

E2SHB 2373 - S AMD 210

By Senators Ranker, Schoesler

ADOPTED AS AMENDED 03/06/2012

1 Strike everything after the enacting clause and insert the
2 following:

3 "Sec. 1. RCW 79A.80.010 and 2011 c 320 s 2 are each amended to
4 read as follows:

5 The definitions in this section apply throughout this chapter
6 unless the context clearly requires otherwise.

7 (1) "Agency" or "agencies" means the department of fish and
8 wildlife, the department of natural resources, and the parks and
9 recreation commission.

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

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

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

16 (5) "Discover pass" means the annual pass created in RCW
17 79A.80.020.

18 (6) "Motor vehicle" has the same meaning as defined in RCW
19 46.04.320 and which are required to be registered under chapter 46.16A
20 RCW. "Motor vehicle" does not include those motor vehicles exempt from
21 registration under RCW 46.16A.080 and state and publicly owned motor
22 vehicles as provided in RCW 46.16A.170.

23 (7) "Recreation site or lands" means a state park (~~(or)~~), state
24 lands and state forest lands as those terms are defined in RCW
25 79.02.010, natural resources conservation areas as that term is defined
26 in RCW 79.71.030, natural area preserves as that term is defined in RCW
27 79.70.020, and fish and wildlife conservation sites including water
28 access areas, boat ramps, wildlife areas, parking areas, roads, and
29 trailheads(~~(, or department of natural resources developed or~~
30 ~~designated recreation areas, sites, trailheads, and parking areas))~~).

1 (8) "Sno-park seasonal permit" means the seasonal permit issued by
2 the parks and recreation commission for providing access to winter
3 recreational facilities for the period of November 1st through March
4 31st.

5 (9) "Vehicle access pass" means the pass created in RCW 79A.80.040.

6 **Sec. 2.** RCW 79A.80.020 and 2011 c 320 s 3 are each amended to read
7 as follows:

8 (1) Except as otherwise provided in RCW 79A.80.050, 79A.80.060, and
9 79A.80.070, a discover pass is required for any motor vehicle to park
10 or operate on any recreation site or lands, except for short-term
11 parking as may be authorized under RCW 79A.80.070.

12 (2) The cost of ~~((the))~~ a discover pass is thirty dollars ~~((per~~
13 ~~motor vehicle))~~. Every four years the office of financial management
14 must review the cost of the discover pass and, if necessary, recommend
15 to the legislature an adjustment to the cost of the discover pass to
16 account for inflation.

17 (3) ~~((The))~~ A discover pass is valid for one year ~~((from the date~~
18 ~~of issuance))~~ beginning from the date that the discover pass is marked
19 for activation. The activation date may differ from the purchase date
20 pursuant to any policies developed by the agencies.

21 ~~((The discover pass must be made available for purchase~~
22 ~~throughout the year through the department of fish and wildlife's~~
23 ~~automated licensing system consistent with RCW 77.32.050.~~

24 ~~(5) The))~~ Sales of discover ~~((pass))~~ passes must be ~~((made~~
25 ~~available for purchase through the department of licensing as provided~~
26 ~~in RCW 46.16A.090. The department of licensing, county auditor, or~~
27 ~~other agent or subagent appointed by the director, is not responsible~~
28 ~~for delivering a purchased discover pass to a motor vehicle owner. The~~
29 ~~agencies must deliver the purchased discover pass to a motor vehicle~~
30 ~~owner.~~

31 ~~(6) The state parks and recreation commission may make the discover~~
32 ~~pass available for purchase through its reservation system and other~~
33 ~~outlets authorized by law to sell licenses, permits, or passes))~~
34 consistent with section 4 of this act.

35 ~~((7))~~ (5) The discover pass must contain space for ~~((the))~~ two
36 motor vehicle license plate numbers. A discover pass is valid only for
37 those vehicle license plate numbers written on the pass. However, the

1 agencies may offer for sale a family discover pass that is fully
2 transferable among vehicles and does not require the placement of a
3 license plate number on the pass to be valid. The agencies must
4 collectively set a price for the sale of a family discover pass that is
5 no more than fifty dollars. A discover pass is valid only for use with
6 one motor vehicle at any one time.

7 ((+8)-A)) (6) One complimentary discover pass must be provided to
8 a volunteer who performed twenty-four hours of service on agency-
9 sanctioned volunteer projects in a year. The agency must provide
10 vouchers to volunteers identifying the number of volunteer hours they
11 have provided for each project. The vouchers may be brought to an
12 agency to be redeemed for a discover pass.

13 **Sec. 3.** RCW 79A.80.030 and 2011 c 320 s 4 are each amended to read
14 as follows:

15 (1) A person may purchase a day-use permit to meet the requirements
16 of RCW 79A.80.080. ((The)) A day-use permit is ten dollars per day and
17 must be available for purchase from each agency. ((The)) A day-use
18 permit is valid for one calendar day.

19 (2) The agencies may provide short-term parking under RCW
20 79A.80.070 where ((the)) a day-use permit is not required.

21 (3) Every four years the office of financial management must review
22 the cost of the day-use permit and, if necessary, recommend to the
23 legislature an adjustment to the cost of the day-use permit to account
24 for inflation.

25 (4) Sales of day-use permits must be consistent with section 4 of
26 this act.

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

29 (1) Discover passes and day-use permits may be made available for
30 purchase:

31 (a) Through vendors under contract with one or more of the
32 agencies. The agencies may provide vendors with discover passes and
33 day-use permits at the sales price established under RCW 79A.80.020 and
34 79A.80.030 to sell at retail;

35 (b) Directly from the state parks and recreation commission, both

1 through that agency's parks reservation system, directly from agency
2 employees or volunteers at staffed state parks, or as otherwise
3 provided in RCW 79A.05.070;

4 (c) From the department of licensing as provided in RCW 46.16A.090
5 and section 11 of this act;

6 (d) From other outlets authorized by law to sell state licenses,
7 permits, or passes; and

8 (e) Consistent with RCW 77.32.050, through the department of fish
9 and wildlife's automated licensing system.

10 (2) The agencies must maintain a policy to address conditions
11 related to return, replacements, and for providing the full year of
12 recreational lands access that the discover pass provides to
13 individuals who are required by the department of licensing to change
14 license plate numbers during the effective dates of a discover pass
15 tied to the affected vehicle.

16 (3) For discover passes and day-use permits purchased through the
17 department of licensing, county auditors, or other agents or subagents
18 appointed by the director of the department of licensing, the selling
19 entity is not responsible for delivering the purchased discover pass to
20 the purchaser. The responsibility for delivering the discover pass
21 belongs to the agencies.

22 **Sec. 5.** RCW 79A.80.040 and 2011 c 320 s 5 are each amended to read
23 as follows:

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

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

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

1 (4) The vehicle access pass must contain space for two motor
2 vehicle license plate numbers. A vehicle access pass is only valid for
3 those vehicle license plate numbers written on the pass.

4 **Sec. 6.** RCW 79A.80.050 and 2011 c 320 s 6 are each amended to read
5 as follows:

6 (1) ~~((The))~~ A discover pass or ~~((the))~~ a day-use permit are not
7 required within a state park for persons who have a valid camper
8 registration, or annual natural investment permit, issued by the state
9 parks and recreation commission.

10 (2) The state parks and recreation commission ~~((may))~~ must provide
11 up to twelve days a year where entry to ~~((the))~~ state parks is free.
12 At least three of those days must be on weekends. When practicable,
13 the free access days should be timed to correspond with any similar
14 free access days planned by the national park service for national
15 parks located in the general region of high volume state parks.

16 **Sec. 7.** RCW 79A.80.080 and 2011 c 320 s 9 are each amended to read
17 as follows:

18 (1) ~~((The))~~ A discover pass, ~~((the))~~ vehicle access pass, or
19 ~~((the))~~ day-use permit must be visibly displayed in the front
20 windshield of any motor vehicle or otherwise in a prominent location
21 for vehicles without a windshield:

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

23 (b) Parking at a recreation site or lands.

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

28 (3) ~~((+a))~~ The discover pass, the vehicle access pass, or the day-
29 use permit is not required for:

30 (a) Persons who use, possess, or enter lands owned or managed by
31 the agencies for nonrecreational purposes consistent with a written
32 authorization from the agency, including but not limited to leases,
33 contracts, and easements(~~(-~~

34 ~~(b) The discover pass or the day-use permit is not required))~~; or

35 (b) On department of fish and wildlife lands only, for persons
36 possessing a current vehicle access pass pursuant to RCW 79A.80.040.

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

6 (b) Special events and group activities are core recreational
7 activities and major public service opportunities within state parks.
8 When waiving the requirements of this section for special events, the
9 state parks and recreation commission must consider the direct and
10 indirect costs and benefits to the state, local market rental rates,
11 the public service functions of the event sponsor, and other public
12 interest factors when setting appropriate fees for each event or
13 activity.

14 (5) Failure to comply with subsection (1) of this section is a
15 natural resource infraction under chapter 7.84 RCW. An agency is
16 authorized to issue a notice of infraction to any person who fails to
17 comply with subsection (1)(a) of this section or to any motor vehicle
18 that fails to comply with subsection (1)(b) of this section.

19 ~~((+5))~~ (6) The penalty for failure to comply with the requirements
20 of this section is ninety-nine dollars. This penalty ~~((is))~~ must be
21 reduced to fifty-nine dollars if an individual provides proof of
22 purchase of ~~((the))~~ a discover pass to the court within fifteen days
23 after the issuance of the notice of violation.

24 **Sec. 8.** RCW 79A.05.070 and 2011 c 320 s 24 are each amended to
25 read as follows:

26 The commission may:

27 (1) Make rules and regulations for the proper administration of its
28 duties;

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

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

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

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

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

19 (6) Charge (~~such~~) fees for services, utilities, and use of
20 facilities as the commission shall deem proper. The commission may
21 utilize unstaffed collection stations to collect any fees or distribute
22 any permits necessary for access to state parks, including discover
23 passes and day-use permits as those terms are defined in RCW
24 79A.80.010;

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

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

34 (9) (~~Without being limited to the powers hereinbefore enumerated,~~
35 ~~the commission shall have~~) Utilize such other powers as in the
36 judgment of a majority of its members are deemed necessary to
37 effectuate the purposes of this chapter(~~:- PROVIDED, That~~). However,

1 the commission (~~shall~~) does not have power to supervise directly any
2 local park or recreation district, and no funds shall be made available
3 for such purpose.

4 **Sec. 9.** RCW 46.16A.090 and 2011 c 320 s 12 are each amended to
5 read as follows:

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

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

16 (b) The department, county auditor or other agent, or subagent
17 appointed by the director (~~shall~~) must:

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

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

22 (iii) Make information booklets or other informational material
23 available regarding the importance of organ and tissue donations to
24 vehicle owners.

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

33 (3) The department shall collect from a vehicle owner who pays a
34 vehicle license fee under RCW 46.17.350(1) (a), (d), (e), (g), (h),
35 (j), (n), (o), or (q) or who registers a vehicle under RCW 46.16A.455
36 with a declared gross weight of ten thousand pounds or less a voluntary
37 donation of five dollars. The donation may not be collected from any

1 vehicle owner actively opting not to participate in the donation
2 program. The department (~~shall~~) must ensure that the opt-out
3 donation under this section is clear, visible, and prominently
4 displayed in both paper and online vehicle registration renewals.
5 Notification of intent to not participate in the donation program must
6 be provided annually at the time of vehicle registration renewal. The
7 donation must be deposited in the state parks renewal and stewardship
8 account established in RCW 79A.05.215 to be used for the operation and
9 maintenance of state parks.

10 (4) (~~Beginning with vehicle license fees that are due or will~~
11 ~~become due on or after October 1, 2011,~~) A vehicle owner who registers
12 a vehicle under this chapter may purchase a discover pass for (~~a fee~~
13 ~~of thirty dollars, as may be adjusted for inflation under~~) the price
14 amount established in RCW 79A.80.020. Purchase of (~~the~~) a discover
15 pass is voluntary by the vehicle owner. The discover pass fee must be
16 deposited in the recreation access pass account created in RCW
17 79A.80.090. The department, county auditor, or other agent or subagent
18 appointed by the director is not responsible for delivering a purchased
19 discover pass to a motor vehicle owner. The agencies, as defined in
20 RCW 79A.80.010, must deliver the purchased discover pass to a motor
21 vehicle owner.

22 **Sec. 10.** RCW 46.01.140 and 2011 c 171 s 11 are each amended to
23 read as follows:

24 (1) **County auditor/agent duties.** A county auditor or other agent
25 appointed by the director (~~shall~~) must:

- 26 (a) Enter into a standard contract provided by the director;
- 27 (b) Provide all services authorized by the director for vehicle
28 certificates of title and vehicle registration applications and
29 issuance under the direction and supervision of the director including,
30 but not limited to:
 - 31 (i) Processing reports of sale;
 - 32 (ii) Processing transitional ownership transactions;
 - 33 (iii) Processing mail-in vehicle registration renewals until
34 directed otherwise by legislative authority;
 - 35 (iv) Issuing registrations and temporary ORV use permits for
36 off-road vehicles as required under chapter 46.09 RCW;

1 (v) Issuing registrations for snowmobiles as required under chapter
2 46.10 RCW; and

3 (vi) Collecting fees and taxes as required;

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

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

9 (a) Appoint assistants as special deputies to accept applications
10 for vehicle certificates of title and to issue vehicle registrations;
11 and

12 (b) Recommend and request that the director appoint subagencies
13 within the county to accept applications for vehicle certificates of
14 title and vehicle registration application issuance.

15 (3) **Appointing subagents.** A county auditor or other agent
16 appointed by the director who requests a subagency (~~shall~~) must, with
17 approval of the director:

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

21 (b) Submit all proposals to the director with a recommendation for
22 appointment of one or more subagents who have applied through the open
23 competitive process. If a qualified successor who is an existing
24 subagent's sibling, spouse, or child, or a subagency employee has
25 applied, the county auditor (~~shall~~) must provide the name of the
26 qualified successor and the name of one other applicant who is
27 qualified and was chosen through the open competitive process.

28 (4) **Subagent duties.** A subagent appointed by the director
29 (~~shall~~) must:

30 (a) Enter into a standard contract with the county auditor or agent
31 provided by the director; (~~and~~)

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

36 (i) Processing reports of sale;

37 (ii) Processing transitional ownership transactions;

1 (iii) Mailing out vehicle registrations and replacement plates to
2 internet payment option customers until directed otherwise by
3 legislative authority;

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

6 (v) Issuing registrations for snowmobiles as required under chapter
7 46.10 RCW; and

8 (vi) Collecting fees and taxes as required; and

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

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

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

21 (b) A subagent may not receive any direct or indirect compensation
22 or remuneration from any party or entity in recognition of a successor
23 nomination. A subagent may not receive any financial benefit from the
24 transfer or termination of an appointment; and

25 (c) The appointment of a successor is intended to assist in the
26 efficient transfer of appointments to minimize public inconvenience.
27 The appointment of a successor does not create a proprietary or
28 property interest in the appointment.

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

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

36 (b) Describe the equipment to be supplied by the department and
37 equipment maintenance;

1 (c) Require specific types of insurance or bonds, or both, to
2 protect the state against any loss of collected revenue or loss of
3 equipment;

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

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

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

11 (7) **County auditor/agent cost reimbursement.** A county auditor or
12 other agent appointed by the director who does not cover expenses for
13 services provided by the standard contract may submit to the department
14 a request for cost-coverage moneys. The request must be submitted on
15 a form developed by the department. The department (~~shall~~) must
16 develop procedures to standardize and identify allowable costs and to
17 verify whether a request is reasonable. Payment must be made on those
18 requests found to be allowable from the licensing services account.

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

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

27 (10) **Rules.** The director may adopt rules to implement this
28 section.

29 NEW SECTION. **Sec. 11.** A new section is added to chapter 46.01 RCW
30 to read as follows:

31 The department may, in coordination with the state parks and
32 recreation commission, offer for sale and distribute discover passes
33 and day-use permits, as provided in chapter 79A.80 RCW, at the
34 department's drivers' licenses offices. Any amounts collected by the
35 department through the sales of discover passes and day-use permits
36 must be deposited in the recreation access pass account created in RCW
37 79A.80.090.

1 NEW SECTION. **Sec. 12.** (1) A state agency may not refund money for
2 a discover pass or vehicle access pass issued prior to the effective
3 date of this section.

4 (2) Each discover pass or vehicle access pass issued prior to the
5 effective date of this section is valid for two license plate numbers
6 written on the pass.

7 (3) For the purposes of this section, the terms "discover pass" and
8 "vehicle access pass" have the same meanings provided under RCW
9 79A.80.010.

10 (4) This section expires December 31, 2013.

11 NEW SECTION. **Sec. 13.** (1) By December 31, 2013, the agencies
12 responsible for implementing the discover pass requirements of chapter
13 79A.80 RCW must prepare a report to the legislature, delivered
14 consistent with RCW 43.01.036, that identifies opportunities for
15 simplifying the administration and use of the discover pass and
16 creating consistent recreational access policies across all lands that
17 require a discover pass for lawful recreational access. The report
18 must specifically address options for consistent boat launch policies
19 among the agencies and, more generally, address how consistency can be
20 developed for other inconsistent interagency access policies.

21 (2) To the degree the agencies have the authority to address
22 inconsistent recreational access policies administratively, progress
23 towards this end should be included in the required report. If
24 inconsistent recreational access policies are a result of statutory
25 limits, then the report should identify those barriers to consistent
26 recreational access policies.

27 (3) This section expires July 30, 2014.

28 NEW SECTION. **Sec. 14.** A new section is added to chapter 82.32 RCW
29 to read as follows:

30 (1) By September 1, 2012, and by September 1st of every year
31 thereafter, the department must estimate the amount of revenue
32 collected for the prior fiscal year under RCW 67.28.180, 67.28.181, and
33 35.101.050 by a city, town, or county from sales of lodging services
34 within any state park. The department must provide the estimate to the
35 state treasurer.

1 (2) By October 1, 2012, and by October 1st of every year
2 thereafter, the state treasurer must transfer the estimated amount
3 provided by the department under subsection (1) of this section from
4 the local sales and use tax account, and local tourism promotion
5 account if applicable, to the state parks renewal and stewardship
6 account created under RCW 79A.05.215. Money placed into the state
7 parks renewal and stewardship account under this section may be used
8 only for the maintenance and operation of state parks.

9 (3) The next scheduled distribution under RCW 82.14.060 or
10 35.101.100 to any city or county included within the estimate under
11 subsection (1) of this section must be reduced by the amount of the
12 estimate. The reduction in local sales and use tax distributions under
13 this subsection (3) may be implemented over several months, but not to
14 exceed six, at the request of the jurisdiction.

15 **Sec. 15.** RCW 82.14.060 and 2009 c 469 s 108 are each amended to
16 read as follows:

17 (1)(a) Monthly, the state treasurer must distribute from the local
18 sales and use tax account to the counties, cities, transportation
19 authorities, public facilities districts, and transportation benefit
20 districts the amount of tax collected on behalf of each taxing
21 authority, less:

22 (i) The deduction provided for in RCW 82.14.050; (~~and~~)

23 (ii) The amount of any refunds of local sales and use taxes
24 exempted under RCW 82.08.962 and 82.12.962, which must be made without
25 appropriation; and

26 (iii) Any reduction required under section 14 of this act.

27 (b) The state treasurer (~~shall~~) may make the distribution under
28 this section without appropriation.

29 (2) In the event that any ordinance or resolution imposes a sales
30 and use tax at a rate in excess of the applicable limits contained
31 herein, such ordinance or resolution (~~shall~~) may not be considered
32 void in toto, but only with respect to that portion of the rate which
33 is in excess of the applicable limits contained herein.

34 **Sec. 16.** RCW 35.101.100 and 2003 c 148 s 10 are each amended to
35 read as follows:

36 The local tourism promotion account is created in the custody of

1 the state treasurer. Except for reductions required under section 14
2 of this act, all receipts from the charges for tourism promotion must
3 be deposited into this account. Expenditures from the account may only
4 be used for tourism promotion. The state treasurer (~~shall~~) must
5 distribute the money in the account on a monthly basis to the
6 legislative authority on whose behalf the money was collected.

7 NEW SECTION. **Sec. 17.** This act is necessary for the immediate
8 preservation of the public peace, health, or safety, or support of the
9 state government and its existing public institutions, and takes effect
10 immediately."

E2SHB 2373 - S AMD

By Senators Ranker, Schoesler

ADOPTED AS AMENDED 03/06/2012

11 On page 1, line 2 of the title, after "resources;" strike the
12 remainder of the title and insert "amending RCW 79A.80.010, 79A.80.020,
13 79A.80.030, 79A.80.040, 79A.80.050, 79A.80.080, 79A.05.070, 46.16A.090,
14 46.01.140, 82.14.060, and 35.101.100; adding a new section to chapter
15 79A.80 RCW; adding a new section to chapter 46.01 RCW; adding a new
16 section to chapter 82.32 RCW; creating new sections; providing
17 expiration dates; and declaring an emergency."

--- END ---