## **E2SHB 2373** - S AMD By Senator Ranker

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## ADOPTED AND ENGROSSED 3/6/12

Strike everything after the enacting clause and insert the 1 2 following:

- "Sec. 1. RCW 79A.80.010 and 2011 c 320 s 2 are each amended to 3 read as follows: 4
- The definitions in this section apply throughout this chapter 5 6 unless the context clearly requires otherwise.
  - (1) "Agency" or "agencies" means the department of fish and wildlife, the department of natural resources, and the parks and recreation commission.
- 10 (2) "Annual natural investment permit" means the annual permit 11 issued by the parks and recreation commission for the purpose of 12 launching boats from the designated state parks boat launch sites.
- 13 (3) "Camper registration" means proof of payment of a camping fee on recreational lands managed by the parks and recreation commission. 14
  - (4) "Day-use permit" means the permit created in RCW 79A.80.030.
- 16 (5) "Discover pass" means the annual pass created in RCW 17 79A.80.020.
- (6) "Motor vehicle" has the same meaning as defined in RCW 18 19 46.04.320 and which are required to be registered under chapter 46.16A 20 RCW. "Motor vehicle" does not include those motor vehicles exempt from 21 registration under RCW 46.16A.080 and state and publicly owned motor
- vehicles as provided in RCW 46.16A.170. 22
- 23 (7) "Recreation site or lands" means a state park ((<del>or</del>))<u>, state</u>
- lands and state forest lands as those terms are defined in RCW 24
- 25 79.02.010, natural resources conservation areas as that term is defined
- 26 in RCW 79.71.030, natural area preserves as that term is defined in RCW
- 27 79.70.020, and fish and wildlife conservation sites including water
- 28 access areas, boat ramps, wildlife areas, parking areas, roads, and
- 29 trailheads((, or department of natural resources developed or
- 30 designated recreation areas, sites, trailheads, and parking areas)).

- 1 (8) "Sno-park seasonal permit" means the seasonal permit issued by 2 the parks and recreation commission for providing access to winter 3 recreational facilities for the period of November 1st through March 4 31st.
  - (9) "Vehicle access pass" means the pass created in RCW 79A.80.040.

- Sec. 2. RCW 79A.80.020 and 2011 c 320 s 3 are each amended to read as follows:
  - (1) Except as otherwise provided in RCW 79A.80.050, 79A.80.060, and 79A.80.070, a discover pass is required for any motor vehicle to park or operate on any recreation site or lands, except for short-term parking as may be authorized under RCW 79A.80.070.
  - (2) The cost of ((the)) <u>a</u> discover pass is thirty dollars ((the)) <u>a</u> discover pass is thirty dollars ((the)) motor vehicle)). Every four years the office of financial management must review the cost of the discover pass and, if necessary, recommend to the legislature an adjustment to the cost of the discover pass to account for inflation.
  - (3) ((The)) A discover pass is valid for one year ((from the date of issuance)) beginning from the date that the discover pass is marked for activation. The activation date may differ from the purchase date pursuant to any policies developed by the agencies.
  - (4) ((The discover pass must be made available for purchase throughout the year through the department of fish and wildlife's automated licensing system consistent with RCW 77.32.050.
  - (5) The)) <u>Sales of</u> discover ((pass)) <u>passes</u> must be ((made available for purchase through the department of licensing as provided in RCW 46.16A.090. The department of licensing, county auditor, or other agent or subagent appointed by the director, is not responsible for delivering a purchased discover pass to a motor vehicle owner. The agencies must deliver the purchased discover pass to a motor vehicle owner.
  - (6) The state parks and recreation commission may make the discover pass available for purchase through its reservation system and other outlets authorized by law to sell licenses, permits, or passes)) consistent with section 4 of this act.

agencies may offer for sale a family discover pass that is fully transferable among vehicles and does not require the placement of a license plate number on the pass to be valid. The agencies must collectively set a price for the sale of a family discover pass that is no more than fifty dollars. A discover pass is valid only for use with one motor vehicle at any one time.

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- ((<del>(8) A)</del>) <u>(6) One</u> complimentary discover pass must be provided to a volunteer who performed twenty-four hours of service on agency-sanctioned volunteer projects in a year. The agency must provide vouchers to volunteers identifying the number of volunteer hours they have provided for each project. The vouchers may be brought to an agency to be redeemed for a discover pass.
- 13 **Sec. 3.** RCW 79A.80.030 and 2011 c 320 s 4 are each amended to read 14 as follows:
- 15 (1) A person may purchase a day-use permit to meet the requirements of RCW 79A.80.080. ((The))  $\underline{A}$  day-use permit is ten dollars per day and must be available for purchase from each agency. ((The))  $\underline{A}$  day-use permit is valid for one calendar day.
- 19 (2) The agencies may provide short-term parking under RCW 20 79A.80.070 where ((the)) a day-use permit is not required.
- 21 (3) Every four years the office of financial management must review 22 the cost of the day-use permit and, if necessary, recommend to the 23 legislature an adjustment to the cost of the day-use permit to account 24 for inflation.
- 25 <u>(4) Sales of day-use permits must be consistent with section 4 of</u> 26 this act.
- NEW SECTION. Sec. 4. A new section is added to chapter 79A.80 RCW to read as follows:
- 29 (1) Discover passes and day-use permits may be made available for 30 purchase:
- 31 (a) Through vendors under contract with one or more of the 32 agencies. The agencies may provide vendors with discover passes and 33 day-use permits at the sales price established under RCW 79A.80.020 and 34 79A.80.030 to sell at retail;
- 35 (b) Directly from the state parks and recreation commission, both

through that agency's parks reservation system, directly from agency employees or volunteers at staffed state parks, or as otherwise provided in RCW 79A.05.070;

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- (c) From the department of licensing as provided in RCW 46.16A.090 and section 11 of this act;
- (d) From other outlets authorized by law to sell state licenses, permits, or passes; and
- 8 (e) Consistent with RCW 77.32.050, through the department of fish and wildlife's automated licensing system.
  - (2) The agencies must maintain a policy to address conditions related to return, replacements, and for providing the full year of recreational lands access that the discover pass provides to individuals who are required by the department of licensing to change license plate numbers during the effective dates of a discover pass tied to the affected vehicle.
  - (3) For discover passes and day-use permits purchased through the department of licensing, county auditors, or other agents or subagents appointed by the director of the department of licensing, the selling entity is not responsible for delivering the purchased discover pass to the purchaser. The responsibility for delivering the discover pass belongs to the agencies.
- 22 **Sec. 5.** RCW 79A.80.040 and 2011 c 320 s 5 are each amended to read as follows:
- (1) The vehicle access pass is created solely for access to the 24 25 department of fish and wildlife recreation sites or lands. The vehicle 26 access pass is only available to a person who purchases a current 27 valid: Big game hunting license issued under RCW 77.32.450; small game hunting license issued under RCW 77.32.460; western Washington pheasant 28 29 permit issued under RCW 77.32.575; trapping license issued under RCW 77.65.450; watchable wildlife decal issued under RCW 77.32.560; or 30 31 combination, saltwater, or freshwater personal use fishing license issued under RCW 77.32.470. 32
- 33 (2) One vehicle access pass must be issued per purchase pursuant to 34 subsection (1) of this section.
- 35 (3) The vehicle access pass is valid for the license year of the license it is purchased with.

- 1 (4) The vehicle access pass must contain space for two motor 2 vehicle license plate numbers. A vehicle access pass is only valid for 3 those vehicle license plate numbers written on the pass.
- 4 **Sec. 6.** RCW 79A.80.050 and 2011 c 320 s 6 are each amended to read 5 as follows:
  - (1) ((The))  $\underline{A}$  discover pass or ((the))  $\underline{a}$  day-use permit are not required within a state park for persons who have a valid camper registration, or annual natural investment permit, issued by the state parks and recreation commission.
- 10 (2) The state parks and recreation commission ((may)) must provide
  11 up to twelve days a year where entry to ((the)) state parks is free.
  12 At least three of those days must be on weekends. When practicable,
  13 the free access days should be timed to correspond with any similar
  14 free access days planned by the national park service for national
  15 parks located in the general region of high volume state parks.
- 16 **Sec. 7.** RCW 79A.80.080 and 2011 c 320 s 9 are each amended to read 17 as follows:
  - (1) ((The)) A discover pass, ((the)) vehicle access pass, or ((the)) day-use permit must be visibly displayed in the front windshield of any motor vehicle or otherwise in a prominent location for vehicles without a windshield:
    - (a) Operating on a recreation site or lands; or
    - (b) Parking at a recreation site or lands.

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- (2) The discover pass, the vehicle access pass, or the day-use permit is not required on private lands, state-owned aquatic lands other than water access areas, or at agency offices, hatcheries, or other facilities where public business is conducted.
- 28  $(3)((\frac{1}{(a)}))$  The discover pass, the vehicle access pass, or the day-29 use permit is not required for:
- 30 <u>(a) Persons</u> who use, possess, or enter lands owned or managed by 31 the agencies for <u>nonrecreational</u> purposes consistent with a written 32 authorization from the agency, including but not limited to leases, 33 contracts, and easements((-
- 34 (b) The discover pass or the day use permit is not required)); or
- 35 <u>(b) On</u> department of fish and wildlife lands <u>only</u>, for persons 36 possessing a current vehicle access pass pursuant to RCW 79A.80.040.

- (4)(a) An agency may waive the requirements of this section for any person who has secured the ability to access specific recreational land through the provision of monetary consideration to the agency or for any person attending an event or function that required the provision of monetary compensation to the agency.
- (b) Special events and group activities are core recreational activities and major public service opportunities within state parks. When waiving the requirements of this section for special events, the state parks and recreation commission must consider the direct and indirect costs and benefits to the state, local market rental rates, the public service functions of the event sponsor, and other public interest factors when setting appropriate fees for each event or activity.
- (5) Failure to comply with subsection (1) of this section is a natural resource infraction under chapter 7.84 RCW. An agency is authorized to issue a notice of infraction to any person who fails to comply with subsection (1)(a) of this section or to any motor vehicle that fails to comply with subsection (1)(b) of this section.
- $((\frac{(5)}{)})$  (6) The penalty for failure to comply with the requirements of this section is ninety-nine dollars. This penalty  $((\frac{is}{)})$  must be reduced to fifty-nine dollars if an individual provides proof of purchase of  $((\frac{is}{)})$  a discover pass to the court within fifteen days after the issuance of the notice of violation.
- Sec. 8. RCW 79A.05.070 and 2011 c 320 s 24 are each amended to read as follows:

The commission may:

- 27 (1) Make rules and regulations for the proper administration of its duties;
  - (2) Accept any grants of funds made with or without a matching requirement by the United States, or any agency thereof, for purposes in keeping with the purposes of this chapter; accept gifts, bequests, devises and endowments for purposes in keeping with such purposes; enter into cooperative agreements with and provide for private nonprofit groups to use state park property and facilities to raise money to contribute gifts, grants, and support to the commission for the purposes of this chapter. The commission may assist the nonprofit group in a cooperative effort by providing necessary agency personnel

- and services, if available. However, none of the moneys raised may inure to the benefit of the nonprofit group, except in furtherance of its purposes to benefit the commission as provided in this chapter. The agency and the private nonprofit group ((shall)) must agree on the nature of any project to be supported by such gift or grant prior to the use of any agency property or facilities for raising money. Any such gifts may be in the form of recreational facilities developed or built in part or in whole for public use on agency property, provided that the facility is consistent with the purposes of the agency;
  - (3) Require certification by the commission of all parks and recreation workers employed in state aided or state controlled programs;

- (4) Act jointly, when advisable, with the United States, any other state agencies, institutions, departments, boards, or commissions in order to carry out the objectives and responsibilities of this chapter;
- (5) Grant franchises and easements for any legitimate purpose on parks or parkways, for such terms and subject to such conditions and considerations as the commission shall specify;
- (6) Charge ((such)) fees for services, utilities, and use of facilities as the commission shall deem proper. The commission may utilize unstaffed collection stations to collect any fees or distribute any permits necessary for access to state parks, including discover passes and day-use permits as those terms are defined in RCW 79A.80.010;
- (7) Enter into agreements whereby individuals or companies may rent undeveloped parks or parkway land for grazing, agricultural, or mineral development purposes upon such terms and conditions as the commission shall deem proper, for a term not to exceed forty years;
- (8) Determine the qualifications of and employ a director of parks and recreation who ((shall)) must receive a salary as fixed by the governor in accordance with the provisions of RCW 43.03.040 and determine the qualifications and salary of and employ such other persons as may be needed to carry out the provisions hereof; and
- (9) ((Without being limited to the powers hereinbefore enumerated, the commission shall have)) <u>Utilize</u> such other powers as in the judgment of a majority of its members are deemed necessary to effectuate the purposes of this chapter((: PROVIDED, That)). However,

- 1 the commission ((shall)) does not have power to supervise directly any
- 2 local park or recreation district, and no funds shall be made available
- 3 for such purpose.

- **Sec. 9.** RCW 46.16A.090 and 2011 c 320 s 12 are each amended to read as follows:
  - (1) The department, county auditor or other agent, or subagent appointed by the director ((shall)) must provide an opportunity for a vehicle owner to make a voluntary donation as provided in this section when applying for an initial or renewal vehicle registration.
  - (2)(a) A vehicle owner who registers a vehicle under this chapter may donate one dollar or more to the organ and tissue donation awareness account to promote the donation of organs and tissues under the uniform anatomical gift act as described in chapter 68.64 RCW. The donation of one or more dollars is voluntary and may be refused by the vehicle owner.
  - (b) The department, county auditor or other agent, or subagent appointed by the director ((shall)) must:
  - (i) Ask a vehicle owner applying for a vehicle registration if the owner would like to donate one dollar or more;
- 20 (ii) Inform a vehicle owner of the option for organ and tissue 21 donations as required under RCW 46.20.113; and
  - (iii) Make information booklets or other informational material available regarding the importance of organ and tissue donations to vehicle owners.
  - (c) All reasonable costs associated with the creation of the donation program created under this section must be paid proportionally or by another agreement by a participating Washington state organ procurement organization established for organ and tissue donation awareness purposes by the Washington state organ procurement organizations. For the purposes of this section, "reasonable costs" and "Washington state organ procurement organization" have the same meaning as in RCW 68.64.010.
  - (3) The department (( $\frac{\text{shall}}{\text{shall}}$ ))  $\underline{\text{must}}$  collect from a vehicle owner who pays a vehicle license fee under RCW 46.17.350(1) (a), (d)  $\underline{\text{through}}$  (1), (( $\frac{\text{c}}{\text{c}}$ ), ( $\frac{\text{d}}{\text{c}}$ )) (n), (o), or (q) or who registers a vehicle under RCW 46.16A.455 with a declared gross weight of (( $\frac{\text{ten}}{\text{c}}$ ))  $\underline{\text{twelve}}$  thousand pounds or less a voluntary donation of five dollars. The

- donation may not be collected from any vehicle owner actively opting 1 2 not to participate in the donation program. The department ((shall)) must ensure that the opt-out donation under this section is clear, 3 4 visible, and prominently displayed in both paper and online vehicle registration renewals. Notification of intent to not participate in 5 6 the donation program must be provided annually at the time of vehicle The donation must be deposited in the state 7 registration renewal. 8 parks renewal and stewardship account established in RCW 79A.05.215 to be used for the operation and maintenance of state parks. 9
- 10 (4) ((Beginning with vehicle license fees that are due or will 11 become due on or after October 1, 2011,)) A vehicle owner who registers 12 a vehicle under this chapter may purchase a discover pass for ((a fee 13 of thirty dollars, as may be adjusted for inflation under)) the price amount established in RCW 79A.80.020. Purchase of ((the)) a discover 14 15 pass is voluntary by the vehicle owner. The discover pass fee must be deposited in the recreation access pass account created in RCW 16 79A.80.090. The department, county auditor, or other agent or subagent 17 18 appointed by the director is not responsible for delivering a purchased 19 discover pass to a motor vehicle owner. The agencies, as defined in 20 RCW 79A.80.010, must deliver the purchased discover pass to a motor 21 vehicle owner.
- 22 **Sec. 10.** RCW 46.01.140 and 2011 c 171 s 11 are each amended to 23 read as follows:
  - (1) County auditor/agent duties. A county auditor or other agent appointed by the director ((shall)) must:
    - (a) Enter into a standard contract provided by the director;
  - (b) Provide all services authorized by the director for vehicle certificates of title and vehicle registration applications and issuance under the direction and supervision of the director including, but not limited to:
    - (i) Processing reports of sale;

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- 32 (ii) Processing transitional ownership transactions;
- 33 (iii) Processing mail-in vehicle registration renewals until 34 directed otherwise by legislative authority;
- 35 (iv) Issuing registrations and temporary ORV use permits for off-road vehicles as required under chapter 46.09 RCW;

- 1 (v) Issuing registrations for snowmobiles as required under chapter 46.10 RCW; and
  - (vi) Collecting fees and taxes as required;

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- (c) If authorized by the director, offer for sale discover passes as provided in chapter 79A.80 RCW.
- (2) County auditor/agent assistants and subagents. A county auditor or other agent appointed by the director may, with approval of the director:
- 9 (a) Appoint assistants as special deputies to accept applications 10 for vehicle certificates of title and to issue vehicle registrations; 11 and
  - (b) Recommend and request that the director appoint subagencies within the county to accept applications for vehicle certificates of title and vehicle registration application issuance.
    - (3) **Appointing subagents.** A county auditor or other agent appointed by the director who requests a subagency ((shall)) must, with approval of the director:
    - (a) Use an open competitive process including, but not limited to, a written business proposal and oral interview to determine the qualifications of all interested applicants; and
    - (b) Submit all proposals to the director with a recommendation for appointment of one or more subagents who have applied through the open competitive process. If a qualified successor who is an existing subagent's sibling, spouse, or child, or a subagency employee has applied, the county auditor ((shall)) must provide the name of the qualified successor and the name of one other applicant who is qualified and was chosen through the open competitive process.
- 28 (4) **Subagent duties.** A subagent appointed by the director 29 ((shall)) must:
  - (a) Enter into a standard contract with the county auditor or agent provided by the director; ((and))
    - (b) Provide all services authorized by the director for vehicle certificates of title and vehicle registration applications and issuance under the direction and supervision of the county auditor or agent and the director including, but not limited to:
      - (i) Processing reports of sale;
      - (ii) Processing transitional ownership transactions;

- 1 (iii) Mailing out vehicle registrations and replacement plates to 2 internet payment option customers until directed otherwise by 3 legislative authority;
  - (iv) Issuing registrations and temporary ORV use permits for off-road vehicles as required under chapter 46.09 RCW;
  - (v) Issuing registrations for snowmobiles as required under chapter 46.10 RCW; and
    - (vi) Collecting fees and taxes as required; and

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- 9 (c) If authorized by the director, offer for sale discover passes
  10 as provided in chapter 79A.80 RCW.
  - (5) Subagent successorship. A subagent appointed by the director who no longer wants his or her appointment may recommend a successor who is the subagent's sibling, spouse, or child, or a subagency employee. The recommended successor must participate in the open competitive process used to select an applicant. In making successor recommendations and appointment determinations, the following provisions apply:
  - (a) If a subagency is held by a partnership or corporate entity, the nomination must be submitted on behalf of, and agreed to by, all partners or corporate officers;
  - (b) A subagent may not receive any direct or indirect compensation or remuneration from any party or entity in recognition of a successor nomination. A subagent may not receive any financial benefit from the transfer or termination of an appointment; and
  - (c) The appointment of a successor is intended to assist in the efficient transfer of appointments to minimize public inconvenience. The appointment of a successor does not create a proprietary or property interest in the appointment.
  - (6) **Standard contracts.** The standard contracts provided by the director in this section may include provisions that the director deems necessary to ensure that readily accessible and acceptable service is provided to the citizens of the state, including the full collection of fees and taxes. The standard contracts must include provisions that:
  - (a) Describe responsibilities and liabilities of each party related to service expectations and levels;
- 36 (b) Describe the equipment to be supplied by the department and 37 equipment maintenance;

1 (c) Require specific types of insurance or bonds, or both, to 2 protect the state against any loss of collected revenue or loss of 3 equipment;

- (d) Specify the amount of training that will be provided by each of the parties;
- (e) Describe allowable costs that may be charged for vehicle registration activities as described in subsection (7) of this section; and
- (f) Describe causes and procedures for termination of the contract, which may include mediation and binding arbitration.
- (7) County auditor/agent cost reimbursement. A county auditor or other agent appointed by the director who does not cover expenses for services provided by the standard contract may submit to the department a request for cost-coverage moneys. The request must be submitted on a form developed by the department. The department ((shall)) must develop procedures to standardize and identify allowable costs and to verify whether a request is reasonable. Payment must be made on those requests found to be allowable from the licensing services account.
- (8) County auditor/agent revenue disbursement. County revenues that exceed the cost of providing services described in the standard contract, calculated in accordance with the procedures in subsection (7) of this section, must be expended as determined by the county legislative authority during the process established by law for adoption of county budgets.
- (9) **Appointment authority.** The director has final appointment authority for county auditors or other agents or subagents.
- 27 (10) **Rules.** The director may adopt rules to implement this 28 section.
- NEW SECTION. Sec. 11. A new section is added to chapter 46.01 RCW to read as follows:
- The department may, in coordination with the state parks and recreation commission, offer for sale and distribute discover passes and day-use permits, as provided in chapter 79A.80 RCW, at the department's drivers' licenses offices. Any amounts collected by the department through the sales of discover passes and day-use permits must be deposited in the recreation access pass account created in RCW 79A.80.090.

- NEW SECTION. Sec. 12. (1) A state agency may not refund money for a discover pass or vehicle access pass issued prior to the effective date of this section.
  - (2) Each discover pass or vehicle access pass issued prior to the effective date of this section is valid for two license plate numbers written on the pass.
  - (3) For the purposes of this section, the terms "discover pass" and "vehicle access pass" have the same meanings provided under RCW 79A.80.010.
  - (4) This section expires December 31, 2013.

- NEW SECTION. Sec. 13. (1) By December 31, 2013, the agencies responsible for implementing the discover pass requirements of chapter 79A.80 RCW must prepare a report to the legislature, delivered consistent with RCW 43.01.036, that identifies opportunities for simplifying the administration and use of the discover pass and creating consistent recreational access policies across all lands that require a discover pass for lawful recreational access. The report must specifically address options for consistent boat launch policies among the agencies and, more generally, address how consistency can be developed for other inconsistent interagency access policies.
  - (2) To the degree the agencies have the authority to address inconsistent recreational access policies administratively, progress towards this end should be included in the required report. If inconsistent recreational access polices are a result of statutory limits, then the report should identify those barriers to consist recreational access policies.
- (3) This section expires July 30, 2014.
- NEW SECTION. **Sec. 14.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

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## ADOPTED AND ENGROSSED 3/6/12

On page 1, line 2 of the title, after "resources;" strike the remainder of the title and insert "amending RCW 79A.80.010, 79A.80.020, 79A.80.030, 79A.80.040, 79A.80.050, 79A.80.080, 79A.05.070, 46.16A.090, and 46.01.140; adding a new section to chapter 79A.80 RCW; adding a new section to chapter 46.01 RCW; creating new sections; providing expiration dates; and declaring an emergency."

--- END ---