

SENATE BILL REPORT

SB 5622

As Reported by Senate Committee On:
Natural Resources & Marine Waters, February 17, 2011
Ways & Means, April 13, 2011

Title: An act relating to recreation access on state lands.

Brief Description: Concerning recreation access on state lands.

Sponsors: Senators Ranker, Swecker, Fraser, Hargrove, White, Regala, Shin, Chase, Kline and Conway; by request of Parks and Recreation Commission, Department of Natural Resources and Department of Fish and Wildlife.

Brief History:

Committee Activity: Natural Resources & Marine Waters: 2/02/11, 2/17/11 [DPS-WM, w/oRec].

Ways & Means: 3/30/11, 4/01/11, 4/06/11, 4/13/11 [DP2S, DNP].

SENATE COMMITTEE ON NATURAL RESOURCES & MARINE WATERS

Majority Report: That Substitute Senate Bill No. 5622 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways & Means.

Signed by Senators Ranker, Chair; Regala, Vice Chair; Morton, Ranking Minority Member; Fraser, Hargrove and Swecker.

Minority Report: That it be referred without recommendation.

Signed by Senator Stevens.

Staff: Sherry McNamara (786-7402)

SENATE COMMITTEE ON WAYS & MEANS

Majority Report: That Second Substitute Senate Bill No. 5622 be substituted therefor, and the second substitute bill do pass.

Signed by Senators Murray, Chair; Kilmer, Vice Chair, Capital Budget Chair; Zarelli, Ranking Minority Member; Brown, Conway, Fraser, Hatfield, Hewitt, Keiser, Kohl-Welles, Pridemore, Regala, Rockefeller, Schoesler and Tom.

Minority Report: Do not pass.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Signed by Senators Baxter, Holmquist Newbry, Honeyford and Pflug.

Staff: Chris Godwin (786-7441)

Background: The Washington Department of Fish and Wildlife (WDFW), Department of Natural Resources (DNR), and the State Parks and Recreation Commission (State Parks) are charged with managing the public lands of the state. WDFW owns or manages nearly one million acres of public land for fish and wildlife, habitat conservation, and wildlife-related recreation. DNR protects and manages 5.6 million acres of state-owned land. In addition, the Washington State park system includes 120 developed parks.

DNR and State Parks currently do not charge fees for access to their lands or recreation sites. WDFW charges \$10 for the annual fish and wildlife lands vehicle use permit, or the permit is provided free of charge with all hunting and fishing licenses.

Public or private landowners are not liable for unintentional injuries to members of the public who use the land for outdoor recreation, if no fee is charged. State Parks and WDFW vehicle use and parking permits are not considered a fee for purposes of recreational immunity.

Summary of Bill (Recommended Second Substitute): Creates the Discover Pass for Accessing State Lands Owned or Managed by DNR, WDFW, and State Parks. The Discover Pass costs \$30 per year and is available for purchase at the Department of Licensing (DOL) at the time of vehicle registration, through the WDFW's automated system, and through the State Parks Reservation System. A complimentary Discover Pass must be provided to a volunteer who performs 24 hours of service on agency-sanctioned volunteer projects in a year.

Creates the Day-Use Permit. The Day-Use Permit costs \$10 per calendar day and is available for purchase through each state agency.

Hunters and fishers will receive a Vehicle Access Pass to WDFW lands only with the purchase of certain specified hunting and fishing licenses.

The Discover Pass or the Day-Use Permit is not required for persons who have a valid camper registration issued by State Parks. The annual investment permit is allowed in lieu of the Discover Pass or Day-Use permit at State Parks' designated boat launch sites. The sno-park seasonal permit is allowed in lieu of the Discover Pass or Day-Use permit at designated sno-parks between November 1 and March 31 of each year.

State Parks may offer up to 12 free days, of which three days must be on weekends.

The act maintains the current donation for State Parks at the time of vehicle registration at DOL.

The Discover Pass, Vehicle Access Pass, and Day-Use Permit must be visible in the front windshield of the vehicle. Failure to display the pass or permit is an infraction with a penalty of \$99, reduced to \$59 if a Discover Pass is purchased.

The Discover Pass and the Day-Use Permit are not considered a fee under the Recreational Immunity Statute for purposes of liability.

A new account is created with the following disbursements:

For the first \$71 million in revenue:

- 8 percent is deposited into the Wildlife Account (WDFW);
- 8 percent is deposited into Park Land Trust Revolving Account (DNR); and
- 84 percent is deposited into State Parks Renewal & Stewardship Account.

For any additional revenue beyond \$71 million:

- Revenues are distributed equally amongst the agencies.

The agencies are authorized to delegate and accept enforcement authority under the Interlocal Cooperation Act.

EFFECT OF CHANGES MADE BY WAYS & MEANS COMMITTEE (Recommended Second Substitute):

- 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 the Office of Financial Management 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 DOL.
- Requires the agencies, where applicable to provide short-term parking, not to exceed 30 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.
- Defines a "sno-park seasonal permit" and allows the State Parks and Recreation Commission to accept the sno-park seasonal permit in lieu of the Discover Pass or Day-Use permit at designated sno-parks between November 1 and March 31.
- Defines the "annual natural investment permit" and allows the State Parks and Recreation Commission to accept this permit in lieu of the Discover Pass or Day-Use Permit at state parks' designated boat launch sites.

- Requires the winter recreation program to be self-supporting through its permit fees and other revenues.

EFFECT OF CHANGES MADE BY NATURAL RESOURCES & MARINE WATERS COMMITTEE (Recommended Substitute):

- Adds definition for camper registration to mean proof of payment of a camping fee on recreational lands managed by the parks and recreation commission. (Sec. 2)
- Redefines recreation site or lands to mean a state park or any area managed by an agency for outdoor recreation or fish and wildlife conservation. (Sec. 2)
- Clarifies the definition of vehicle to exclude those vehicles not required to be registered under RCW 46.16A.080. (Sec. 2)
- Allows State Parks to make the Discover Pass available through their reservation system and other outlets authorized by law to sell licenses, permits, or passes. (Sec. 3)
- Reduces the number of volunteer hours from 40 to 24 to receive a complimentary Discover Pass. (Sec. 3)
- Creates the Vehicle Access Pass for access to Department of Fish and Wildlife sites or lands. (Sec. 5)
 - This Vehicle Access Pass is only available to a person who purchases specified hunting and fishing licenses.
 - The cost is \$7 per vehicle.
 - Only one Vehicle Access Pass can be issued per purchase; an additional Vehicle Access Pass may be purchased for \$5.
 - The Vehicle Access Pass is valid for the license year of the license it was purchased with.
- Does not require a Discover Pass or Day-Use Permit for a person who has a valid camper registration issued by State Parks. (Sec. 6)
- Allows State Parks to provide up to 12 days a year where entry to the state parks is free. At least three of the days must be on weekends. (Sec. 6)
- Clarifies that the Discover Pass, the Vehicle Access Pass, or the Day-Use Permit must be visibly displayed in the front windshield of any vehicle (Sec. 7):
 - driving in a recreation site or on recreation lands; or
 - parked at a recreation site or on recreation lands.
- Authorizes an agency to issue a natural resource infraction to any person or a parking infraction/citation to a vehicle who fails to comply with the pass, permit requirements. (Sec. 7)
- Renames the Discover Pass and Day-Use Permit Account to the Recreation Access Pass Account. (Sec. 8)
 - Requires all moneys received from the sale of Discover Pass, Vehicle Access Pass, and Day-Use Permits to be deposited into the account.
 - Changes the percentage for distribution from:
 - 7.5 percent to 8 percent for DNR and WDFW; and
 - 85 percent to 84 percent for State Parks.
- Clarifies that the purchase of the Discover Pass through DOL is voluntary. (Sec. 10)
- Allows counties, cities, and town to require, through posted notice, parked vehicles within one-half mile of recreational sites or lands to visibly display the Discover Pass or Day-Use Permit in the front windshield. (Sec. 16): A violation is a parking infraction.

- Changes the effective date to July 1, 2011, to coincide with the biennial budget, except for section 10 relating to purchases of Discover Pass at DOL which takes effect October 1, 2011. (Sec. 27)

Appropriation: None.

Fiscal Note: Available.

[OFM requested ten-year cost projection pursuant to I-960.]

Committee/Commission/Task Force Created: No.

Effective Date: The bill contains an emergency clause and takes effect on July 1, 2011, except for section 12 which takes effect October 1, 2011.

Staff Summary of Public Testimony on Original Bill (Natural Resources & Marine Waters): PRO: This is a great opportunity to improve our public service delivery and allow our citizens the chance to enjoy all of our public lands. Our budgets have been reduced to a level where we need additional assistance. Our state park system is the fourth oldest in the country, and this bill is the best option to keep from closing over 100 state parks. This legislation would provide a long-term funding source for recreation in Washington. Our state parks are crown jewels that provide great value to our citizens. Recreational opportunities provide a high quality of life for Washington; it is the economic engine for this state and critical to our public health. When the economy improves the Legislature should move to provide more general fund support in this area.

CON: It is a laudable goal to keep our parks open; however, the impact of the fee will be difficult on low-income families and seniors who visit the parks. There has to be a gentler, softer, and better way of raising the revenue. This bill will require not only the fees, but there will be people hired to administer the pass, enforce the pass, issue fines; what will the net revenue amount actually be? The contribution of volunteer hours should be 16 hours instead of 40 hours. Towing equipment and trailers should be exempt from the pass. The distribution of the funds should be equal until DNR and WDFW receive their \$5.5 million. The vehicle use permit should be included in license fee; there is no cost benefit to recreational fishers and hunters. This bill should target specific individual users and exempt others who are currently paying their share as users.

OTHER: Our state parks need to be continued and not diminished, as they provide historical, economical, and cultural benefits. The alternatives to raising money seem limited; this bill appears to be our only current option to generate the amount of revenue needed. The cost of the pass should be raised to \$40. There should still be the ability to donate money through DOL for recreation.

Persons Testifying (Natural Resources & Marine Waters): PRO: Don Hock, State Parks; Clay Sprague, DNR; Phil Anderson, WDFW; Stet Palmer, State Park Volunteer; Gary Worthington, State Parks Donor and Volunteer; Jim King, Citizens for Parks and Recreation; Jonathan Guzzo, Washington Trails Association; Mark Quinn, Washington Wildlife Federation; Thomas O'Keefe, American Whitewater; Sarah Krueger, The Mountaineers; Brian Yearoot, Washington Federation of State Employees; Ted Jackson, Sky Valley

Recreation and Tourism Planning Group; Glen Glover, Evergreen Mountain Bike; Bill Clarke, Trust for Public Land; Ed Owens, Hunters Heritage Council.

CON: Former Representative Lynn Kessler; Daniel Fallstrom, Washington State Snowmobile Association; Neil T. Morgan, Individual Recreationist; Tod Petersen, Kevin McGrath, Washington Off Highway Vehicle Alliance; Robert Brooke, Backcountry Horsemen; Teri Nomura, citizen.

OTHER: Peter Reid, Washington State Parks Foundation; James McMahan, Washington Association of County Officials; Carl Burke, Fish Northwest.

Staff Summary of Public Testimony on Recommended First Substitute (Ways & Means): PRO: This legislation is necessary and valuable. This is a user-supported approach to keeping parks open. The proposed substitute addresses equity issues as they relate to hunters and fishers who already pay for access to state lands through their hunting and fishing licenses.

There should be exemptions for low-income groups; penalties should not become criminal; boaters should be exempt.

CON: Off-road vehicle users and snowmobilers will be double charged since they pay registration and license fees.

Persons Testifying (Ways & Means): PRO: Jim King, Citizens for Parks and Recreation; Doug Levy, Recreational Boaters Assn. of WA, WA Recreation and Parks Assn.; Jonathan Guzzo, WA Trails Assn.; Scott Sigman, Coastal Conservation Assn.; Carl Burke, Puget Sound Anglers, Northwest Sport Fishery Industry Assn.; Mark Quinn, WA Wildlife Federation; Peter Reid, WA State Parks Foundation.

CON: Daniel Folstrom, WA State Snowmobile Assn.