

# SENATE BILL REPORT

## 2SSB 6297

---

---

As Passed Senate, February 17, 2016

**Title:** An act relating to the disposition of penalties paid for failure to comply with recreational site or lands pass/permit requirements.

**Brief Description:** Concerning the disposition of penalties paid for failure to comply with recreational site or lands pass/permit requirements.

**Sponsors:** Senate Committee on Ways & Means (originally sponsored by Senators King and Takko).

**Brief History:**

**Committee Activity:** Natural Resources & Parks: 1/20/16, 2/03/16 [DPS-WM].

Ways & Means: 2/08/16, 2/09/16 [DP2S, DNP, w/oRec].

Passed Senate: 2/17/16, 49-0.

---

### SENATE COMMITTEE ON NATURAL RESOURCES & PARKS

**Majority Report:** That Substitute Senate Bill No. 6297 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways & Means.

Signed by Senators Pearson, Chair; Dinsel, Vice Chair; Jayapal, Ranking Member; Chase, Fraser, Hewitt and Warnick.

**Staff:** Curt Gavigan (786-7437)

---

### SENATE COMMITTEE ON WAYS & MEANS

**Majority Report:** That Second Substitute Senate Bill No. 6297 be substituted therefor, and the second substitute bill do pass.

Signed by Senators Hill, Chair; Dammeier, Vice Chair; Honeyford, Vice Chair, Capital Budget Chair; Hargrove, Ranking Member; Keiser, Assistant Ranking Member on the Capital Budget; Ranker, Ranking Minority Member, Operating; Bailey, Becker, Billig, Brown, Conway, Darneille, Hewitt, Nelson, O'Ban, Padden, Parlette, Rolfes, Schoesler and Warnick.

**Minority Report:** Do not pass.

Signed by Senators Hasegawa and Pedersen.

---

*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.*

**Minority Report:** That it be referred without recommendation.

Signed by Senator Braun, Vice Chair.

**Staff:** Sherry McNamara (786-7402)

**Background:** Discover Pass Generally. During the 2011 regular session, the Legislature passed 2SSB 5622 which generally requires an annual Discover Pass or day-use permit for motor vehicle access to recreation lands managed by the State Parks & Recreation Commission (State Parks), the Department of Natural Resources (DNR), and the Department of Fish & Wildlife (DFW).

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 dollars if an individual provides proof of purchase of a Discover Pass to the court within fifteen days after the issuance of the notice of violation.

In 2012, the Legislature provided all revenue from Discover Pass violations to the Recreation Access Pass Account, which funds recreational land management by State Parks, DNR, and DFW.

Infraction Revenue Generally. Generally, 32 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 Second Substitute Bill:** For counties with a population of less than 100,000 on the date the bill takes effect, infraction revenue for Discover Pass violations is split between the state and county as follows:

- 75 percent goes to the Recreation Access Pass Account to fund recreational land management by State Parks, DNR, and DFW; and
- 25 percent is retained by the county.

For other counties, all revenue from Discover Pass violations goes to the Recreation Access Pass Account as under current law.

An eligible county cannot retain its portion of Discover Pass violation revenue if it dismissed more than 12 percent of these infractions in the prior year.

**Appropriation:** None.

**Fiscal Note:** Available.

**Committee/Commission/Task Force Created:** No.

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

**Staff Summary of Public Testimony on First Substitute (Natural Resources & Parks):**

PRO: Discover Pass fines have had a huge impact on district court in Skamania County, a

county which has faced huge budget challenges. In 2015, over 2000 tickets were issued in that county, costing an estimated \$25,000 to \$30,000 in court costs. This has also had a disparate impact on other rural counties with popular state-managed recreation areas. In the first year of the Discover Pass, a portion of revenue stayed local and this is the policy to which local governments would like to return. This will help compensate counties for the costs that result from processing Discover Pass fines.

**Persons Testifying on First Substitute (Natural Resources & Parks):** PRO: Senator King, prime sponsor; Sam Meyer, District and Municipal Court Judges Association; Brian Enslow, WA ST Assoc. of Counties; Doug McKenzie, Commissioner, Skamania County.

**Persons Signed In To Testify But Not Testifying on First Substitute:** No one.

**Staff Summary of Public Testimony on First Substitute (Ways & Means):** PRO: This bill is a good little bill for the little counties. Counties with a population less than 100,000 will be able to keep 25 percent of the Discover Pass infraction revenue which will enable the county to employ staff to assist with the processing of the fines. With the ability to retain some funding it will help the counties to pursue better collection of the fines. The counties enforcement allow \$42 million to be collected in Discover Pass revenue. If the traditional split was in place for the counties they would be receiving \$340,000. With this bill they are receiving \$0.25 on the dollar and some counties may be able to hire a fulltime person for the summer to process the fines.

**Persons Testifying on First Substitute (Ways & Means):** PRO: Brian Enslow, WA Association of Counties; Melanie Stewart, District and Municipal Court Judges Assoc.

**Persons Signed In To Testify But Not Testifying on First Substitute:** No one.