

SENATE BILL REPORT

SB 5761

As of February 12, 2009

Title: An act relating to recreation on lands owned by the department of natural resources.

Brief Description: Creating a recreation pass for use on lands owned by the department of natural resources.

Sponsors: Senator Jacobsen.

Brief History:

Committee Activity: Natural Resources, Ocean & Recreation: 2/12/09.

SENATE COMMITTEE ON NATURAL RESOURCES, OCEAN & RECREATION

Staff: Sherry McNamara (786-7402)

Background: The public has access to 2.2 million acres of forested state trust lands managed by the Department of Natural Resources (DNR) for a variety of recreational opportunities. These DNR state trust lands provide 13,000 miles of forest roads, 1,100 miles of trails and 143 recreation sites which include campgrounds, day-use facilities, boat launches, and picnic areas.

Last session, the Legislature directed DNR to create the Sustainable Recreation Work Group (Work Group) to examine current laws and policies regarding recreation, and make recommendations on policy changes and opportunities to develop sustainable funding sources. The preliminary findings of the Work Group were that recreation on DNR-managed lands is not funded at an adequate nor sustainable level.

Summary of Bill: A recreation pass is created to be valid at any DNR recreation site. The cost of the pass may not exceed \$15. A person must purchase and display a recreation pass for access to DNR recreation sites. DNR may exempt youth groups, nonprofits, and others from the recreation pass requirements.

The recreation pass must be displayed prior to entering or using the motor vehicle on a DNR recreation site. Failure to display the recreation pass is an infraction, with a penalty of \$66. The penalty may be reduced to \$30 if the owner of the vehicle purchases a recreation pass within 15 days of the issuance of the violation.

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 DNR Recreation Pass Account is created in the custody of the State Treasurer. DNR must use at least 75 percent of the funds for maintenance, repair, and equipment for DNR's recreation sites. No more than 25 percent of the funds may be used for the costs of collecting the fee.

DNR must provide a 50 percent discount in the annual rent for any lease of state-owned aquatic lands for a water-dependent use that qualifies for a youth recreation aquatic lands lease rate. To be eligible for a youth recreation aquatic lands lease rate, an organization must:

- be exempt from federal income tax under 26 U.S.C. Sec. 501(c)(3); and
- certify that the primary use of the aquatic lands is boating and maritime recreation and instruction for youth.

Appropriation: None.

Fiscal Note: Available.

[OFM requested ten-year cost projection pursuant to I-960.]

Committee/Commission/Task Force Created: No.

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

Staff Summary of Public Testimony: CON: DNR has 143 recreation sites that are mapped and maintained; however, the recreational use on our trails and roads is growing. The bill needs clarity in defining the terms "designated sites" and "motor vehicles." DNR is always open to opportunities and new ways of funding recreation activities on state land. The amount of revenue generated by the recreational pass may not be enough to cover the costs of administering the program. Under current law, landowners don't have liability if they don't charge a fee, so the bill needs to include liability protection for DNR. DNR has concerns with the youth aquatic discount portion of the bill. Currently, DNR provides free rent from piers if there is free access for the public. The 50 percent discount might set a precedent that could be expanded and have a negative impact. Sno parks should be exempted from this legislation to allow parking at these sites during winter months. It is important to treat all recreational users equitably, so any fee should be applied fairly.

Persons Testifying: CON: John Eaton, Washington Off Highway Vehicle Alliance; Daniel Fallstrom, Washington Snowmobile Association; Andy Tudhope, citizen; Bonnie Bunning, DNR.