
HOUSE BILL 1796

State of Washington

62nd Legislature

2011 Regular Session

By Representatives Van De Wege, Takko, Upthegrove, Finn, Seaquist, Sullivan, Liiias, Jacks, McCoy, Moscoso, Hudgins, Hunt, and Reykdal; by request of Parks and Recreation Commission, Department of Natural Resources, and Department of Fish and Wildlife

Read first time 02/02/11. Referred to Committee on Ways & Means.

1 AN ACT Relating to accessing Washington's heritage; 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, and
4 79A.05.070; adding a new section to chapter 7.84 RCW; adding a new
5 chapter to Title 79A RCW; repealing RCW 77.32.380; prescribing
6 penalties; and providing an effective date.

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

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

17 (2) The legislature further finds that the recreating public cannot
18 readily discern which agency of the state is responsible for the

1 management of particular state lands or which policies apply to those
2 lands.

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

19 (3) "Recreation site or lands" means those areas of state-owned or
20 managed lands designated by an agency where the discover pass or day-
21 use permit is required.

22 (4) "Vehicle" has the same meaning as defined in RCW 46.04.670.

23 NEW SECTION. **Sec. 3.** (1) The discover pass is created as a
24 renewable annual pass that is required at any recreation site or land
25 pursuant to section 5 of this act.

26 (2) Cost of the discover pass is thirty dollars per vehicle. The
27 cost of the discover pass must be adjusted once every two years for
28 inflation by the office of financial management.

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

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

34 (5) The discover pass must be made available for purchase through
35 the department of licensing as provided in RCW 46.16A.090.

1 (6) The discover pass must contain space for the vehicle license
2 plate number.

3 (7) A complimentary discover pass must be provided to a volunteer
4 who performed forty hours of service on agency-sanctioned volunteer
5 projects in a year. The agency must provide vouchers to volunteers
6 identifying the number of volunteer hours they have provided for each
7 project. The vouchers may be brought to an agency to be redeemed for
8 a discover pass.

9 NEW SECTION. **Sec. 4.** A person may purchase a day-use permit to
10 meet the requirements of section 5 of this act. The day-use permit is
11 ten dollars per day and must be available for purchase from each
12 agency. The day-use permit is valid for one calendar day.

13 NEW SECTION. **Sec. 5.** (1) The discover pass or the day-use permit
14 must be displayed in the front windshield of any vehicle located at a
15 recreation site or on recreation lands.

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

20 (3) The discover pass or the day-use permit is not required for
21 persons who use, possess, or enter lands owned or managed by the
22 agencies for purposes consistent with a written authorization from the
23 agency, including but not limited to leases, contracts, and easements.

24 (4) Failure to display the discover pass or the day-use permit is
25 a natural resource infraction under chapter 7.84 RCW. An agency is
26 authorized to issue a notice of infraction to any person who fails to
27 comply with this section.

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

33 NEW SECTION. **Sec. 6.** (1) The discover pass and day-use permit
34 account is created in the state treasury. All moneys received from the

1 sale of discover passes and day-use permits must be deposited into the
2 account.

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

5 (a) Seven and one-half percent to the department of fish and
6 wildlife and deposited into the state wildlife account created in RCW
7 77.12.170;

8 (b) Seven and one-half percent to the department of natural
9 resources and deposited into the park land trust revolving fund created
10 in RCW 43.30.385; and

11 (c) Eighty-five percent to the state parks and recreation
12 commission and deposited into the state parks renewal and stewardship
13 account created in RCW 79A.05.215.

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

17 **Sec. 7.** RCW 4.24.210 and 2006 c 212 s 6 are each amended to read
18 as follows:

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

35 (2) Except as otherwise provided in subsection (3) or (4) of this
36 section, any public or private landowner or others in lawful possession
37 and control of any lands whether rural or urban, or water areas or

1 channels and lands adjacent to such areas or channels, who offer or
2 allow such land to be used for purposes of a fish or wildlife
3 cooperative project, or allow access to such land for cleanup of litter
4 or other solid waste, shall not be liable for unintentional injuries to
5 any volunteer group or to any other users.

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

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

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

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

25 (b) A pass or permit issued under section 3 or 4 of this act; and

26 (c) A daily charge not to exceed twenty dollars per person, per
27 day, for access to a publicly owned ORV sports park, as defined in RCW
28 (~~46.09.020~~) 46.09.310, or other public facility accessed by a
29 highway, street, or nonhighway road for the purposes of off-road
30 vehicle use.

31 **Sec. 8.** RCW 46.16A.090 and 2010 c 161 s 420 are each amended to
32 read as follows:

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

1 (2)(a) A vehicle owner who registers a vehicle under this chapter
2 may donate one dollar or more to the organ and tissue donation
3 awareness account to promote the donation of organs and tissues under
4 the uniform anatomical gift act as described in chapter 68.64 RCW. The
5 donation of one or more dollars is voluntary and may be refused by the
6 vehicle owner.

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

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

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

13 (iii) Make information booklets or other informational material
14 available regarding the importance of organ and tissue donations to
15 vehicle owners.

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

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

1 section, a vehicle owner who registers a vehicle under this chapter may
2 purchase a discover pass for a fee of thirty dollars, as may be
3 adjusted for inflation under section 3 of this act. Purchase of the
4 discover pass is voluntary and may be refused by the vehicle owner.
5 The discover pass fee must be deposited in the discover pass and day-
6 use permit account created in section 6 of this act.

7 NEW SECTION. **Sec. 9.** 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. 10.** 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 9 of this act, when the infraction occurs in
24 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 9 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. 11.** 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 9 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. 12.** 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 5 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 9 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. 13.** 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 9 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. 14.** 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. 15.** 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 permit issued by the department under section 3 or 4 of this
12 act is required to park a motor vehicle upon ~~((improved))~~ lands owned
13 or managed by the department ~~((access facilities))~~.

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

22 **Sec. 16.** RCW 77.15.750 and 2010 c 193 s 9 are each amended to read
23 as follows:

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

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

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

30 (2)(a) Permits covered under subsection (1) of this section
31 include, but are not limited to, master hunter permits, crab pot
32 removal permits and shellfish pot removal permits under RCW 77.70.500,
33 depredation permits, landowner hunting permits, commercial carp license
34 permits, permits to possess or dispense beer or malt liquor pursuant to
35 RCW 66.28.210, and permits to hold, sponsor, or attend an event
36 requiring a banquet permit from the liquor control board.

1 (b) Permits excluded from subsection (1) of this section include
2 (~~fish and wildlife lands vehicle use~~) permits authorized under
3 section 3 or 4 of this act, commercial use or activity permits,
4 noncommercial use or activity permits, parking permits, experimental
5 fishery permits, trial commercial fishery permits, and scientific
6 collection permits.

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

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

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

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

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

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

18 (a) "Experimental fishery permit" means a permit issued by the
19 director for either:

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

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

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

30 **Sec. 17.** RCW 43.30.385 and 2009 c 354 s 9 are each amended to read
31 as follows:

32 (1) The park land trust revolving fund is to be utilized by the
33 department for the purpose of acquiring real property, including all
34 reasonable costs associated with these acquisitions, as a replacement
35 for the property transferred to the state parks and recreation
36 commission, as directed by the legislature in order to maintain the
37 land base of the affected trusts or under RCW 79.22.060 and to receive

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

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

30 **Sec. 18.** RCW 79A.05.215 and 2010 c 161 s 1164 are each amended to
31 read as follows:

32 The state parks renewal and stewardship account is created in the
33 state treasury. Except as otherwise provided in this chapter, all
34 receipts from user fees, concessions, leases, donations collected under
35 RCW 46.16A.090(3), and other state park-based activities shall be
36 deposited into the account. The proceeds from the discover pass and
37 day-use permit account created in section 6 of this act must be used

1 for the purpose of operating and maintaining state parks. Expenditures
2 from the account may be used for operating state parks, developing and
3 renovating park facilities, undertaking deferred maintenance, enhancing
4 park stewardship, and other state park purposes. Expenditures from the
5 account may be made only after appropriation by the legislature.

6 **Sec. 19.** RCW 77.12.170 and 2009 c 333 s 13 are each amended to
7 read as follows:

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

10 (a) Rentals or concessions of the department;

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

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

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

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

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

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

30 (h) Excise tax on anadromous game fish collected under chapter
31 82.27 RCW;

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

34 (j) The sale of watchable wildlife decals under RCW 77.32.560; and

35 (k) Moneys received from the discover pass and day-use permit
36 account created in section 6 of this act must be dedicated to

1 stewardship, operations, and maintenance of department lands used for
2 public recreation purposes.

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

6 **Sec. 20.** RCW 79A.05.070 and 2006 c 141 s 1 are each amended to
7 read as follows:

8 The commission may:

9 (1) Make rules and regulations for the proper administration of its
10 duties;

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

29 (3) Require certification by the commission of all parks and
30 recreation workers employed in state aided or state controlled
31 programs;

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

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

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

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

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

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

19 NEW SECTION. **Sec. 21.** This act takes effect October 1, 2011.

20 NEW SECTION. **Sec. 22.** Sections 1 through 6 of this act constitute
21 a new chapter in Title 79A RCW.

22 NEW SECTION. **Sec. 23.** RCW 77.32.380 (Fish and wildlife lands
23 vehicle use permit--Improved access facility--Fee--Youth groups--
24 Display--Transfer between vehicles--Penalty) and 2003 c 317 s 4, 2001
25 c 243 s 1, 2000 c 107 s 271, 1998 c 87 s 1, 1993 sp.s. c 2 s 77, 1991
26 sp.s. c 7 s 12, 1988 c 36 s 52, 1987 c 506 s 90, 1985 c 464 s 11, &
27 1981 c 310 s 15 are each repealed.

--- END ---