

SENATE BILL REPORT

2SSB 5622

As Passed Senate, April 20, 2011

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

Brief Description: Concerning recreation access on state lands.

Sponsors: Senate Committee on Ways & Means (originally sponsored by 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].

Passed Senate: 4/20/11, 33-14.

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 Second Substitute Bill: 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.

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.