

---

ENGROSSED SUBSTITUTE SENATE BILL 5897

---

State of Washington                      63rd Legislature                      2013 2nd Special Session

By Senate Ways & Means (originally sponsored by Senator Pearson)

READ FIRST TIME 04/15/13.

1            AN ACT Relating to state parks; amending RCW 79A.80.020,  
2 79A.80.030, 79A.80.080, 82.19.040, 70.93.180, and 79A.05.215; adding a  
3 new section to chapter 79A.80 RCW; providing an effective date;  
4 providing an expiration date; and declaring an emergency.

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

6            **Sec. 1.** RCW 79A.80.020 and 2012 c 261 s 2 are each amended to read  
7 as follows:

8            (1) Except as otherwise provided in ((RCW ~~79A.80.050, 79A.80.060,~~  
9 ~~and 79A.80.070~~)) this chapter, a discover pass is required for any  
10 motor vehicle to:

11            (a) Park ((~~or operate on~~)) at any recreation site or lands((~~—~~  
12 ~~except — for — short term — parking — as — may — be — authorized — under — RCW~~  
13 ~~79A.80.070))~~; or

14            (b) Operate on any recreation site or lands.

15            (2) Except as provided in section 4 of this act, the cost of a  
16 discover pass is thirty dollars. Every four years the office of  
17 financial management must review the cost of the discover pass and, if  
18 necessary, recommend to the legislature an adjustment to the cost of  
19 the discover pass to account for inflation.

1 (3) A discover pass is valid for one year beginning from the date  
2 that the discover pass is marked for activation. The activation date  
3 may differ from the purchase date pursuant to any policies developed by  
4 the agencies.

5 (4) Sales of discover passes must be consistent with RCW  
6 79A.80.100.

7 (5) The discover pass must contain space for two motor vehicle  
8 license plate numbers. A discover pass is valid only for those vehicle  
9 license plate numbers written on the pass. However, the agencies may  
10 offer for sale a family discover pass that is fully transferable among  
11 vehicles and does not require the placement of a license plate number  
12 on the pass to be valid. The agencies must collectively set a price  
13 for the sale of a family discover pass that is no more than fifty  
14 dollars. A discover pass is valid only for use with one motor vehicle  
15 at any one time.

16 (6) One complimentary discover pass must be provided to a volunteer  
17 who performed twenty-four hours of service on agency-sanctioned  
18 volunteer projects in a year. The agency must provide vouchers to  
19 volunteers identifying the number of volunteer hours they have provided  
20 for each project. The vouchers may be brought to an agency to be  
21 redeemed for a discover pass.

22 **Sec. 2.** RCW 79A.80.030 and 2012 c 261 s 3 are each amended to read  
23 as follows:

24 (1) A person may purchase a day-use permit to meet the requirements  
25 of RCW 79A.80.080. Except as provided in section 4 of this act, a day-  
26 use permit is ten dollars per day and must be available for purchase  
27 from each agency. A day-use permit is valid for one calendar day.

28 (2) The agencies may provide short-term parking under RCW  
29 79A.80.070 where a day-use permit is not required.

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

34 (4) Sales of day-use permits must be consistent with RCW  
35 79A.80.100.

1           **Sec. 3.** RCW 79A.80.080 and 2012 c 261 s 7 are each amended to read  
2 as follows:

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

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

9           (b) Parking at ((a)) any recreation site or lands.

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

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

15          ~~(3) The discover pass, the vehicle access pass, or the day-use~~  
16 ~~permit is not required for:~~

17          ~~(a))~~);

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

22          ~~(b))~~ (c) On department of fish and wildlife lands only, for  
23 persons possessing a current vehicle access pass pursuant to RCW  
24 79A.80.040; or

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

28          (~~(4))~~ (3)(a) An agency may waive the requirements of this section  
29 for any person who has secured the ability to access specific  
30 recreational land through the provision of monetary consideration to  
31 the agency or for any person attending an event or function that  
32 required the provision of monetary compensation to the agency.

33          (b) Special events and group activities are core recreational  
34 activities and major public service opportunities within state parks.  
35 When waiving the requirements of this section for special events, the  
36 state parks and recreation commission must consider the direct and  
37 indirect costs and benefits to the state, local market rental rates,

1 the public service functions of the event sponsor, and other public  
2 interest factors when setting appropriate fees for each event or  
3 activity.

4 ~~((+5+))~~ (4) Failure to comply with subsection (1) of this section  
5 is a natural resource infraction under chapter 7.84 RCW. An agency is  
6 authorized to issue a notice of infraction to any person who fails to  
7 comply with subsection (1)(a) of this section or to any motor vehicle  
8 that fails to comply with subsection (1)(b) of this section.

9 ~~((+6+))~~ (5) The penalty for failure to comply with the requirements  
10 of this section is ninety-nine dollars. This penalty must be reduced  
11 to fifty-nine dollars if an individual provides proof of purchase of a  
12 discover pass to the court within fifteen days after the issuance of  
13 the notice of violation.

14 NEW SECTION. **Sec. 4.** A new section is added to chapter 79A.80 RCW  
15 to read as follows:

16 (1) By mutual agreement, the agencies may sell discounted discover  
17 passes at a rate below that established under RCW 79A.80.020 or  
18 discounted day-use permits at a rate below that established under RCW  
19 79A.80.030 for purposes of bulk sales to retailers, agency license and  
20 permit product bundling, and partnership opportunities to expand  
21 accessibility and visibility of the discover pass and recreational  
22 opportunities on agency-managed lands.

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

25 **Sec. 5.** RCW 82.19.040 and 2001 c 118 s 6 are each amended to read  
26 as follows:

27 (1) To the extent applicable, all of the definitions of chapter  
28 82.04 RCW and all of the provisions of chapter 82.32 RCW apply to the  
29 tax imposed in this chapter.

30 (2) Taxes collected under this chapter shall be ~~((deposited in))~~  
31 distributed as follows: (a) Five million dollars per fiscal year must  
32 be deposited in equal monthly amounts to the state parks renewal and  
33 stewardship account under RCW 79A.05.215; and (b) the remainder to the  
34 waste reduction, recycling, and litter control account under RCW  
35 70.93.180.

1       **Sec. 6.** RCW 70.93.180 and 2011 1st sp.s. c 50 s 963 are each  
2 amended to read as follows:

3       (1) There is hereby created an account within the state treasury to  
4 be known as the "waste reduction, recycling, and litter control  
5 account". Moneys in the account may be spent only after appropriation.  
6 Expenditures from the waste reduction, recycling, and litter control  
7 account shall be used as follows:

8       (a) Fifty percent to the department of ecology, for use by the  
9 departments of ecology, natural resources, revenue, transportation, and  
10 corrections, and the parks and recreation commission, for use in litter  
11 collection programs, to be distributed under RCW 70.93.220. The amount  
12 to the department of ecology shall also be used for a central  
13 coordination function for litter control efforts statewide, for the  
14 biennial litter survey under RCW 70.93.200(8), and for statewide public  
15 awareness programs under RCW 70.93.200(7). The amount to the  
16 department shall also be used to defray the costs of administering the  
17 funding, coordination, and oversight of local government programs for  
18 waste reduction, litter control, and recycling, so that local  
19 governments can apply one hundred percent of their funding to achieving  
20 program goals. The amount to the department of revenue shall be used  
21 to enforce compliance with the litter tax imposed in chapter 82.19 RCW;

22       (b) Twenty percent to the department for local government funding  
23 programs for waste reduction, litter control, and recycling activities  
24 by cities and counties under RCW 70.93.250, to be administered by the  
25 department of ecology; and

26       (c) Thirty percent to the department of ecology for waste reduction  
27 and recycling efforts.

28       (2) All (~~taxes imposed in RCW 82.19.010~~) moneys directed to the  
29 waste reduction, recycling, and litter control account under RCW  
30 82.19.040 and fines and bail forfeitures collected or received pursuant  
31 to this chapter shall be deposited in the (~~waste reduction, recycling,~~  
32 ~~and litter control~~) account and used for the programs under subsection  
33 (1) of this section.

34       (3) Not less than five percent and no more than ten percent of the  
35 amount appropriated into the waste reduction, recycling, and litter  
36 control account every biennium shall be reserved for capital needs,  
37 including the purchase of vehicles for transporting crews and for  
38 collecting litter and solid waste. Capital funds shall be distributed

1 among state agencies and local governments according to the same  
2 criteria provided in RCW 70.93.220 for the remainder of the funds, so  
3 that the most effective waste reduction, litter control, and recycling  
4 programs receive the most funding. The intent of this subsection is to  
5 provide funds for the purchase of equipment that will enable the  
6 department to account for the greatest return on investment in terms of  
7 reaching a zero litter goal.

8 ~~((4) During the 2009-2011 fiscal biennium, the legislature may  
9 transfer from the waste reduction, recycling, and litter control  
10 account to the state general fund such amounts as reflect the excess  
11 fund balance of the account. Additionally, during the 2009-2011 fiscal  
12 biennium, subsection (1)(a), (b), and (c) of this section is suspended.~~

13 ~~(5) During the 2011-2013 fiscal biennium, the legislature may  
14 transfer from the waste reduction, recycling, and litter control  
15 account to the state general fund such amounts as reflect the excess  
16 fund balance of the account. Additionally, during the 2011-2013 fiscal  
17 biennium, subsection (1)(a), (b), and (c) of this section is  
18 suspended.))~~

19 **Sec. 7.** RCW 79A.05.215 and 2011 c 320 s 22 are each amended to  
20 read as follows:

21 The state parks renewal and stewardship account is created in the  
22 state treasury. Except as otherwise provided in this chapter, all  
23 receipts from user fees, concessions, leases, donations collected under  
24 RCW 46.16A.090(3), and other state park-based activities shall be  
25 deposited into the account. The proceeds from the recreation access  
26 pass account created in RCW 79A.80.090 (~~must~~) and amounts received  
27 under RCW 82.19.040 may only be used for the purpose of operating and  
28 maintaining state parks. Expenditures from the account may be used for  
29 operating state parks, developing and renovating park facilities,  
30 undertaking deferred maintenance, enhancing park stewardship, and other  
31 state park purposes. Expenditures from the account may be made only  
32 after appropriation by the legislature.

33 NEW SECTION. **Sec. 8.** Sections 5 through 7 of this act expire June  
34 30, 2017.

1        NEW\_SECTION.   **Sec. 9.**   Sections 5 through 7 of this act are  
2   necessary for the immediate preservation of the public peace, health,  
3   or safety, or support of the state government and its existing public  
4   institutions, and take effect July 1, 2013.

--- END ---