

PS2SB 5622 (Recreation Access) by

EFFECT:

- **Adds new definitions for "day-use permit" and "vehicle access pass"**
- **Revises definition for "motor vehicle" to mean the vehicle is self-propelled. This definition does not include trailers, campers, or towed vehicles. Exemptions are provided for current exceptions to motor vehicle registration including state and publicly owned motor vehicles**
 - **Changes references throughout bill to "motor vehicle" instead of "vehicle"**
- **Revises definition for "recreation site or lands" to mean DNR's developed or designated recreation sites, trailheads, and parking areas**
- **Clarifies that the "discover pass" is required for any motor vehicle to park or operate on any recreation site or lands**
- **Changes the inflation provision to a review by OFM every four years and if necessary, a recommendation to the Legislature to adjust the cost of the discover pass or day-use permit to account for inflation**
- **Clarifies that the agencies will deliver the purchased discover pass to a motor vehicle owner when the discover pass is purchased through the Department of Licensing**
- **Requires the agencies, where applicable to provide short term parking, not to exceed thirty minutes, where the discover pass or day-use permit are not required**

- **Removes the cost of the vehicle access pass for hunters and fishers when purchasing a specified hunting and fishing license**
- **Removes the ability to purchase an additional vehicle access pass**
- **Maintains the current opt-out donation for State Parks at DOL**
- **Removes the provision allowing local government to enact an ordinance for parking within a half-mile of a recreation site**

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 motor vehicle access pass and access policies
6 for state lands; recovering the cost incurred by the state for
7 operations and management of recreation opportunities; providing
8 resources to address the growing demand and impacts of outdoor
9 recreationists and conservation of our natural resources; and providing
10 effective 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) "Day-use permit" means the permit created in section 4 of this
19 act.

20 (4) "Discover pass" means the annual pass created in section 3 of
21 this act.

22 (5) "Motor vehicle" has the same meaning as defined in RCW
23 46.04.320 and which are required to be registered under chapter 46.16A
24 RCW. "Motor vehicle" does not include those motor vehicles exempt from
25 registration under RCW 46.16A.080 and state and publicly owned motor
26 vehicles as provided in RCW 46.16A.170.

27 (6) "Recreation site or lands" means a state park or fish and
28 wildlife conservation sites including water access areas, boat ramps,
29 wildlife areas, parking areas, roads, and trailheads, or department of
30 natural resources developed or designated recreation sites, trailheads,
31 and parking areas.

32 (7) "Vehicle access pass" means the pass created in section 5 of
33 this act.

34 NEW SECTION. **Sec. 3.** (1) A discover pass is required for any
35 motor vehicle to park or operate on any recreation site or lands,

1 except for short-term parking as may be authorized under section 7 of
2 this act.

3 (2) The cost of the discover pass is thirty dollars per motor
4 vehicle. Every four years the office of financial management must
5 review the cost of the discover pass and, if necessary, recommend to
6 the legislature an adjustment to the cost of the discover pass to
7 account for inflation.

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

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

13 (5) The discover pass must be made available for purchase through
14 the department of licensing as provided in RCW 46.16A.090. The
15 department of licensing, county auditor, or other agent or subagent
16 appointed by the director, is not responsible for delivering a
17 purchased discover pass to a motor vehicle owner. The agencies must
18 deliver the purchased discover pass to a motor vehicle owner.

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

22 (7) The discover pass must contain space for the motor vehicle
23 license plate number.

24 (8) A complimentary discover pass must be provided to a volunteer
25 who performed twenty-four hours of service on agency-sanctioned
26 volunteer projects in a year. The agency must provide vouchers to
27 volunteers identifying the number of volunteer hours they have provided
28 for each project. The vouchers may be brought to an agency to be
29 redeemed for a discover pass.

30 NEW SECTION. **Sec. 4.** (1) A person may purchase a day-use permit
31 to meet the requirements of section 8 of this act. The day-use permit
32 is ten dollars per day and must be available for purchase from each
33 agency. The day-use permit is valid for one calendar day.

34 (2) The agencies may provide short-term parking under section 7 of
35 this act where the day-use permit is not required.

36 (3) Every four years the office of financial management must review

1 the cost of the day-use permit and, if necessary, recommend to the
2 legislature an adjustment to the cost of the day-use permit to account
3 for inflation.

4 NEW SECTION. **Sec. 5.** (1) The vehicle access pass is created
5 solely for access to the department of fish and wildlife recreation
6 sites or lands. The vehicle access pass is only available to a person
7 who purchases a current valid: Big game hunting license issued under
8 RCW 77.32.450; small game hunting license issued under RCW 77.32.460;
9 western Washington pheasant permit issued under RCW 77.32.575; trapping
10 license issued under RCW 77.65.450; watchable wildlife decal issued
11 under RCW 77.32.560; or combination, saltwater, or freshwater personal
12 use fishing license issued under RCW 77.32.470.

13 (2) One vehicle access pass must be issued per purchase pursuant to
14 subsection (1) of this section.

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

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

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

23 NEW SECTION. **Sec. 7.** Each agency, where applicable, must
24 designate short term parking not to exceed thirty minutes where the
25 discover pass or day-use permit are not required at recreation sites or
26 lands.

27 NEW SECTION. **Sec. 8.** (1) The discover pass, the vehicle access
28 pass, or the day-use permit must be visibly displayed in the front
29 windshield of any motor vehicle:

- 30 (a) Operating on a recreation site or lands; or
31 (b) Parking at a recreation site or lands.

32 (2) The discover pass, the vehicle access pass, or the day-use
33 permit is not required on private lands, state-owned aquatic lands

1 other than water access areas, or at agency offices, hatcheries, or
2 other facilities where public business is conducted.

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

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

11 (4)(a) Failure to comply with subsection (1)(a) of this section is
12 a natural resource infraction under chapter 7.84 RCW. An agency is
13 authorized to issue a notice of infraction to any person who fails to
14 comply with subsection (1)(a) of this section.

15 (b) Failure to comply with subsection (1)(b) of this section is a
16 parking infraction and citations issued under this subsection are
17 governed by chapter 7.84 RCW. An agency is authorized to issue a
18 notice of infraction to any motor vehicle that fails to comply with
19 subsection (1)(b) of this section.

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

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

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

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

32 (b) Eight percent to the department of natural resources and
33 deposited into the park land trust revolving fund created in RCW
34 43.30.385; and

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

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

4 **Sec. 10.** RCW 4.24.210 and 2006 c 212 s 6 are each amended to read
5 as follows:

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

22 (2) Except as otherwise provided in subsection (3) or (4) of this
23 section, any public or private landowner or others in lawful possession
24 and control of any lands whether rural or urban, or water areas or
25 channels and lands adjacent to such areas or channels, who offer or
26 allow such land to be used for purposes of a fish or wildlife
27 cooperative project, or allow access to such land for cleanup of litter
28 or other solid waste, shall not be liable for unintentional injuries to
29 any volunteer group or to any other users.

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

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

1 A fixed anchor used in rock climbing and put in place by someone other
2 than a landowner is not a known dangerous artificial latent condition
3 and a landowner under subsection (1) of this section shall not be
4 liable for unintentional injuries resulting from the condition or use
5 of such an anchor. Nothing in RCW 4.24.200 and this section limits or
6 expands in any way the doctrine of attractive nuisance. Usage by
7 members of the public, volunteer groups, or other users is permissive
8 and does not support any claim of adverse possession.

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

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

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

14 (c) A daily charge not to exceed twenty dollars per person, per
15 day, for access to a publicly owned ORV sports park, as defined in RCW
16 (~~46.09.020~~) 46.09.310, or other public facility accessed by a
17 highway, street, or nonhighway road for the purposes of off-road
18 vehicle use.

19 **Sec. 11.** RCW 46.16A.090 and 2010 c 161 s 420 are each amended to
20 read as follows:

21 (1) The department, county auditor or other agent, or subagent
22 appointed by the director shall provide an opportunity for a vehicle
23 owner to make a voluntary donation as provided in this section when
24 applying for an initial or renewal vehicle registration.

25 (2)(a) A vehicle owner who registers a vehicle under this chapter
26 may donate one dollar or more to the organ and tissue donation
27 awareness account to promote the donation of organs and tissues under
28 the uniform anatomical gift act as described in chapter 68.64 RCW. The
29 donation of one or more dollars is voluntary and may be refused by the
30 vehicle owner.

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

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

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

1 (iii) Make information booklets or other informational material
2 available regarding the importance of organ and tissue donations to
3 vehicle owners.

4 (c) All reasonable costs associated with the creation of the
5 donation program created under this section must be paid proportionally
6 or by another agreement by a participating Washington state organ
7 procurement organization established for organ and tissue donation
8 awareness purposes by the Washington state organ procurement
9 organizations. For the purposes of this section, "reasonable costs"
10 and "Washington state organ procurement organization" have the same
11 meaning as in RCW 68.64.010.

12 (3) The department shall collect from a vehicle owner who pays a
13 vehicle license fee under RCW 46.17.350(1) (a), (d), (e), (g), (h),
14 (j), (n), (o), or (q) or who registers a vehicle under RCW 46.16A.455
15 with a declared gross weight of ten thousand pounds or less a voluntary
16 donation of five dollars. The donation may not be collected from any
17 vehicle owner actively opting not to participate in the donation
18 program. The department shall ensure that the opt-out donation under
19 this section is clear, visible, and prominently displayed in both paper
20 and online vehicle registration renewals. Notification of intent to
21 not participate in the donation program must be provided annually at
22 the time of vehicle registration renewal. The donation must be
23 deposited in the state parks renewal and stewardship account
24 established in RCW 79A.05.215 to be used for the operation and
25 maintenance of state parks.

26 (4) Beginning with vehicle license fees that are due or will become
27 due on or after the effective date of this section, a vehicle owner who
28 registers a vehicle under this chapter may purchase a discover pass for
29 a fee of thirty dollars, as may be adjusted for inflation under section
30 3 of this act. Purchase of the discover pass is voluntary by the
31 vehicle owner. The discover pass fee must be deposited in the
32 recreation access pass account created in section 9 of this act. The
33 department, county auditor, or other agent or subagent appointed by the
34 director is not responsible for delivering a purchased discover pass to
35 a motor vehicle owner. The agencies, as defined in section 2 of this
36 act, must deliver the purchased discover pass to a motor vehicle owner.

1 (2) The director may, under the provisions of section 12 of this
2 act, enter into an agreement allowing employees of the department of
3 natural resources and the department of fish and wildlife to enforce
4 certain civil infractions created under this title.

5 **Sec. 15.** RCW 43.12.065 and 2003 c 53 s 229 are each amended to
6 read as follows:

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

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

14 (b) Except as provided in (c) of this subsection, the department
15 may specify by rule, when not inconsistent with applicable statutes,
16 that violation of such a rule is an infraction under chapter 7.84
17 RCW(~~(:—PROVIDED, That)~~). However, any violation of a rule relating to
18 traffic including parking, standing, stopping, and pedestrian offenses
19 is a traffic infraction.

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

22 (3) The commissioner of public lands and (~~(such of his or her)~~)
23 those employees as (~~(he or she)~~) the commissioner may designate shall
24 be vested with police powers when enforcing:

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

26 (b) The civil infractions created under section 8 of this act; or

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

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

35 **Sec. 16.** RCW 77.15.020 and 2005 c 321 s 2 are each amended to read
36 as follows:

1 (1) If the commission or director has authority to adopt a rule
2 that is punishable as a crime under this chapter, then the commission
3 or director may provide that violation of the rule shall be punished
4 with notice of infraction under RCW 7.84.030. Neither the commission
5 nor the director have the authority to adopt a rule providing that a
6 violation punishable as an infraction shall be a crime.

7 (2) The director may, under the provisions of section 12 of this
8 act, enter into an agreement allowing employees of the state parks and
9 recreation commission and the department of natural resources to
10 enforce certain civil infractions created under this title.

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

13 (1) The department may sell watchable wildlife decals. Proceeds
14 from the sale of the decal must be deposited into the state wildlife
15 account created in RCW 77.12.170 and must be dedicated to the support
16 of the department's watchable wildlife activities. The department may
17 also use proceeds from the sale of the decal for marketing the decal
18 and for marketing watchable wildlife activities in the state.

19 (2) The term "watchable wildlife activities" includes but is not
20 limited to: Initiating partnerships with communities to jointly
21 develop watchable wildlife projects, building infrastructure to serve
22 wildlife viewers, assisting and training communities in conducting
23 wildlife watching events, developing destination wildlife viewing
24 corridors and trails, tours, maps, brochures, and travel aides, and
25 offering grants to assist rural communities in identifying key wildlife
26 attractions and ways to protect and promote them.

27 (3) The commission must adopt by rule the cost of the watchable
28 wildlife decal. A person may, at their discretion, contribute more
29 than the cost as set by the commission by rule for the watchable
30 wildlife decal in order to support watchable wildlife activities. (~~A
31 person who purchases a watchable wildlife decal must be issued one
32 vehicle use permit free of charge.~~)

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

35 (1) Except as otherwise provided in this chapter, a recreational
36 license issued by the director is required to hunt for or take wild

1 animals or wild birds, fish for, take, or harvest fish, shellfish, and
2 seaweed. A recreational fishing or shellfish license is not required
3 for carp, smelt, and crawfish, and a hunting license is not required
4 for bullfrogs.

5 (2) A pass or permit issued ((by the department is required to park
6 a motor vehicle upon improved department access facilities)) under
7 section 3, 4, or 5 of this act is required to park or operate a motor
8 vehicle on a recreation site or lands, as defined in section 2 of this
9 act.

10 (3) During the 2009-2011 fiscal biennium to enable the
11 implementation of the pilot project established in section 307, chapter
12 329, Laws of 2008, a fishing permit issued to a nontribal member by the
13 Colville Tribes shall satisfy the license requirements in subsection
14 (1) of this section on the waters of Lake Rufus Woods and on the north
15 shore of Lake Rufus Woods, and a Colville Tribes tribal member
16 identification card shall satisfy the license requirements in
17 subsection (1) of this section on all waters of Lake Rufus Woods.

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

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

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

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

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

33 (b) Permits excluded from subsection (1) of this section include
34 ((fish and wildlife lands vehicle use permits)) the discover pass
35 created in section 3 of this act, the vehicle access pass created in
36 section 5 of this act, the day-use permit created in section 4 of this

1 act, commercial use or activity permits, noncommercial use or activity
2 permits, parking permits, experimental fishery permits, trial
3 commercial fishery permits, and scientific collection permits.

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

5 (4) A person is guilty of unlawful use of an experimental fishery
6 permit or a trial commercial fishery permit if 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 issuance or use of the permit.

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

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

15 (a) "Experimental fishery permit" means a permit issued by the
16 director for either:

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

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

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

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

29 (1) The park land trust revolving fund is to be utilized by the
30 department for the purpose of acquiring real property, including all
31 reasonable costs associated with these acquisitions, as a replacement
32 for the property transferred to the state parks and recreation
33 commission, as directed by the legislature in order to maintain the
34 land base of the affected trusts or under RCW 79.22.060 and to receive
35 voluntary contributions for the purpose of operating and maintaining
36 public use and recreation facilities, including trails, managed by the
37 department. Proceeds from transfers of real property to the state

1 parks and recreation commission or other proceeds identified from
2 transfers of real property as directed by the legislature shall be
3 deposited in this fund. Disbursement from the park land trust
4 revolving fund to acquire replacement property and for operating and
5 maintaining public use and recreation facilities shall be on the
6 authorization of the department. The proceeds from real property
7 transferred or disposed under RCW 79.22.060 must be solely used to
8 purchase replacement forest land, that must be actively managed as a
9 working forest, within the same county as the property transferred or
10 disposed. The proceeds from the recreation access pass account created
11 in section 9 of this act must be solely used for the purpose of
12 operating and maintaining public use and recreation facilities,
13 including trails, managed by the department. In order to maintain an
14 effective expenditure and revenue control, the park land trust
15 revolving fund is subject in all respects to chapter 43.88 RCW, but no
16 appropriation is required to permit expenditures and payment of
17 obligations from the fund.

18 (2) The department is authorized to solicit and receive voluntary
19 contributions for the purpose of operating and maintaining public use
20 and recreation facilities, including trails, managed by the department.
21 The department may seek voluntary contributions from individuals and
22 organizations for this purpose. Voluntary contributions will be
23 deposited into the park land trust revolving fund and used solely for
24 the purpose of public use and recreation facilities operations and
25 maintenance. Voluntary contributions are not considered a fee for use
26 of these facilities.

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

29 The state parks renewal and stewardship account is created in the
30 state treasury. Except as otherwise provided in this chapter, all
31 receipts from user fees, concessions, leases, donations collected under
32 RCW 46.16A.090(3), and other state park-based activities shall be
33 deposited into the account. The proceeds from the recreation access
34 pass account created in section 9 of this act must be used for the
35 purpose of operating and maintaining state parks. Expenditures from
36 the account may be used for operating state parks, developing and

1 renovating park facilities, undertaking deferred maintenance, enhancing
2 park stewardship, and other state park purposes. Expenditures from the
3 account may be made only after appropriation by the legislature.

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

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

8 (a) Rentals or concessions of the department;

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

12 (c) The assessment of administrative penalties, and the sale of
13 licenses, permits, tags, and stamps required by chapter 77.32 RCW and
14 RCW 77.65.490, except annual resident adult saltwater and all annual
15 razor clam and shellfish licenses, which shall be deposited into the
16 state general fund;

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

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

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

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

28 (h) Excise tax on anadromous game fish collected under chapter
29 82.27 RCW;

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

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

33 (k) Moneys received from the recreation access pass account created
34 in section 9 of this act must be dedicated to stewardship, operations,
35 and maintenance of department lands used for public recreation
36 purposes.

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

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

6 The commission may:

7 (1) Make rules and regulations for the proper administration of its
8 duties;

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

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

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

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

36 (6) Charge such fees for services, utilities, and use of facilities

1 as the commission shall deem proper(~~(. The commission may not charge~~
2 ~~fees for general park access or parking)~~);

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

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

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

18 NEW SECTION. **Sec. 24.** Section 11 of this act takes effect October
19 1, 2011.

20 NEW SECTION. **Sec. 25.** Sections 1 through 9 of this act constitute
21 a new chapter in Title 79A RCW.

22 NEW SECTION. **Sec. 26.** RCW 77.32.380 (Fish and wildlife lands
23 vehicle use permit--Improved access facility--Fee--Youth groups--
24 Display--Transfer between vehicles--Penalty) and 2003 c 317 s 4, 2001
25 c 243 s 1, 2000 c 107 s 271, 1998 c 87 s 1, 1993 sp.s. c 2 s 77, 1991
26 sp.s. c 7 s 12, 1988 c 36 s 52, 1987 c 506 s 90, 1985 c 464 s 11, &
27 1981 c 310 s 15 are each repealed.

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

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