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**HOUSE BILL 2803**

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**State of Washington 65th Legislature 2018 Regular Session**

**By** Representatives Taylor, Shea, and Young

AN ACT Relating to expanding recreational access to department of fish and wildlife and department of natural resources lands; amending RCW 79A.80.010, 79A.80.020, 79A.80.030, 79A.80.070, 79A.80.080, 79A.80.090, 79A.80.100, 79A.80.110, 46.16A.090, 77.32.010, and 77.12.170; and repealing RCW 79A.80.040.

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

**Sec.**  RCW 79A.80.010 and 2013 2nd sp.s. c 23 s 22 are each amended to read as follows:

The definitions in this section apply throughout this chapter 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.~~

~~(2)~~)) "Annual natural investment permit" means the annual permit issued by the parks and recreation commission for the purpose of launching boats from the designated state parks boat launch sites.

((~~(3)~~)) (2) "Camper registration" means proof of payment of a camping fee on recreational lands managed by the parks and recreation commission.

(3) "Commission" means the parks and recreation commission.

(4) "Day-use permit" means the permit created in RCW 79A.80.030.

(5) "Discover pass" means the annual pass created in RCW 79A.80.020.

(6) "Motor vehicle" has the same meaning as defined in RCW 46.04.320 and which are required to be registered under chapter 46.16A RCW. "Motor vehicle" does not include those motor vehicles exempt from registration under RCW 46.16A.080, wheeled all-terrain vehicles registered for use under RCW 46.09.442, and state and publicly owned motor vehicles as provided in RCW 46.16A.170.

(7) "Recreation site or lands" means a state park((~~, state lands and state forestlands as those terms are defined in RCW 79.02.010, natural resources conservation areas as that term is defined in RCW 79.71.030, natural area preserves as that term is defined in RCW 79.70.020, and fish and wildlife conservation sites including water access areas, boat ramps, wildlife areas, parking areas, roads, and trailheads~~)).

(8) "Sno‑park seasonal permit" means the seasonal permit issued by the parks and recreation commission for providing access to winter recreational facilities for the period of November 1st through March 31st.

((~~(9) "Vehicle access pass" means the pass created in RCW 79A.80.040.~~))

**Sec.**  RCW 79A.80.020 and 2017 c 121 s 1 are each amended to read as follows:

(1) Except as otherwise provided in this chapter, a discover pass is required for any motor vehicle to:

(a) Park at any recreation site or lands; or

(b) Operate on any recreation site or lands.

(2) Except as provided in RCW 79A.80.110, the cost of a discover pass is thirty dollars. 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) A discover pass is valid for one year 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~~)) commission.

(4) Sales of discover passes must be consistent with RCW 79A.80.100.

(5) The discover pass must contain space for two motor vehicle license plate numbers. A discover pass is valid only for those vehicle license plate numbers written on the pass. However, the ((~~agencies~~)) commission 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~~)) commission 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.

(6)(a) One complimentary discover pass must be provided to a volunteer who performed twenty-four hours of service on ((~~agency- sanctioned~~)) commission-sanctioned volunteer projects in a year. The ((~~agency~~)) commission 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~~)) the commission to be redeemed for a discover pass.

(b) Married spouses under chapter 26.04 RCW may present ((~~an agency~~)) the commission with combined vouchers demonstrating the collective performance of twenty-four hours of service on ((~~agency-sanctioned~~)) commission-sanctioned volunteer projects in a year to be redeemed for a single complimentary discover pass.

**Sec.**  RCW 79A.80.030 and 2013 2nd sp.s. c 15 s 2 are each amended to read as follows:

(1) A person may purchase a day-use permit to meet the requirements of RCW 79A.80.080. Except as provided in RCW 79A.80.110, a day-use permit is ten dollars per day and must be available for purchase from ((~~each agency~~)) the commission. A day-use permit is valid for one calendar day.

(2) The ((~~agencies~~)) commission may provide short-term parking under RCW 79A.80.070 where a day-use permit is not required.

(3) Every four years the office of financial management must review the cost of the day-use permit and, if necessary, recommend to the legislature an adjustment to the cost of the day-use permit to account for inflation.

(4) Sales of day-use permits must be consistent with RCW 79A.80.100.

**Sec.**  RCW 79A.80.070 and 2011 c 320 s 8 are each amended to read as follows:

((~~Each agency, where applicable,~~)) The commission must designate short-term parking not to exceed thirty minutes where the discover pass or day-use permit are not required at recreation sites or lands.

**Sec.**  RCW 79A.80.080 and 2013 2nd sp.s. c 15 s 3 are each amended to read as follows:

(1) A discover pass((~~, vehicle access pass,~~)) or day-use permit must be visibly displayed in the front windshield, or otherwise in a prominent location for motor vehicles without a windshield, of any motor vehicle:

(a) Operating on any recreation site or lands; or

(b) Parking at any recreation site or lands.

(2) The discover pass((~~, the vehicle access pass,~~)) or the day-use permit is not required:

(a) On private lands, state-owned aquatic lands other than water access areas, or at ((~~agency~~)) commission offices((~~, hatcheries,~~)) or other facilities where public business is conducted; or

(b) For persons who use, possess, or enter lands owned or managed by the ((~~agencies~~)) commission for nonrecreational purposes consistent with a written authorization from the ((~~agency~~)) commission, including but not limited to leases, contracts, and easements((~~;~~

~~(c) On department of fish and wildlife lands only, for persons possessing a current vehicle access pass pursuant to RCW 79A.80.040; or~~

~~(d) When operating on a road managed by the department of natural resources or the department of fish and wildlife, including a forest or land management road, that is not blocked by a gate~~)).

(3)(a) ((~~An agency~~)) The commission 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~~)) commission or for any person attending an event or function that required the provision of monetary compensation to the ((~~agency~~)) commission.

(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.

(4) Failure to comply with subsection (1) of this section is a natural resource infraction under chapter 7.84 RCW. ((~~An agency~~)) The commission 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.

(5) The penalty for failure to comply with the requirements of this section is ninety-nine dollars. This penalty must be reduced to fifty-nine 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.

**Sec.**  RCW 79A.80.090 and 2017 3rd sp.s. c 1 s 988 are each amended to read as follows:

(1) The recreation access pass account is created in the state treasury. All moneys received from the sale of discover passes and day-use permits must be deposited into the account.

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

~~(a) Eight percent to the department of fish and wildlife and deposited into the state wildlife account created in RCW 77.12.170;~~

~~(b) Eight percent to the department of natural resources and deposited into the parkland trust revolving fund created in RCW 43.30.385;~~

~~(c) Eighty-four percent to the state parks and recreation~~)) commission and deposited into the state parks renewal and stewardship account created in RCW 79A.05.215;

((~~(d)~~)) (b) During the 2015-2017 fiscal biennium, expenditures from the recreation access pass account may be used for Skamania county court costs. During the 2015-2017 and 2017-2019 fiscal biennia, expenditures from the recreation access pass account may be used for the ((~~state parks and recreation~~)) commission((~~, in partnership with the departments of fish and wildlife and natural resources,~~)) to develop options and recommendations to improve recreational access fee systems.

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

**Sec.**  RCW 79A.80.100 and 2012 c 261 s 4 are each amended to read as follows:

(1) Discover passes and day-use permits may be made available for purchase:

(a) Through vendors under contract with ((~~one or more of~~)) the ((~~agencies~~)) commission. The ((~~agencies~~)) commission may provide vendors with discover passes and day-use permits at the sales price established under RCW 79A.80.020 and 79A.80.030 to sell at retail;

(b) Directly from the ((~~state parks and recreation~~)) commission, both through ((~~that agency's~~)) the commission's parks reservation system, directly from ((~~agency~~)) commission employees or volunteers at staffed state parks, or as otherwise provided in RCW 79A.05.070;

(c) From the department of licensing as provided in RCW 46.16A.090 and 46.01.370; and

(d) From other outlets authorized by law to sell state licenses, permits, or passes((~~; and~~

~~(e) Consistent with RCW 77.32.050, through the department of fish and wildlife's automated licensing system~~)).

(2) The ((~~agencies~~)) commission 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~~)) commission.

**Sec.**  RCW 79A.80.110 and 2013 2nd sp.s. c 15 s 4 are each amended to read as follows:

(1) ((~~By mutual agreement, the agencies~~)) The commission may sell discounted discover passes at a rate below that established under RCW 79A.80.020 or discounted day-use permits at a rate below that established under RCW 79A.80.030 for purposes of bulk sales to retailers, ((~~agency~~)) license and permit product bundling, and partnership opportunities to expand accessibility and visibility of the discover pass and recreational opportunities on ((~~agency-managed~~)) commission-managed lands.

(2) In exercising this authority, the ((~~agencies~~)) commission must prioritize opportunities for discounted sales that result in a net revenue gain.

**Sec.**  RCW 46.16A.090 and 2012 c 261 s 9 are each amended to read as follows:

(1) The department, county auditor or other agent, or subagent appointed by the director 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 must:

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

(ii) Inform a vehicle owner of the option for organ and tissue 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 must collect from a vehicle owner who pays a vehicle license fee under RCW 46.17.350(1) (a), (d) through (l), (n), (o), or (q) or who registers a vehicle under RCW 46.16A.455 with a declared gross weight of twelve thousand pounds or less a voluntary donation of five dollars. The donation may not be collected from any vehicle owner actively opting not to participate in the donation program. The department must ensure that the opt-out donation under this section is clear, visible, and prominently displayed in both paper and online vehicle registration renewals. Notification of intent to not participate in the donation program must be provided annually at the time of vehicle registration renewal. The donation must be deposited in the state parks renewal and stewardship account established in RCW 79A.05.215 to be used for the operation and maintenance of state parks.

(4) A vehicle owner who registers a vehicle under this chapter may purchase a discover pass for the price amount established in RCW 79A.80.020. Purchase of a discover pass is voluntary by the vehicle owner. The discover pass fee must be deposited in the recreation access pass account created in RCW 79A.80.090. The department, 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~~)) commission, as defined in RCW 79A.80.010, must deliver the purchased discover pass to a motor vehicle owner.

**Sec.**  RCW 77.32.010 and 2014 c 48 s 26 are each amended to read as follows:

(1) Except as otherwise provided in this chapter or department rule, a recreational license issued by the director is required to hunt, fish, or take wildlife or seaweed. A recreational fishing or shellfish license is not required for carp, smelt, and crawfish, and a hunting license is not required for bullfrogs.

(2) ((~~A pass or permit issued under RCW 79A.80.020, 79A.80.030, or 79A.80.040 is required to park or operate a motor vehicle on a recreation site or lands, as defined in RCW 79A.80.010.~~

~~(3)~~)) The commission may, by rule, indicate that a fishing permit issued to a nontribal member by the Colville Tribes shall satisfy the license requirements in subsection (1) of this section on the waters of Lake Rufus Woods and on the north shore of Lake Rufus Woods, and that a Colville Tribes tribal member identification card shall satisfy the license requirements in subsection (1) of this section on all waters of Lake Rufus Woods.

**Sec.**  RCW 77.12.170 and 2017 3rd sp.s. c 8 s 3 are each amended to read as follows:

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

(a) Rentals or concessions of the department;

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

(c) The assessment of administrative penalties;

(d) The sale of licenses, permits, tags, and stamps required by chapters 77.32, 77.65, and 77.70 RCW and application fees;

(e) Fees for informational materials published by the department;

(f) Fees for personalized vehicle, Wild on Washington, and Endangered Wildlife license plates, Washington's Wildlife license plate collection, and Washington's fish license plate collection as provided in chapter 46.17 RCW;

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

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

(i) Excise tax on anadromous game fish collected under chapter 82.27 RCW;

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

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

(l) ((~~Moneys received from the recreation access pass account created in RCW 79A.80.090 must be dedicated to stewardship, operations, and maintenance of department lands used for public recreation purposes; and~~

~~(m)~~)) Donations received by the director under RCW 77.12.039.

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

NEW SECTION. **Sec.**  RCW 79A.80.040 (Vehicle access pass) and 2012 c 261 s 5 & 2011 c 320 s 5 are each repealed.

**--- END ---**