

ESSB 5390 - H COMM AMD

By Committee on Appropriations

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that both visitors and residents of Washington state enjoy the opportunity to recreate and experience the beauty of state-owned public lands, like state parks. The legislature also finds that the costs to provide access to these lands has been successfully supported by user-based recreation fees and that the costs of continued support and access has outpaced the revenue generated by fees. The discover pass and day-use permits that are used to gain access to state-owned lands have been in place since 2011, and the cost for the discover pass and permits has not changed since then. However, the costs to maintain recreational access have steadily increased. The original legislation anticipated the potential need to consider adjustment in the cost of both the discover pass and day-use permits. The legislature intends to maintain recreational access for all by updating the cost of the discover pass commensurate with the inflationary costs to carry out state recreational programs.

Sec. 2. RCW 79A.80.020 and 2017 c 121 s 1 are each amended to read as follows:

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

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

(b) Operate on any recreation site or lands.

(2) Except as provided in RCW 79A.80.110, the cost of a discover pass is (~~((thirty dollars))~~) \$45. Every four years the office of financial management must review the cost of the discover pass and, if necessary, recommend to the legislature an adjustment to the cost of the discover pass to account for inflation.

(3) A discover pass is valid for one year beginning from the date that the discover pass is marked for activation. The activation date

1 may differ from the purchase date pursuant to any policies developed
2 by the agencies.

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

5 (5) The discover pass must contain space for two motor vehicle
6 license plate numbers. A discover pass is valid only for those
7 vehicle license plate numbers written on the pass. However, the
8 agencies may offer for sale a family discover pass that is fully
9 transferable among vehicles and does not require the placement of a
10 license plate number on the pass to be valid. The agencies must
11 collectively set a price for the sale of a family discover pass that
12 is no more than ~~((fifty-dollars))~~ \$50. A discover pass is valid only
13 for use with one motor vehicle at any one time.

14 (6)(a) One complimentary discover pass must be provided to a
15 volunteer who performed ~~((twenty-four))~~ 24 hours of service on
16 agency-sanctioned volunteer projects in a year. The agency must
17 provide vouchers to volunteers identifying the number of volunteer
18 hours they have provided for each project. The vouchers may be
19 brought to an agency to be redeemed for a discover pass.

20 (b) Married spouses under chapter 26.04 RCW may present an agency
21 with combined vouchers demonstrating the collective performance of
22 ~~((twenty-four))~~ 24 hours of service on agency-sanctioned volunteer
23 projects in a year to be redeemed for a single complimentary discover
24 pass.

25 (7) A lifetime disabled veteran pass issued under RCW
26 79A.05.065(3) is the equivalent of a discover pass for purposes of
27 this chapter, as long as the person to whom the pass was issued is a
28 driver or passenger in the vehicle when accessing a site or lands.

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

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

34 (2) Each fiscal biennium, the first ~~((seventy-one-million~~
35 ~~dollars))~~ \$85,000,000 in revenue must be distributed to the agencies
36 in the following manner:

37 (a) Eight percent to the department of fish and wildlife and
38 deposited into the limited fish and wildlife account created in RCW
39 77.12.170(1);

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

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

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

(3) Each fiscal biennium, revenues in excess of (~~seventy-one million dollars~~) \$85,000,000 must be distributed equally among the agencies to the accounts identified in subsection (2) of this section.

Sec. 4. RCW 79A.80.080 and 2013 2nd sp.s. c 15 s 3 are each amended to read as follows:

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

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

(b) Parking at any recreation site or lands.

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

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

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

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

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

4 (e) For motor vehicles used for off-road recreation that have
5 been transported to a recreation site or lands managed for off-road
6 recreation by another motor vehicle that: (i) Remains parked at the
7 recreation site or lands; and (ii) displays a pass or permit
8 consistent with the requirements of this chapter.

9 (3) (a) An agency may waive the requirements of this section for
10 any person who has secured the ability to access specific
11 recreational land through the provision of monetary consideration to
12 the agency or for any person attending an event or function that
13 required the provision of monetary compensation to the agency.

14 (b) Special events and group activities are core recreational
15 activities and major public service opportunities within state parks.
16 When waiving the requirements of this section for special events, the
17 state parks and recreation commission must consider the direct and
18 indirect costs and benefits to the state, local market rental rates,
19 the public service functions of the event sponsor, and other public
20 interest factors when setting appropriate fees for each event or
21 activity.

22 (4) Failure to comply with subsection (1) of this section is a
23 natural resource infraction under chapter 7.84 RCW. An agency is
24 authorized to issue a notice of infraction to any person who fails to
25 comply with subsection (1)(a) of this section or to any motor vehicle
26 that fails to comply with subsection (1)(b) of this section.

27 (5) The penalty for failure to comply with the requirements of
28 this section is ~~((ninety-nine dollars))~~ \$99. This penalty must be
29 reduced to ~~((fifty-nine dollars))~~ \$59 if an individual provides,
30 within 15 days after the issuance of the notice of violation, proof
31 of purchase of a discover pass to the court ~~((within fifteen days~~
32 ~~after the issuance of the notice of violation))~~ or evidence that the
33 individual has obtained a lifetime disabled veteran pass under RCW
34 79A.05.065(3).

35 **Sec. 5.** RCW 79A.05.065 and 2011 c 171 s 115 are each amended to
36 read as follows:

37 (1) (a) The commission shall grant to any person who meets the
38 eligibility requirements specified in this section a senior citizen's
39 pass which shall: (i) Entitle such a person, and members of his or

1 her camping unit, to a (~~(fifty)~~) 50 percent reduction in the campsite
2 rental fee prescribed by the commission; and (ii) entitle such a
3 person to free admission to any state park.

4 (b) The commission shall grant a senior citizen's pass to any
5 person who applies for the senior citizen's pass and who meets the
6 following requirements:

7 (i) The person is at least (~~(sixty-two)~~) 62 years of age;

8 (ii) The person is a domiciliary of the state of Washington and
9 meets reasonable residency requirements prescribed by the commission;
10 and

11 (iii) The person and his or her spouse have a combined income
12 that would qualify the person for a property tax exemption pursuant
13 to RCW 84.36.381. The financial eligibility requirements of this
14 subsection (1)(b)(iii) apply regardless of whether the applicant for
15 a senior citizen's pass owns taxable property or has obtained or
16 applied for such property tax exemption.

17 (c) Each senior citizen's pass granted pursuant to this section
18 is valid as long as the senior citizen meets the requirements of
19 (b)(ii) of this subsection. A senior citizen meeting the eligibility
20 requirements of this section may make a voluntary donation for the
21 upkeep and maintenance of state parks.

22 (d) A holder of a senior citizen's pass shall surrender the pass
23 upon request of a commission employee when the employee has reason to
24 believe the holder fails to meet the criteria in (b) of this
25 subsection. The holder shall have the pass returned upon providing
26 proof to the satisfaction of the director that the holder meets the
27 eligibility criteria for obtaining the senior citizen's pass.

28 (2)(a) Any resident of Washington who is disabled as defined by
29 the social security administration and who receives social security
30 benefits for that disability, or any other benefits for that
31 disability from any other governmental or nongovernmental source, or
32 who is entitled to benefits for permanent disability under RCW
33 71A.10.020(~~((3))~~) (6) due to unemployability full time at the minimum
34 wage, or who is legally blind or profoundly deaf, or who has been
35 issued a card, decal, or special license plate for a permanent
36 disability under RCW 46.19.010 shall be entitled to receive,
37 regardless of age and upon making application therefor, a disability
38 pass at no cost to the holder. The pass shall: (i) Entitle such a
39 person, and members of his or her camping unit, to a (~~(fifty)~~) 50
40 percent reduction in the campsite rental fee prescribed by the

1 commission; and (ii) entitle such a person to free admission to any
2 state park.

3 (b) A card, decal, or special license plate issued for a
4 permanent disability under RCW 46.19.010 may serve as a pass for the
5 holder to entitle that person and members of the person's camping
6 unit to a ~~((fifty))~~ 50 percent reduction in the campsite rental fee
7 prescribed by the commission, and to allow the holder free admission
8 to state parks.

9 (3) Any resident of Washington who is a veteran and has a
10 service-connected disability of at least ~~((thirty))~~ 30 percent shall
11 be entitled to receive a lifetime ~~((veteran's disability))~~ disabled
12 veteran pass at no cost to the holder. The pass shall: (a) Entitle
13 such a person, and members of his or her camping unit, to free use of
14 any campsite within any state park; and (b) entitle such a person to
15 free admission to any state ~~((park; and (c) entitle such a person to~~
16 ~~an exemption from any reservation fees))~~ recreation site or lands, as
17 defined in RCW 79A.80.010. A lifetime disabled veteran pass entitles
18 the holder to all of the benefits of a discover pass under chapter
19 79A.80 RCW.

20 (4)(a) Any Washington state resident who provides out-of-home
21 care to a child, as either a licensed foster family home or a person
22 related to the child, is entitled to a foster home pass.

23 (b) An applicant for a foster home pass must request a pass in
24 the manner required by the commission. Upon receipt of a properly
25 submitted request, the commission shall verify with the department of
26 social and health services that the applicant qualifies under (a) of
27 this subsection. Once issued, a foster home pass is valid for the
28 period, which may not be less than one year, designated by the
29 commission.

30 (c) When accompanied by a child receiving out-of-home care from
31 the pass holder, a foster home pass: (i) Entitles such a person, and
32 members of his or her camping unit, to free use of any campsite
33 within any state park; and (ii) entitles such a person to free
34 admission to any state park.

35 (d) For the purposes of this subsection (4):

36 (i) "Out-of-home care" means placement in a foster family home or
37 with a person related to the child under the authority of chapter
38 13.32A, 13.34, or 74.13 RCW;

39 (ii) "Foster family home" has the same meaning as defined in RCW
40 74.15.020; and

1 (iii) "Person related to the child" means those persons referred
2 to in RCW 74.15.020(2)(a) (i) through (vi).

3 (5) All passes issued pursuant to this section are valid at all
4 parks any time during the year. However, the pass is not valid for
5 admission to concessionaire operated facilities.

6 (6) The commission shall negotiate payment and costs, to allow
7 holders of a foster home pass free access and usage of park
8 campsites, with the following nonoperated, nonstate-owned parks:
9 Central Ferry, Chief Timothy, Crow Butte, and Lyons Ferry. The
10 commission shall seek state general fund reimbursement on a biennial
11 basis.

12 (7) The commission may deny or revoke any Washington state park
13 pass issued under this section at any time for cause, including but
14 not limited to the following:

15 (a) Residency outside the state of Washington;

16 (b) Violation of laws or state park rules resulting in eviction
17 from a state park;

18 (c) Intimidating, obstructing, or assaulting a park employee or
19 park volunteer who is engaged in the performance of official duties;

20 (d) Fraudulent use of a pass;

21 (e) Providing false information or documentation in the
22 application for a state parks pass;

23 (f) Refusing to display or show the pass to park employees when
24 requested; or

25 (g) Failing to provide current eligibility information upon
26 request by the agency or when eligibility ceases or changes.

27 (8) This section shall not affect or otherwise impair the power
28 of the commission to continue or discontinue any other programs it
29 has adopted for senior citizens.

30 (9) The commission may engage in a mutually agreed upon
31 reciprocal or discounted program for all or specific pass programs
32 with other outdoor recreation agencies.

33 (10) The commission shall adopt those rules as it finds
34 appropriate for the administration of this section. Among other
35 things, the rules shall prescribe a definition of "camping unit"
36 which will authorize a reasonable number of persons traveling with
37 the person having a pass to stay at the campsite rented by such a
38 person, a minimum Washington residency requirement for applicants for

1 a senior citizen's pass, and an application form to be completed by
2 applicants for a senior citizen's pass."

3 Correct the title.

EFFECT: Requires each Discover Pass to contain space for two motor vehicle license plates, as in current law, rather than three. Changes the threshold for Discover Pass and Day-Use Permit revenue per biennium, after which the revenue is evenly divided between the State Parks and Recreation Commission, Department of Fish and Wildlife, and Department of Natural Resources, from \$100 million to \$85 million.

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