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HOUSE BILL 2161

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State of Washington                      62nd Legislature                      2011 2nd Special Session

By Representatives Bailey, Orwall, McCune, Zeiger, Cody, Ladenburg, Dahlquist, and Maxwell

Read first time 12/09/11. Referred to Committee on State Government & Tribal Affairs.

1            AN ACT Relating to access to state recreation lands by disabled  
2 veterans; and amending RCW 79A.80.020, 79A.80.080, and 79A.05.065.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4            **Sec. 1.** RCW 79A.80.020 and 2011 c 320 s 3 are each amended to read  
5 as follows:

6            (1) A discover pass is required for any motor vehicle to park or  
7 operate on any recreation site or lands, except for short-term parking  
8 as may be authorized under RCW 79A.80.070.

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

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

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

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

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

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

12 (8)(a) A complimentary discover pass must be provided to ((a)):

13 (i) A person who has been provided with a lifetime veteran's  
14 disability pass from the state parks and recreation commission under  
15 RCW 79A.05.065; and

16 (ii) A volunteer who performed twenty-four hours of service on  
17 agency-sanctioned volunteer projects in a year. The agency must  
18 provide vouchers to volunteers identifying the number of volunteer  
19 hours they have provided for each project. ((The))

20 (b) Volunteer vouchers or lifetime veteran's disability passes may  
21 be brought to an agency ((to be redeemed)) for the receipt of a  
22 discover pass.

23 **Sec. 2.** RCW 79A.80.080 and 2011 c 320 s 9 are each amended to read  
24 as follows:

25 (1) The discover pass, the vehicle access pass, or the day-use  
26 permit must be visibly displayed in the front windshield of any motor  
27 vehicle:

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

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

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

34 (3)(a) The discover pass, the vehicle access pass, or the day-use  
35 permit is not required for persons who use, possess, or enter lands  
36 owned or managed by the agencies for purposes consistent with a written

1 authorization from the agency, including but not limited to leases,  
2 contracts, and easements.

3 (b) The discover pass or the day-use permit is not required on  
4 department of fish and wildlife lands for persons possessing a current  
5 vehicle access pass pursuant to RCW 79A.80.040.

6 (4) Failure to comply with subsection (1) of this section is a  
7 natural resource infraction under chapter 7.84 RCW. An agency is  
8 authorized to issue a notice of infraction to any person who fails to  
9 comply with subsection (1)(a) of this section or to any motor vehicle  
10 that fails to comply with subsection (1)(b) of this section.

11 (5) The penalty for failure to comply with the requirements of this  
12 section is ninety-nine dollars. This penalty (~~(is)~~) must be:

13 (a) Reduced to fifty-nine dollars if an individual provides proof  
14 of purchase of (~~the~~) a discover pass to the court within fifteen days  
15 after the issuance of the notice of violation; and

16 (b) Waived entirely if an individual shows that he or she either  
17 has a lifetime veteran's disability pass from the state parks and  
18 recreation commission under RCW 79A.05.065 or is eligible for a  
19 lifetime veteran's disability pass.

20 **Sec. 3.** RCW 79A.05.065 and 2011 c 171 s 115 are each amended to  
21 read as follows:

22 (1)(a) The commission shall grant to any person who meets the  
23 eligibility requirements specified in this section a senior citizen's  
24 pass which shall: (i) Entitle such a person, and members of his or her  
25 camping unit, to a fifty percent reduction in the campsite rental fee  
26 prescribed by the commission; and (ii) entitle such a person to free  
27 admission to any state park.

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

31 (i) The person is at least sixty-two years of age;

32 (ii) The person is a domiciliary of the state of Washington and  
33 meets reasonable residency requirements prescribed by the commission;  
34 and

35 (iii) The person and his or her spouse have a combined income that  
36 would qualify the person for a property tax exemption pursuant to RCW  
37 84.36.381. The financial eligibility requirements of this subsection

1 (1)(b)(iii) apply regardless of whether the applicant for a senior  
2 citizen's pass owns taxable property or has obtained or applied for  
3 such property tax exemption.

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

9 (d) A holder of a senior citizen's pass shall surrender the pass  
10 upon request of a commission employee when the employee has reason to  
11 believe the holder fails to meet the criteria in (b) of this  
12 subsection. The holder shall have the pass returned upon providing  
13 proof to the satisfaction of the director that the holder meets the  
14 eligibility criteria for obtaining the senior citizen's pass.

15 (2)(a) Any resident of Washington who is disabled as defined by the  
16 social security administration and who receives social security  
17 benefits for that disability, or any other benefits for that disability  
18 from any other governmental or nongovernmental source, or who is  
19 entitled to benefits for permanent disability under RCW  
20 71A.10.020(~~(+3)~~) (4) due to unemployability full time at the minimum  
21 wage, or who is legally blind or profoundly deaf, or who has been  
22 issued a card, decal, or special license plate for a permanent  
23 disability under RCW 46.19.010 shall be entitled to receive, regardless  
24 of age and upon making application therefor, a disability pass at no  
25 cost to the holder. The pass shall: (i) Entitle such a person, and  
26 members of his or her camping unit, to a fifty percent reduction in the  
27 campsite rental fee prescribed by the commission; and (ii) entitle such  
28 a person to free admission to any state park.

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

34 (3) Any resident of Washington who is a veteran and has a service-  
35 connected disability of at least thirty percent shall be entitled to  
36 receive a lifetime veteran's disability pass at no cost to the holder.  
37 The pass shall: (a) Entitle such a person, and members of his or her  
38 camping unit, to free use of any campsite within any state park; (b)

1 entitle such a person to free admission to any state park; ~~((and))~~ (c)  
2 entitle such a person to an exemption from any reservation fees; and  
3 (d) entitle such a person to a complimentary discover pass consistent  
4 with the provisions of RCW 79A.80.020.

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

8 (b) An applicant for a foster home pass must request a pass in the  
9 manner required by the commission. Upon receipt of a properly  
10 submitted request, the commission shall verify with the department of  
11 social and health services that the applicant qualifies under (a) of  
12 this subsection. Once issued, a foster home pass is valid for the  
13 period, which may not be less than one year, designated by the  
14 commission.

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

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

21 (i) "Out-of-home care" means placement in a foster-family home or  
22 with a person related to the child under the authority of chapter  
23 13.32A, 13.34, or 74.13 RCW;

24 (ii) "Foster-family home" has the same meaning as defined in RCW  
25 74.15.020; and

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

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

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

36 (7) The commission may deny or revoke any Washington state park  
37 pass issued under this section for cause, including but not limited to  
38 the following:

1 (a) Residency outside the state of Washington;  
2 (b) Violation of laws or state park rules resulting in eviction  
3 from a state park;  
4 (c) Intimidating, obstructing, or assaulting a park employee or  
5 park volunteer who is engaged in the performance of official duties;  
6 (d) Fraudulent use of a pass;  
7 (e) Providing false information or documentation in the application  
8 for a state parks pass;  
9 (f) Refusing to display or show the pass to park employees when  
10 requested; or  
11 (g) Failing to provide current eligibility information upon request  
12 by the agency or when eligibility ceases or changes.  
13 (8) This section shall not affect or otherwise impair the power of  
14 the commission to continue or discontinue any other programs it has  
15 adopted for senior citizens.  
16 (9) The commission may engage in a mutually agreed upon reciprocal  
17 or discounted program for all or specific pass programs with other  
18 outdoor recreation agencies.  
19 (10) The commission shall adopt those rules as it finds appropriate  
20 for the administration of this section. Among other things, the rules  
21 shall prescribe a definition of "camping unit" which will authorize a  
22 reasonable number of persons traveling with the person having a pass to  
23 stay at the campsite rented by such a person, a minimum Washington  
24 residency requirement for applicants for a senior citizen's pass, and  
25 an application form to be completed by applicants for a senior  
26 citizen's pass.

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