
SENATE BILL 5608

State of Washington

67th Legislature

2022 Regular Session

By Senators L. Wilson, Braun, Brown, Dozier, Fortunato, Hasegawa, Keiser, Rivers, Short, Wagoner, and J. Wilson

Prefiled 12/29/21. Read first time 01/10/22. Referred to Committee on Agriculture, Water, Natural Resources & Parks.

1 AN ACT Relating to free public access to state parks and lands;
2 amending RCW 4.24.210, 43.30.385, 46.01.140, 46.16A.090, 77.12.170,
3 77.15.750, 77.32.010, 79A.05.070, 79A.05.215, 79A.80.010, and
4 79A.80.090; creating a new section; repealing RCW 46.01.370,
5 79A.80.020, 79A.80.030, 79A.80.050, 79A.80.060, 79A.80.070,
6 79A.80.080, 79A.80.100, and 79A.80.110; and providing an effective
7 date.

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

9 NEW SECTION. **Sec. 1.** (1) The legislature finds that as the
10 public enjoys open space and the natural beauty and recreational
11 opportunities of this state, state lands and parks are a public good
12 that should be available to all people, regardless of financial
13 means.

14 (2) The legislature also finds that while the economic
15 circumstances resulting from the great recession brought about user-
16 based, pay-to-play policies, such as the discover pass, for access to
17 state-owned lands, this policy has resulted in decreased attendance
18 and usage of our state parks and lands. A decline by an average of
19 seven million visits per year as compared to the visitation rates of
20 the two years prior to the enactment of the discover pass.

1 (3) For most of Washington's history, public access to state
2 parks and lands were free to all. It was a policy that served our
3 state well. It is the intent of the legislature to return to that
4 policy and repeal the requirement of having a discover pass to visit
5 any state-owned land. The lost revenues that would have otherwise
6 come from discover pass sales are intended to be replaced with state
7 general fund appropriation.

8 **Sec. 2.** RCW 4.24.210 and 2017 c 245 s 1 are each amended to read
9 as follows:

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

30 (2) Except as otherwise provided in subsection (3) or (4) of this
31 section, any public or private landowner or others in lawful
32 possession and control of any lands whether rural or urban, or water
33 areas or channels and lands adjacent to such areas or channels, who
34 offer or allow such land to be used for purposes of a fish or
35 wildlife cooperative project, or allow access to such land for
36 cleanup of litter or other solid waste, shall not be liable for
37 unintentional injuries to any volunteer group or to any other users.

38 (3) Any public or private landowner, or others in lawful
39 possession and control of the land, may charge an administrative fee

1 of up to twenty-five dollars for the cutting, gathering, and removing
2 of firewood from the land.

3 (4) (a) Nothing in this section shall prevent the liability of a
4 landowner or others in lawful possession and control for injuries
5 sustained to users by reason of a known dangerous artificial latent
6 condition for which warning signs have not been conspicuously posted.

7 (i) A fixed anchor used in rock climbing and put in place by
8 someone other than a landowner is not a known dangerous artificial
9 latent condition and a landowner under subsection (1) of this section
10 shall not be liable for unintentional injuries resulting from the
11 condition or use of such an anchor.

12 (ii) Releasing water or flows and making waterways or channels
13 available for kayaking, canoeing, or rafting purposes pursuant to and
14 in substantial compliance with a hydroelectric license issued by the
15 federal energy regulatory commission, and making adjacent lands
16 available for purposes of allowing viewing of such activities, does
17 not create a known dangerous artificial latent condition and
18 hydroelectric project owners under subsection (1) of this section
19 shall not be liable for unintentional injuries to the recreational
20 users and observers resulting from such releases and activities.

21 (b) Nothing in RCW 4.24.200 and this section limits or expands in
22 any way the doctrine of attractive nuisance.

23 (c) Usage by members of the public, volunteer groups, or other
24 users is permissive and does not support any claim of adverse
25 possession.

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

27 (a) A license or permit issued for statewide use under authority
28 of chapter 79A.05 RCW or Title 77 RCW;

29 (b) A pass or permit issued under RCW (~~79A.80.020, 79A.80.030,~~
30 ~~or~~) 79A.80.040;

31 (c) A daily charge not to exceed twenty dollars per person, per
32 day, for access to a publicly owned ORV sports park, as defined in
33 RCW 46.09.310, or other public facility accessed by a highway,
34 street, or nonhighway road for the purposes of off-road vehicle use;
35 and

36 (d) Payments to landowners for public access from state, local,
37 or nonprofit organizations established under department of fish and
38 wildlife cooperative public access agreements if the landowner does
39 not charge a fee to access the land subject to the cooperative
40 agreement.

1 **Sec. 3.** RCW 43.30.385 and 2014 c 32 s 2 are each amended to read
2 as follows:

3 (1) The parkland trust revolving fund is to be utilized by the
4 department for the purpose of acquiring real property, including all
5 reasonable costs associated with these acquisitions, as a replacement
6 for the property transferred to the state parks and recreation
7 commission, as directed by the legislature in order to maintain the
8 land base of the affected trusts or under RCW 79.22.060 and to
9 receive voluntary contributions for the purpose of operating and
10 maintaining public use and recreation facilities, including trails,
11 managed by the department.

12 (2)(a) Proceeds from transfers of real property to the state
13 parks and recreation commission or other proceeds identified from
14 transfers of real property as directed by the legislature shall be
15 deposited in the parkland trust revolving fund.

16 (b) Except as otherwise provided in this subsection, the proceeds
17 from real property transferred or disposed under RCW 79.22.060 must
18 be used solely to purchase replacement forestland, that must be
19 actively managed as a working forest, within the same county as the
20 property transferred or disposed. If the real property was
21 transferred under RCW 79.22.060 (1)(c) and (2)(c) from within a
22 county participating in the state forestland pool created under RCW
23 79.22.140, replacement forestland may be located within any county
24 participating in the land pool.

25 (c) Disbursement from the parkland trust revolving fund to
26 acquire replacement property and for operating and maintaining public
27 use and recreation facilities shall be on the authorization of the
28 department.

29 (d) The proceeds from the recreation access (~~(pass)~~) account
30 created in RCW 79A.80.090 must be solely used for the purpose of
31 operating and maintaining public use and recreation facilities,
32 including trails, managed by the department.

33 (3) In order to maintain an effective expenditure and revenue
34 control, the parkland trust revolving fund is subject in all respects
35 to chapter 43.88 RCW, but no appropriation is required to permit
36 expenditures and payment of obligations from the fund.

37 (4) The department is authorized to solicit and receive voluntary
38 contributions for the purpose of operating and maintaining public use
39 and recreation facilities, including trails, managed by the
40 department. The department may seek voluntary contributions from

1 individuals and organizations for this purpose. Voluntary
2 contributions will be deposited into the parkland trust revolving
3 fund and used solely for the purpose of public use and recreation
4 facilities operations and maintenance. Voluntary contributions are
5 not considered a fee for use of these facilities.

6 **Sec. 4.** RCW 46.01.140 and 2013 c 169 s 1 are each amended to
7 read as follows:

8 (1) **County auditor/agent duties.** A county auditor or other agent
9 appointed by the director must:

- 10 (a) Enter into a standard contract provided by the director;
- 11 (b) Provide all services authorized by the director for vehicle
12 certificates of title and vehicle registration applications and
13 issuance under the direction and supervision of the director
14 including, but not limited to:
 - 15 (i) Processing reports of sale;
 - 16 (ii) Processing transitional ownership transactions;
 - 17 (iii) Processing mail-in vehicle registration renewals until
18 directed otherwise by legislative authority;
 - 19 (iv) Issuing registrations and temporary ORV use permits for
20 off-road vehicles as required under chapter 46.09 RCW;
 - 21 (v) Issuing registrations for snowmobiles as required under
22 chapter 46.10 RCW; and
 - 23 (vi) Collecting fees and taxes as required(~~(~~
 - 24 ~~(c) If authorized by the director, offer for sale discover passes~~
 - 25 ~~as provided in chapter 79A.80 RCW)~~).

26 (2) **County auditor/agent assistants and subagents.** A county
27 auditor or other agent appointed by the director may, with approval
28 of the director:

- 29 (a) Appoint assistants as special deputies to accept applications
30 for vehicle certificates of title and to issue vehicle registrations;
31 and
- 32 (b) Recommend and request that the director appoint subagencies
33 within the county to accept applications for vehicle certificates of
34 title and vehicle registration application issuance.

35 (3) **Appointing subagents.** A county auditor or other agent
36 appointed by the director who requests a subagency must, with
37 approval of the director:

1 (a) Use an open competitive process including, but not limited
2 to, a written business proposal and oral interview to determine the
3 qualifications of all interested applicants; and

4 (b) Submit all proposals to the director with a recommendation
5 for appointment of one or more subagents who have applied through the
6 open competitive process. If a qualified successor who is an existing
7 subagent's sibling, spouse, or child, or a subagency employee has
8 applied, the county auditor must provide the name of the qualified
9 successor and the name of one other applicant who is qualified and
10 was chosen through the open competitive process.

11 (4) **Subagent duties.** A subagent appointed by the director must:

12 (a) Enter into a standard contract with the county auditor or
13 agent provided by the director; and

14 (b) Provide all services authorized by the director for vehicle
15 certificates of title and vehicle registration applications and
16 issuance under the direction and supervision of the county auditor or
17 agent and the director including, but not limited to:

18 (i) Processing reports of sale;

19 (ii) Processing transitional ownership transactions;

20 (iii) Mailing out vehicle registrations and replacement plates to
21 internet payment option customers until directed otherwise by
22 legislative authority;

23 (iv) Issuing registrations and temporary ORV use permits for
24 off-road vehicles as required under chapter 46.09 RCW;

25 (v) Issuing registrations for snowmobiles as required under
26 chapter 46.10 RCW; and

27 (vi) Collecting fees and taxes as required(~~(~~and~~~~

28 ~~(c) If authorized by the director, offer for sale discover passes~~
29 ~~as provided in chapter 79A.80 RCW)).~~

30 (5) **Subagent successorship.** A subagent appointed by the director
31 who no longer wants his or her appointment may recommend a successor
32 who is the subagent's sibling, spouse, or child, or a subagency
33 employee. The recommended successor must participate in the open
34 competitive process used to select an applicant. In making successor
35 recommendations and appointment determinations, the following
36 provisions apply:

37 (a) If a subagency is held by a partnership or corporate entity,
38 the nomination must be submitted on behalf of, and agreed to by, all
39 partners or corporate officers;

1 (b) A subagent may not receive any direct or indirect
2 compensation or remuneration from any party or entity in recognition
3 of a successor nomination. A subagent may not receive any financial
4 benefit from the transfer or termination of an appointment;

5 (c) The appointment of a successor is intended to assist in the
6 efficient transfer of appointments to minimize public inconvenience.
7 The appointment of a successor does not create a proprietary or
8 property interest in the appointment;

9 (d) A subagent appointee who is planning to retire within twelve
10 months may recommend a successor without resigning his or her
11 appointment by submitting a letter of intent to retire with a
12 successor recommendation to the county auditor or other agent
13 appointed by the director. The county auditor or other agent
14 appointed by the director shall, within sixty days, respond in
15 writing to the subagent appointee indicating if the recommended
16 successor would be considered in the open competitive process. If
17 there are negative factors or deficiencies pertaining to the
18 subagency operation or the recommended successor, the county auditor
19 or other agent appointed by the director must state these factors in
20 writing to the subagent appointee. The subagent appointee may
21 withdraw the letter of intent to retire any time prior to the start
22 of the open competitive process by writing to the county auditor or
23 other agent appointed by the director and filing a copy with the
24 director;

25 (e) A subagent appointee may name a recommended successor at any
26 time during his or her appointment by notifying the county auditor or
27 other agent appointed by the director in writing and filing a copy
28 with the director. The purpose of this recommendation is for the
29 county auditor or other agent appointed by the director to know the
30 wishes of the subagent appointee in the event of the death or
31 incapacitation of a sole subagent appointee or last remaining
32 subagent appointee that could lead to the inability of the subagent
33 to continue to fulfill the obligations of the appointment; and

34 (f) If the county auditor or other agent appointed by the
35 director does not select the recommended successor for appointment as
36 a result of the open competitive process, the county auditor or other
37 agent appointed by the director must contact the subagent appointee
38 by letter and explain the decision. The subagent appointee must be
39 provided an opportunity to respond in writing. Any response by the

1 subagent appointee must be included in the open competitive process
2 materials submitted to the department.

3 (6) **Standard contracts.** The standard contracts provided by the
4 director in this section may include provisions that the director
5 deems necessary to ensure that readily accessible and acceptable
6 service is provided to the citizens of the state, including the full
7 collection of fees and taxes. The standard contracts must include
8 provisions that:

9 (a) Describe responsibilities and liabilities of each party
10 related to service expectations and levels;

11 (b) Describe the equipment to be supplied by the department and
12 equipment maintenance;

13 (c) Require specific types of insurance or bonds, or both, to
14 protect the state against any loss of collected revenue or loss of
15 equipment;

16 (d) Specify the amount of training that will be provided by each
17 of the parties;

18 (e) Describe allowable costs that may be charged for vehicle
19 registration activities as described in subsection (7) of this
20 section; and

21 (f) Describe causes and procedures for termination of the
22 contract, which may include mediation and binding arbitration.

23 (7) **County auditor/agent cost reimbursement.** A county auditor or
24 other agent appointed by the director who does not cover expenses for
25 services provided by the standard contract may submit to the
26 department a request for cost-coverage moneys. The request must be
27 submitted on a form developed by the department. The department must
28 develop procedures to standardize and identify allowable costs and to
29 verify whether a request is reasonable. Payment must be made on those
30 requests found to be allowable from the licensing services account.

31 (8) **County auditor/agent revenue disbursement.** County revenues
32 that exceed the cost of providing services described in the standard
33 contract, calculated in accordance with the procedures in subsection
34 (7) of this section, must be expended as determined by the county
35 legislative authority during the process established by law for
36 adoption of county budgets.

37 (9) **Appointment authority.** The director has final appointment
38 authority for county auditors or other agents or subagents.

39 (10) **Rules.** The director may adopt rules to implement this
40 section.

1 **Sec. 5.** RCW 46.16A.090 and 2012 c 261 s 9 are each amended to
2 read as follows:

3 (1) The department, county auditor or other agent, or subagent
4 appointed by the director must provide an opportunity for a vehicle
5 owner to make a voluntary donation as provided in this section when
6 applying for an initial or renewal vehicle registration.

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

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

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

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

19 (iii) Make information booklets or other informational material
20 available regarding the importance of organ and tissue donations to
21 vehicle owners.

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

30 (3) The department must collect from a vehicle owner who pays a
31 vehicle license fee under RCW 46.17.350(1) (a), (d) through (l), (n),
32 (o), or (q) or who registers a vehicle under RCW 46.16A.455 with a
33 declared gross weight of twelve thousand pounds or less a voluntary
34 donation of five dollars. The donation may not be collected from any
35 vehicle owner actively opting not to participate in the donation
36 program. The department must ensure that the opt-out donation under
37 this section is clear, visible, and prominently displayed in both
38 paper and online vehicle registration renewals. Notification of
39 intent to not participate in the donation program must be provided
40 annually at the time of vehicle registration renewal. The donation

1 must be deposited in the state parks renewal and stewardship account
2 established in RCW 79A.05.215 to be used for the operation and
3 maintenance of state parks.

4 ~~((4) A vehicle owner who registers a vehicle under this chapter
5 may purchase a discover pass for the price amount established in RCW
6 79A.80.020. Purchase of a discover pass is voluntary by the vehicle
7 owner. The discover pass fee must be deposited in the recreation
8 access pass account created in RCW 79A.80.090. The department, county
9 auditor, or other agent or subagent appointed by the director is not
10 responsible for delivering a purchased discover pass to a motor
11 vehicle owner. The agencies, as defined in RCW 79A.80.010, must
12 deliver the purchased discover pass to a motor vehicle owner.))~~

13 **Sec. 6.** RCW 77.12.170 and 2020 c 148 s 5 are each amended to
14 read as follows:

15 (1) There is established in the state treasury the limited fish
16 and wildlife account which consists of moneys received from:

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

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

23 (c) The sale of watchable wildlife decals under RCW 77.32.560;

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

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

29 (f) Those portions of the sale of licenses, permits, tags,
30 stamps, endorsements, and application fees that are specified for a
31 limited purpose within chapters 77.32, 77.65, and 77.70 RCW; and

32 (g) Income directed to the limited fish and wildlife account by
33 any other statute not listed in this subsection.

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

37 (3) There is established in the state treasury the fish,
38 wildlife, and conservation account that consists of moneys received
39 from:

- 1 (a) Rentals or concessions of the department;
- 2 (b) The sale of real or personal property held for department
3 purposes, unless the property is seized or recovered through a fish,
4 shellfish, or wildlife enforcement action;
- 5 (c) The assessment of administrative penalties;
- 6 (d) Those portions of the sale of licenses, permits, tags,
7 stamps, endorsements, and application fees that are not specified for
8 a limited purpose within chapters 77.32, 77.65, and 77.70 RCW;
- 9 (e) Articles or wildlife sold by the director under RCW
10 77.12.140;
- 11 (f) Excise tax on anadromous game fish collected under chapter
12 82.27 RCW;
- 13 (g) Donations received by the director under RCW 77.12.039;
- 14 (h) Income directed to the fish, wildlife, and conservation
15 account by any other statute not listed in this subsection.
- 16 (4) State and county officers receiving any moneys listed in
17 subsection (3) of this section shall deposit them in the state
18 treasury to be credited to the fish, wildlife, and conservation
19 account.
- 20 (5) Compensation for damage to department property or wildlife
21 losses or contributions, gifts, or grants received under RCW
22 77.12.320 must be deposited into the special wildlife account created
23 in RCW 77.12.323. However, this excludes fish and shellfish overages
24 and court-ordered restitution or donations associated with any fish,
25 shellfish, or wildlife enforcement action, as such moneys must be
26 deposited in the enforcement reward account pursuant to RCW
27 77.15.425.

28 **Sec. 7.** RCW 77.15.750 and 2011 c 320 s 20 are each amended to
29 read as follows:

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

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

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

36 (2)(a) Permits covered under subsection (1) of this section
37 include, but are not limited to, master hunter permits, crab pot
38 removal permits and shellfish pot removal permits under RCW
39 77.70.500, depredation permits, landowner hunting permits, commercial

1 carp license permits, permits to possess or dispense beer or malt
2 liquor pursuant to RCW 66.28.210, and permits to hold, sponsor, or
3 attend an event requiring a banquet permit from the state liquor
4 (~~control~~) and cannabis board.

5 (b) Permits excluded from subsection (1) of this section include
6 (~~the discover pass created in RCW 79A.80.020,~~) the vehicle access
7 pass created in RCW 79A.80.040, (~~the day-use permit created in RCW~~
8 ~~79A.80.030,~~) commercial use or activity permits, noncommercial use
9 or activity permits, parking permits, experimental fishery permits,
10 trial commercial fishery permits, and scientific collection permits.

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

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

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

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

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

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

22 (a) "Experimental fishery permit" means a permit issued by the
23 director for either:

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

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

31 (b) "Trial commercial fishery permit" means a permit issued by
32 the department for trial harvest of a newly classified species or
33 harvest of a previously classified species in a new area or by a new
34 means.

35 **Sec. 8.** RCW 77.32.010 and 2019 c 290 s 3 are each amended to
36 read as follows:

37 (1) Except as otherwise provided in this chapter or department
38 rule, a recreational license issued by the director is required to
39 hunt, fish, or take wildlife or seaweed. A recreational fishing or

1 shellfish license is not required for carp, freshwater smelt, and
2 crawfish, and a hunting license is not required for bullfrogs.

3 (2) A pass or permit issued (~~(under RCW 79A.80.020, 79A.80.030,~~
4 ~~or 79A.80.040 is required to park or operate a motor vehicle on a~~
5 ~~recreation site or lands, as defined in RCW 79A.80.010)) by the
6 department is required to park a motor vehicle upon improved
7 department access facilities.~~

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

15 **Sec. 9.** RCW 79A.05.070 and 2012 c 261 s 8 are each amended to
16 read as follows:

17 The commission may:

18 (1) Make rules and regulations for the proper administration of
19 its duties;

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

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

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

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

11 (6) Charge fees for services, utilities, and use of facilities as
12 the commission shall deem proper. The commission may utilize
13 unstaffed collection stations to collect any fees or distribute any
14 permits necessary (~~for access to state parks, including discover~~
15 ~~passes and day-use permits as those terms are defined in RCW~~
16 ~~79A.80.010~~). The commission may not charge a fee for general park
17 access or parking;

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

22 (8) Determine the qualifications of and employ a director of
23 parks and recreation who must receive a salary as fixed by the
24 governor in accordance with the provisions of RCW 43.03.040 and
25 determine the qualifications and salary of and employ such other
26 persons as may be needed to carry out the provisions hereof; and

27 (9) Utilize such other powers as in the judgment of a majority of
28 its members are deemed necessary to effectuate the purposes of this
29 chapter. However, the commission does not have power to supervise
30 directly any local park or recreation district, and no funds shall be
31 made available for such purpose.

32 **Sec. 10.** RCW 79A.05.215 and 2011 c 320 s 22 are each amended to
33 read as follows:

34 The state parks renewal and stewardship account is created in the
35 state treasury. Except as otherwise provided in this chapter, all
36 receipts from user fees, concessions, leases, donations collected
37 under RCW 46.16A.090(3), and other state park-based activities shall
38 be deposited into the account. The proceeds from the recreation
39 access (~~pass~~) account created in RCW 79A.80.090 must be used for

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

7 **Sec. 11.** RCW 79A.80.010 and 2019 c 175 s 3 are each amended to
8 read as follows:

9 The definitions in this section apply throughout this chapter
10 unless the context clearly requires otherwise.

11 (1) "Agency" or "agencies" means the department of fish and
12 wildlife, the department of natural resources, and the parks and
13 recreation commission.

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

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

19 (4) (~~"Day-use permit" means the permit created in RCW~~
20 ~~79A.80.030.~~

21 ~~(5) "Discover pass" means the annual pass created in RCW~~
22 ~~79A.80.020.~~

23 ~~(6))~~ "Motor vehicle" has the same meaning as defined in RCW
24 46.04.320 and which are required to be registered under chapter
25 46.16A RCW. "Motor vehicle" does not include those motor vehicles
26 exempt from registration under RCW 46.16A.080, wheeled all-terrain
27 vehicles registered for use under RCW 46.09.442, and state and
28 publicly owned motor vehicles as provided in RCW 46.16A.170.

29 (~~(7) "Recreation site or lands" means a state park, state lands~~
30 ~~and state forestlands as those terms are defined in RCW 79.02.010,~~
31 ~~natural resources conservation areas as that term is defined in RCW~~
32 ~~79.71.030, natural area preserves as that term is defined in RCW~~
33 ~~79.70.020, and fish and wildlife conservation sites including water~~
34 ~~access areas, boat ramps, wildlife areas, parking areas, roads, and~~
35 ~~trailheads.~~

36 ~~(8))~~ (5) "Sno-park permit" means the permit issued by the parks
37 and recreation commission for providing access to winter recreational
38 facilities for the period of November 1st through March 31st.

1 (~~(9)~~) (6) "Vehicle access pass" means the pass created in RCW
2 79A.80.040.

3 **Sec. 12.** RCW 79A.80.090 and 2020 c 148 s 27 are each amended to
4 read as follows:

5 (1) The recreation access (~~(pass)~~) account is created in the
6 state treasury. (~~All moneys received from the sale of discover~~
7 ~~passes and day-use permits must be deposited into the account.~~)
8 Beginning in fiscal year 2023, the state treasurer must transfer into
9 the recreation access account from the general fund the sum of
10 \$30,553,000 on July 1, 2022. For each fiscal year thereafter, the
11 state treasurer must increase the total transfer by the fiscal growth
12 factor, as defined in RCW 43.135.025, forecast for that fiscal year
13 by the office of financial management in November of the preceding
14 year.

15 (2) Each fiscal (~~(biennium)~~) year, the first (~~(seventy-one~~
16 ~~million dollars in revenue)~~) \$35,500,000 transferred must be
17 distributed to the agencies in the following manner:

18 (a) Eight percent to the department of fish and wildlife and
19 deposited into the limited fish and wildlife account created in RCW
20 77.12.170(1);

21 (b) Eight percent to the department of natural resources and
22 deposited into the parkland trust revolving fund created in RCW
23 43.30.385;

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

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

35 (3) Each fiscal (~~(biennium, revenues)~~) year, transfers in excess
36 of (~~(seventy-one million dollars)~~) \$35,500,000 must be distributed
37 equally among the agencies to the accounts identified in subsection
38 (2) of this section.

1 NEW SECTION. **Sec. 13.** The following acts or parts of acts are
2 each repealed:

3 (1) RCW 46.01.370 (Authority to sell and distribute discover
4 passes and day-use permits) and 2012 c 261 s 11;

5 (2) RCW 79A.80.020 (Discover pass) and 2017 c 121 s 1, 2013 2nd
6 sp.s. c 15 s 1, 2012 c 261 s 2, & 2011 c 320 s 3;

7 (3) RCW 79A.80.030 (Day-use permit) and 2013 2nd sp.s. c 15 s 2,
8 2012 c 261 s 3, & 2011 c 320 s 4;

9 (4) RCW 79A.80.050 (Valid camper registration/annual natural
10 investment permit—Commission may provide free entry to state parks)
11 and 2012 c 261 s 6 & 2011 c 320 s 6;

12 (5) RCW 79A.80.060 (Sno-park seasonal permit) and 2019 c 175 s 2
13 & 2011 c 320 s 7;

14 (6) RCW 79A.80.070 (Short-term parking) and 2011 c 320 s 8;

15 (7) RCW 79A.80.080 (Pass/permit requirements—Penalty) and 2013
16 2nd sp.s. c 15 s 3, 2012 c 261 s 7, & 2011 c 320 s 9;

17 (8) RCW 79A.80.100 (Purchase, return, replacement of discover
18 passes and day-use permits) and 2012 c 261 s 4; and

19 (9) RCW 79A.80.110 (Discounted passes—Bulk sales) and 2013 2nd
20 sp.s. c 15 s 4.

21 NEW SECTION. **Sec. 14.** This act takes effect July 1, 2022.

--- END ---