
SUBSTITUTE SENATE BILL 5622

State of Washington

62nd Legislature

2011 Regular Session

By Senate Natural Resources & Marine Waters (originally sponsored by Senators Ranker, Swecker, Fraser, Hargrove, White, Regala, Shin, Chase, Kline, and Conway; by request of Parks and Recreation Commission, Department of Natural Resources, and Department of Fish and Wildlife)

READ FIRST TIME 02/18/11.

1 AN ACT Relating to recreation access on state lands; 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; providing effective dates; and declaring an emergency.

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 a vehicle access permit and access policies for
6 state lands; recovering the cost incurred by the state for operations
7 and management of recreation opportunities; providing resources to
8 address the growing demand and impacts of outdoor recreationists and
9 conservation of our natural resources; and providing effective
10 education and enforcement of state land access policies.

11 NEW SECTION. **Sec. 2.** The definitions in this section apply
12 throughout this chapter unless the context clearly requires otherwise.

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

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

18 (3) "Discover pass" means the annual pass created in section 3 of
19 this act.

20 (4) "Recreation site or lands" means a state park or any area
21 managed by an agency for outdoor recreation or fish and wildlife
22 conservation including water access areas, boat ramps, wildlife areas,
23 parking areas, roads, trailheads, and trails under ownership,
24 management, lease, or control of the agency, or "public lands" as
25 defined in RCW 79.02.010.

26 (5) "Vehicle" has the same meaning as defined in RCW 46.04.670
27 excluding those vehicles not required to be registered under RCW
28 46.16A.080.

29 NEW SECTION. **Sec. 3.** (1) The discover pass is created as a
30 renewable annual pass that is required to access, park a vehicle on, or
31 drive a vehicle on any recreation site or lands.

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

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

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

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

6 (6) The state parks and recreation commission may make the discover
7 pass available for purchase through its reservation system and other
8 outlets authorized by law to sell licenses, permits, or passes.

9 (7) The discover pass must contain space for the vehicle license
10 plate number.

11 (8) A complimentary discover pass must be provided to a volunteer
12 who performed twenty-four hours of service on agency-sanctioned
13 volunteer projects in a year. The agency must provide vouchers to
14 volunteers identifying the number of volunteer hours they have provided
15 for each project. The vouchers may be brought to an agency to be
16 redeemed for a discover pass.

17 NEW SECTION. **Sec. 4.** A person may purchase a day-use permit to
18 meet the requirements of section 7 of this act. The day-use permit is
19 ten dollars per day and must be available for purchase from each
20 agency. The day-use permit is valid for one calendar day. The cost of
21 the day-use permit must be adjusted once every two years for inflation
22 by the office of financial management.

23 NEW SECTION. **Sec. 5.** (1) The vehicle access pass is created
24 solely for access to the department of fish and wildlife recreation
25 sites or lands. The vehicle access pass is only available to a person
26 who purchases a current valid: Big game hunting license issued under
27 RCW 77.32.450; small game hunting license issued under RCW 77.32.460;
28 western Washington pheasant permit issued under RCW 77.32.575; trapping
29 license issued under RCW 77.65.450; watchable wildlife decal issued
30 under RCW 77.32.560; or combination, saltwater, or freshwater personal
31 use fishing license issued under RCW 77.32.470.

32 (2) The cost of the vehicle access pass is seven dollars per
33 vehicle. The cost of the vehicle access pass must be adjusted once
34 every two years for inflation by the office of financial management.

35 (3) Only one vehicle access pass may be issued per purchase of

1 hunting or fishing license pursuant to subsection (1) of this section.
2 An additional vehicle access pass may be purchased for five dollars.

3 (4) The vehicle access pass is valid for the license year of the
4 license it is purchased with.

5 NEW SECTION. **Sec. 6.** (1) The discover pass or the day-use permit
6 are not required for persons who have a valid camper registration
7 issued by the state parks and recreation commission.

8 (2) The state parks and recreation commission may provide up to
9 twelve days a year where entry to the state parks is free. At least
10 three of those days must be on weekends.

11 NEW SECTION. **Sec. 7.** (1) The discover pass, the vehicle access
12 pass, or the day-use permit must be visibly displayed in the front
13 windshield of any vehicle:

14 (a) Driving in a recreation site or lands; or

15 (b) Parked at a recreation site or lands.

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

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

25 (b) The discover pass or the day-use permit is not required on
26 department of fish and wildlife lands for persons possessing a current
27 vehicle access pass pursuant to section 5 of this act.

28 (4)(a) Failure to comply with subsection (1)(a) of this section is
29 a natural resource infraction under chapter 7.84 RCW. An agency is
30 authorized to issue a notice of infraction to any person who fails to
31 comply with subsection (1)(a) of this section.

32 (b) Failure to comply with subsection (1)(b) of this section is a
33 parking infraction and citations issued under this subsection are
34 governed by chapter 7.84 RCW. An agency is authorized to issue a
35 notice of infraction to any motor vehicle that fails to comply with
36 subsection (1)(b) of this section.

1 (5) The penalty for failure to comply with the requirements of this
2 section is ninety-nine dollars. This penalty is reduced to fifty-nine
3 dollars if an individual provides proof of purchase of the discover
4 pass to the court within fifteen days after the issuance of the notice
5 of violation.

6 NEW SECTION. **Sec. 8.** (1) The recreation access pass account is
7 created in the state treasury. All moneys received from the sale of
8 discover passes, vehicle access passes, and day-use permits must be
9 deposited into the account.

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

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

14 (b) Eight percent to the department of natural resources and
15 deposited into the park land trust revolving fund created in RCW
16 43.30.385; and

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

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

23 **Sec. 9.** RCW 4.24.210 and 2006 c 212 s 6 are each amended to read
24 as follows:

25 (1) Except as otherwise provided in subsection (3) or (4) of this
26 section, any public or private landowners or others in lawful
27 possession and control of any lands whether designated resource, rural,
28 or urban, or water areas or channels and lands adjacent to such areas
29 or channels, who allow members of the public to use them for the
30 purposes of outdoor recreation, which term includes, but is not limited
31 to, the cutting, gathering, and removing of firewood by private persons
32 for their personal use without purchasing the firewood from the
33 landowner, hunting, fishing, camping, picnicking, swimming, hiking,
34 bicycling, skateboarding or other nonmotorized wheel-based activities,
35 hanggliding, paragliding, rock climbing, the riding of horses or other
36 animals, clam digging, pleasure driving of off-road vehicles,

1 snowmobiles, and other vehicles, boating, nature study, winter or water
2 sports, viewing or enjoying historical, archaeological, scenic, or
3 scientific sites, without charging a fee of any kind therefor, shall
4 not be liable for unintentional injuries to such users.

5 (2) Except as otherwise provided in subsection (3) or (4) of this
6 section, any public or private landowner or others in lawful possession
7 and control of any lands whether rural or urban, or water areas or
8 channels and lands adjacent to such areas or channels, who offer or
9 allow such land to be used for purposes of a fish or wildlife
10 cooperative project, or allow access to such land for cleanup of litter
11 or other solid waste, shall not be liable for unintentional injuries to
12 any volunteer group or to any other users.

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

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

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

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

32 (b) A pass or permit issued under section 3, 4, or 5 of this act;
33 and

34 (c) A daily charge not to exceed twenty dollars per person, per
35 day, for access to a publicly owned ORV sports park, as defined in RCW
36 (~~46.09.020~~) 46.09.310, or other public facility accessed by a
37 highway, street, or nonhighway road for the purposes of off-road
38 vehicle use.

1 **Sec. 10.** RCW 46.16A.090 and 2010 c 161 s 420 are each amended to
2 read as follows:

3 (1) The department, county auditor or other agent, or subagent
4 appointed by the director shall 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. The
11 donation of one or more dollars is voluntary and may be refused by the
12 vehicle owner.

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

15 (i) Ask a vehicle owner applying for a vehicle registration if the
16 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 proportionally
24 or by another agreement by a participating Washington state organ
25 procurement organization established for organ and tissue donation
26 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 shall collect from a vehicle owner who pays a~~
31 ~~vehicle license fee under RCW 46.17.350(1) (a), (d), (e), (g), (h),~~
32 ~~(j), (n), (o), or (q) or who registers a vehicle under RCW 46.16A.455~~
33 ~~with a declared gross weight of ten 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 shall ensure that the opt-out donation under~~
37 ~~this section is clear, visible, and prominently displayed in both paper~~
38 ~~and online vehicle registration renewals. Notification of intent to~~

1 ~~not participate in the donation program must be provided annually at~~
2 ~~the time of vehicle registration renewal. The donation must be~~
3 ~~deposited in the state parks renewal and stewardship account~~
4 ~~established in RCW 79A.05.215 to be used for the operation and~~
5 ~~maintenance of state parks.)~~ Beginning with vehicle license fees that
6 are due or will become due on or after the effective date of this
7 section, a vehicle owner who registers a vehicle under this chapter may
8 purchase a discover pass for a fee of thirty dollars, as may be
9 adjusted for inflation under section 3 of this act. Purchase of the
10 discover pass is voluntary by the vehicle owner. The discover pass fee
11 must be deposited in the recreation access pass account created in
12 section 8 of this act.

13 NEW SECTION. Sec. 11. A new section is added to chapter 7.84 RCW
14 to read as follows:

15 The director chosen by the state parks and recreation commission,
16 the commissioner of public lands, and the director of the department of
17 fish and wildlife are each authorized to delegate and accept
18 enforcement authority over natural resource infractions to or from the
19 other agencies through an agreement entered into under the interlocal
20 cooperation act, chapter 39.34 RCW.

21 **Sec. 12.** RCW 7.84.030 and 2009 c 174 s 1 are each amended to read
22 as follows:

23 (1) An infraction proceeding is initiated by the issuance and
24 service of a printed notice of infraction and filing of a printed or
25 electronic copy of the notice of infraction.

26 (2) A notice of infraction may be issued by a person authorized to
27 enforce the provisions of the title or chapter in which the infraction
28 is established, or by a person authorized by an interlocal agreement
29 entered into under section 11 of this act, when the infraction occurs
30 in that person's presence.

31 (3) A court may issue a notice of infraction if a person authorized
32 to enforce the provisions of the title or chapter in which the
33 infraction is established, or by a person authorized by an interlocal
34 agreement entered into under section 11 of this act, files with the
35 court a written statement that the infraction was committed in that

1 person's presence or that the officer has reason to believe an
2 infraction was committed.

3 (4) Service of a notice of infraction issued under subsection (2)
4 or (3) of this section shall be as provided by court rule.

5 (5) A notice of infraction shall be filed with a court having
6 jurisdiction within five days of issuance, excluding Saturdays,
7 Sundays, and holidays.

8 **Sec. 13.** RCW 79A.05.160 and 1965 c 8 s 43.51.170 are each amended
9 to read as follows:

10 (1) The members of the (~~state parks and recreation~~) commission
11 and (~~such of~~) its designated employees (~~as the commission may~~
12 ~~designate~~) shall be vested with police powers to enforce the laws of
13 this state.

14 (2) The director may, under the provisions of section 11 of this
15 act, enter into an agreement allowing employees of the department of
16 natural resources and the department of fish and wildlife to enforce
17 certain civil infractions created under this title.

18 **Sec. 14.** RCW 43.12.065 and 2003 c 53 s 229 are each amended to
19 read as follows:

20 (1) For the promotion of the public safety and the protection of
21 public property, the department of natural resources may, in accordance
22 with chapter 34.05 RCW, issue, promulgate, adopt, and enforce rules
23 pertaining to use by the public of state-owned lands and property which
24 are administered by the department.

25 (2)(a) Except as otherwise provided in this subsection, a violation
26 of any rule adopted under this section is a misdemeanor.

27 (b) Except as provided in (c) of this subsection, the department
28 may specify by rule, when not inconsistent with applicable statutes,
29 that violation of such a rule is an infraction under chapter 7.84
30 RCW(~~PROVIDED, That~~). However, any violation of a rule relating to
31 traffic including parking, standing, stopping, and pedestrian offenses
32 is a traffic infraction.

33 (c) Violation of such a rule equivalent to those provisions of
34 Title 46 RCW set forth in RCW 46.63.020 remains a misdemeanor.

35 (3) The commissioner of public lands and (~~such of his or her~~)

1 those employees as (~~he or she~~) the commissioner may designate shall
2 be vested with police powers when enforcing:

3 (a) The rules of the department adopted under this section; (~~or~~)

4 (b) The civil infractions created under section 7 of this act; or

5 (c) The general criminal statutes or ordinances of the state or its
6 political subdivisions where enforcement is necessary for the
7 protection of state-owned lands and property.

8 (4) The commissioner of public lands may, under the provisions of
9 section 11 of this act, enter into an agreement allowing employees of
10 the state parks and recreation commission and the department of fish
11 and wildlife to enforce certain civil infractions created under this
12 title.

13 **Sec. 15.** RCW 77.15.020 and 2005 c 321 s 2 are each amended to read
14 as follows:

15 (1) If the commission or director has authority to adopt a rule
16 that is punishable as a crime under this chapter, then the commission
17 or director may provide that violation of the rule shall be punished
18 with notice of infraction under RCW 7.84.030. Neither the commission
19 nor the director have the authority to adopt a rule providing that a
20 violation punishable as an infraction shall be a crime.

21 (2) The director may, under the provisions of section 11 of this
22 act, enter into an agreement allowing employees of the state parks and
23 recreation commission and the department of natural resources to
24 enforce certain civil infractions created under this title.

25 NEW SECTION. **Sec. 16.** (1) Counties, cities, and towns may
26 require, through posted notice, parked vehicles located in parks or on
27 roads under their control, within one-half mile of recreational sites
28 and lands, to have the discover pass or a day-use permit created in
29 section 4 of this act visibly displayed in the front windshield.

30 (2) A violation of this section is a parking infraction.

31 **Sec. 17.** RCW 77.32.560 and 2009 c 333 s 42 are each amended to
32 read as follows:

33 (1) The department may sell watchable wildlife decals. Proceeds
34 from the sale of the decal must be deposited into the state wildlife
35 account created in RCW 77.12.170 and must be dedicated to the support

1 of the department's watchable wildlife activities. The department may
2 also use proceeds from the sale of the decal for marketing the decal
3 and for marketing watchable wildlife activities in the state.

4 (2) The term "watchable wildlife activities" includes but is not
5 limited to: Initiating partnerships with communities to jointly
6 develop watchable wildlife projects, building infrastructure to serve
7 wildlife viewers, assisting and training communities in conducting
8 wildlife watching events, developing destination wildlife viewing
9 corridors and trails, tours, maps, brochures, and travel aides, and
10 offering grants to assist rural communities in identifying key wildlife
11 attractions and ways to protect and promote them.

12 (3) The commission must adopt by rule the cost of the watchable
13 wildlife decal. A person may, at their discretion, contribute more
14 than the cost as set by the commission by rule for the watchable
15 wildlife decal in order to support watchable wildlife activities. (~~A
16 person who purchases a watchable wildlife decal must be issued one
17 vehicle use permit free of charge.~~)

18 **Sec. 18.** RCW 77.32.010 and 2009 c 564 s 956 are each amended to
19 read as follows:

20 (1) Except as otherwise provided in this chapter, a recreational
21 license issued by the director is required to hunt for or take wild
22 animals or wild birds, fish for, take, or harvest fish, shellfish, and
23 seaweed. A recreational fishing or shellfish license is not required
24 for carp, smelt, and crawfish, and a hunting license is not required
25 for bullfrogs.

26 (2) A pass or permit issued (~~by the department is required to park
27 a motor vehicle upon improved department access facilities~~) under
28 section 3, 4, or 5 of this act is required to access, park a vehicle
29 on, or drive a vehicle on a recreation site or lands, as that term is
30 defined in section 2 of this act.

31 (3) During the 2009-2011 fiscal biennium to enable the
32 implementation of the pilot project established in section 307, chapter
33 329, Laws of 2008, a fishing permit issued to a nontribal member by the
34 Colville Tribes shall satisfy the license requirements in subsection
35 (1) of this section on the waters of Lake Rufus Woods and on the north
36 shore of Lake Rufus Woods, and a Colville Tribes tribal member

1 identification card shall satisfy the license requirements in
2 subsection (1) of this section on all waters of Lake Rufus Woods.

3 **Sec. 19.** RCW 77.15.750 and 2010 c 193 s 9 are each amended to read
4 as follows:

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

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

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

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

18 (b) Permits excluded from subsection (1) of this section include
19 (~~fish and wildlife lands vehicle use permits~~) the discover pass
20 created in section 3 of this act, the vehicle access pass created in
21 section 5 of this act, the day-use permit created in section 4 of this
22 act, commercial use or activity permits, noncommercial use or activity
23 permits, parking permits, experimental fishery permits, trial
24 commercial fishery permits, and scientific collection permits.

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

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

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

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

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

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

36 (a) "Experimental fishery permit" means a permit issued by the
37 director for either:

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

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

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

11 **Sec. 20.** RCW 43.30.385 and 2009 c 354 s 9 are each amended to read
12 as follows:

13 (1) The park land trust revolving fund is to be utilized by the
14 department for the purpose of acquiring real property, including all
15 reasonable costs associated with these acquisitions, as a replacement
16 for the property transferred to the state parks and recreation
17 commission, as directed by the legislature in order to maintain the
18 land base of the affected trusts or under RCW 79.22.060 and to receive
19 voluntary contributions for the purpose of operating and maintaining
20 public use and recreation facilities, including trails, managed by the
21 department. Proceeds from transfers of real property to the state
22 parks and recreation commission or other proceeds identified from
23 transfers of real property as directed by the legislature shall be
24 deposited in this fund. Disbursement from the park land trust
25 revolving fund to acquire replacement property and for operating and
26 maintaining public use and recreation facilities shall be on the
27 authorization of the department. The proceeds from real property
28 transferred or disposed under RCW 79.22.060 must be solely used to
29 purchase replacement forest land, that must be actively managed as a
30 working forest, within the same county as the property transferred or
31 disposed. The proceeds from the recreation access pass account created
32 in section 8 of this act must be solely used for the purpose of
33 operating and maintaining public use and recreation facilities,
34 including trails, managed by the department. In order to maintain an
35 effective expenditure and revenue control, the park land trust
36 revolving fund is subject in all respects to chapter 43.88 RCW, but no

1 appropriation is required to permit expenditures and payment of
2 obligations from the fund.

3 (2) The department is authorized to solicit and receive voluntary
4 contributions for the purpose of operating and maintaining public use
5 and recreation facilities, including trails, managed by the department.
6 The department may seek voluntary contributions from individuals and
7 organizations for this purpose. Voluntary contributions will be
8 deposited into the park land trust revolving fund and used solely for
9 the purpose of public use and recreation facilities operations and
10 maintenance. Voluntary contributions are not considered a fee for use
11 of these facilities.

12 **Sec. 21.** RCW 79A.05.215 and 2010 c 161 s 1164 are each amended to
13 read as follows:

14 The state parks renewal and stewardship account is created in the
15 state treasury. Except as otherwise provided in this chapter, all
16 receipts from user fees, concessions, leases, donations collected under
17 RCW 46.16A.090(3), and other state park-based activities shall be
18 deposited into the account. The proceeds from the recreation access
19 pass account created in section 8 of this act must be used for the
20 purpose of operating and maintaining state parks. Expenditures from
21 the account may be used for operating state parks, developing and
22 renovating park facilities, undertaking deferred maintenance, enhancing
23 park stewardship, and other state park purposes. Expenditures from the
24 account may be made only after appropriation by the legislature.

25 **Sec. 22.** RCW 77.12.170 and 2009 c 333 s 13 are each amended to
26 read as follows:

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

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

33 (c) The assessment of administrative penalties, and the sale of
34 licenses, permits, tags, and stamps required by chapter 77.32 RCW and
35 RCW 77.65.490, except annual resident adult saltwater and all annual

1 razor clam and shellfish licenses, which shall be deposited into the
2 state general fund;

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

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

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

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

14 (h) Excise tax on anadromous game fish collected under chapter
15 82.27 RCW;

16 (i) The department's share of revenues from auctions and raffles
17 authorized by the commission; (~~and~~)

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

19 (k) Moneys received from the recreation access pass account created
20 in section 8 of this act must be dedicated to stewardship, operations,
21 and maintenance of department lands used for public recreation
22 purposes.

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

26 **Sec. 23.** RCW 79A.05.070 and 2006 c 141 s 1 are each amended to
27 read as follows:

28 The commission may:

29 (1) Make rules and regulations for the proper administration of its
30 duties;

31 (2) Accept any grants of funds made with or without a matching
32 requirement by the United States, or any agency thereof, for purposes
33 in keeping with the purposes of this chapter; accept gifts, bequests,
34 devises and endowments for purposes in keeping with such purposes;
35 enter into cooperative agreements with and provide for private
36 nonprofit groups to use state park property and facilities to raise
37 money to contribute gifts, grants, and support to the commission for

1 the purposes of this chapter. The commission may assist the nonprofit
2 group in a cooperative effort by providing necessary agency personnel
3 and services, if available. However, none of the moneys raised may
4 inure to the benefit of the nonprofit group, except in furtherance of
5 its purposes to benefit the commission as provided in this chapter.
6 The agency and the private nonprofit group shall agree on the nature of
7 any project to be supported by such gift or grant prior to the use of
8 any agency property or facilities for raising money. Any such gifts
9 may be in the form of recreational facilities developed or built in
10 part or in whole for public use on agency property, provided that the
11 facility is consistent with the purposes of the agency;

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

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

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

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

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

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

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

1 NEW SECTION. **Sec. 24.** Section 10 of this act takes effect October
2 1, 2011.

3 NEW SECTION. **Sec. 25.** Sections 1 through 8 and 16 of this act
4 constitute a new chapter in Title 79A RCW.

5 NEW SECTION. **Sec. 26.** RCW 77.32.380 (Fish and wildlife lands
6 vehicle use permit--Improved access facility--Fee--Youth groups--
7 Display--Transfer between vehicles--Penalty) and 2003 c 317 s 4, 2001
8 c 243 s 1, 2000 c 107 s 271, 1998 c 87 s 1, 1993 sp.s. c 2 s 77, 1991
9 sp.s. c 7 s 12, 1988 c 36 s 52, 1987 c 506 s 90, 1985 c 464 s 11, &
10 1981 c 310 s 15 are each repealed.

11 NEW SECTION. **Sec. 27.** Except for section 10 of this act, this act
12 is necessary for the immediate preservation of the public peace,
13 health, or safety, or support of the state government and its existing
14 public institutions, and takes effect July 1, 2011.

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