support of the agencies' recreation and
9 recreation access programs.

10 (4) The committee may enter into agreements with federal agencies
11 and neighboring state natural resource agencies to develop a regional
12 recreation pass. The committee shall evaluate and develop a proposal
13 for implementing a regional recreation pass that includes access to
14 state and federal recreation lands by December 1, 2004, and report
15 their findings to the appropriate standing committees of the
16 legislature.

17 (5) The committee may develop and authorize premium passes that
18 combine additional licenses and services that include but are not
19 limited to camping, boat moorage, hunting, and fishing. The committee
20 may also develop and authorize marketing proposals that include
21 offering discounts to the cost of the pass for private vendors that
22 distribute premium passes. When authorizing any premium passes or
23 marketing proposals that include offering discounts, the committee
24 shall indicate how revenues will be allocated between the evergreen
25 recreation account, created in section 4 of this act, and any other
26 account to which revenues from any bundled licenses or services would
27 otherwise be dedicated.

28 NEW SECTION. **Sec. 4.** (1) The evergreen recreation pass must be
29 available for purchase by January 1, 2004, at a cost not to exceed
30 thirty-five dollars for residents or sixty-five dollars for
31 nonresidents for the basic pass, or fifty dollars for residents or
32 ninety-five dollars for nonresidents for the deluxe pass. Up to five
33 dollars from the sale of each pass may be retained by the vendors or
34 the agencies to cover the cost of processing the sale of the pass, as
35 determined by the committee. Eighty percent of the net proceeds from
36 the sale of the pass must be deposited in the state parks renewal and
37 stewardship account until June 30, 2007, or until fifteen million

1 dollars in net proceeds from the sale of the pass have been deposited
2 in the state parks renewal and stewardship account, whichever occurs
3 first.

4 (2) All other net proceeds from the sale of the pass must be
5 deposited in the evergreen recreation account, hereby created in the
6 state treasury. Moneys in the account may be spent only after
7 appropriation. Money may be appropriated only for the cost of
8 developing and administering the pass and the support of the recreation
9 and recreation access programs of the commission, the fish and wildlife
10 commission, and the department of natural resources.

11 NEW SECTION. **Sec. 5.** A premium version of the pass, entitled the
12 corps of discovery pass, may be created, administered, and sold by the
13 commission until June 30, 2007. The commission is authorized to seek
14 private sponsorship of the corps of discovery pass, to arrange for
15 merchandising and sponsorship programs in connection with the corps of
16 discovery pass, and may use any Lewis and Clark trail logos owned by
17 the state of Washington in support of the corps of discovery pass and
18 related merchandising and sponsorship programs. All costs of
19 developing and administering the corps of discovery pass must be borne
20 by the commission. All net proceeds from the sale of the corps of
21 discovery pass and related merchandising and sponsorship programs must
22 be deposited in the state parks renewal and stewardship account and
23 used first to cover the costs associated with renewing the leases of,
24 and operating and maintaining, state parks along the Lewis and Clark
25 trail through the bicentennial activities celebrating the corps of
26 discovery.

27 NEW SECTION. **Sec. 6.** (1) The cost of all versions of the pass may
28 be adjusted for inflation by the office of financial management on an
29 annual basis subject to the limitation contained in RCW 43.135.055(1).

30 (2) On January 1st following any biennial operating or supplemental
31 operating budget proposal submitted by the governor that does not
32 propose general fund appropriations to the commission, the fish and
33 wildlife commission, and the department of natural resources for the
34 support of outdoor recreation programs at least equal to the general
35 fund appropriation for fiscal year 2002 adjusted for inflation, the

1 office of financial management must reduce the cost of all versions of
2 the pass to five dollars.

3 NEW SECTION. **Sec. 7.** The commission, the fish and wildlife
4 commission, and the department of natural resources shall accept the
5 pass in lieu of any fee charged for access to the parking, day-use,
6 trailhead and trail, and unsupervised primitive overnight camping
7 facilities owned or operated by the commission, the fish and wildlife
8 commission, and the department of natural resources.

9 NEW SECTION. **Sec. 8.** (1) When using the pass in lieu of payment
10 of parking or vehicle access fees otherwise required by the commission,
11 the fish and wildlife commission, or the department of natural
12 resources, the pass must be displayed so that it is clearly visible
13 from outside of the motor vehicle.

14 (2) Annual passes must be available during any month of the year,
15 but the committee may choose to authorize discounting of the cost of
16 the evergreen recreation pass during the latter part of the period
17 established for the pass, if the committee chooses to establish a
18 single, year-long term.

19 (3) Failure to display the pass, or the equivalent daily or annual
20 parking or vehicle access permit required by the commission, the fish
21 and wildlife commission, or the department of natural resources, in
22 accordance with this section is a natural resource infraction under
23 chapter 7.84 RCW. Employees of the commission, the fish and wildlife
24 commission, the department of natural resources, and general authority
25 law enforcement officers may issue a notice of infraction to the
26 registered owner of any motor vehicle parking or otherwise accessing
27 recreation lands without either the pass or the equivalent daily or
28 annual parking or vehicle access permit. The penalty for failure to
29 clearly display the required pass or permit is sixty-six dollars. This
30 penalty is reduced to ten dollars if the registered owner provides
31 proof to the court that he or she purchased either a pass or the
32 equivalent annual parking or vehicle access permit within fifteen days
33 after the issuance of the notice of violation.

34 NEW SECTION. **Sec. 9.** A new section is added to chapter 43.30 RCW
35 to read as follows:

1 The department shall require an evergreen recreation pass for the
2 use of the parking, day-use, trailhead and trail, and primitive
3 overnight camping facilities owned or operated by the department.

4 **Sec. 10.** RCW 4.24.210 and 1997 c 26 s 1 are each amended to read
5 as follows:

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

22 (2) Except as otherwise provided in subsection (3) of this section,
23 any public or private landowner or others in lawful possession and
24 control of any lands whether rural or urban, or water areas or channels
25 and lands adjacent to such areas or channels, who offer or allow such
26 land to be used for purposes of a fish or wildlife cooperative project,
27 or allow access to such land for cleanup of litter or other solid
28 waste, shall not be liable for unintentional injuries to any volunteer
29 group or to any other users.

30 (3) Any public or private landowner, or others in lawful possession
31 and control of the land, may charge an administrative fee of up to
32 twenty-five dollars for the cutting, gathering, and removing of
33 firewood from the land. Nothing in this section shall prevent the
34 liability of such a landowner or others in lawful possession and
35 control for injuries sustained to users by reason of a known dangerous
36 artificial latent condition for which warning signs have not been
37 conspicuously posted. Nothing in RCW 4.24.200 and 4.24.210 limits or

1 expands in any way the doctrine of attractive nuisance. Usage by
2 members of the public, volunteer groups, or other users is permissive
3 and does not support any claim of adverse possession.

4 (4) For purposes of this section, a license or permit issued for
5 statewide use under authority of (~~chapter 43.51 RCW, Title 75, or~~)
6 Title 77 RCW, chapter 79A.05 RCW, or the evergreen recreation pass
7 created in sections 1 through 8 of this act is not a fee.

8 NEW SECTION. Sec. 11. Sections 1 through 8 of this act constitute
9 a new chapter in Title 79A RCW.

10 NEW SECTION. Sec. 12. The sum of four hundred fifty thousand
11 dollars, or as much thereof as may be necessary, is appropriated for
12 the fiscal year ending June 30, 2003, from the general fund to the
13 state parks and recreation commission for the purposes of this act. Of
14 that sum, no more than fifty thousand dollars may be spent developing
15 the corps of discovery pass, and the remainder must be spent solely for
16 the reopening, operating, and maintaining of Chief Timothy, Central
17 Ferry, Lyons Ferry, and Crow Butte state parks in anticipation of
18 sufficient revenues from the corps of discovery pass being generated
19 during the 2003-2005 biennium for the maintenance and operation of
20 these state parks.

21 NEW SECTION. Sec. 13. This act is necessary for the immediate
22 preservation of the public peace, health, or safety, or support of the
23 state government and its existing public institutions, and takes effect
24 immediately.

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