
HOUSE BILL 2295

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By Representatives Van De Wege, Tharinger, Hudgins, Eddy, Springer, Appleton, Maxwell, Haler, Reykdal, Lytton, Sells, Smith, Green, Billig, Hurst, Wilcox, Dammeier, Pedersen, Takko, Morris, Angel, Stanford, Moscoso, Ormsby, Haigh, Hansen, and Roberts

Read first time 01/11/12. Referred to Committee on General Government Appropriations & Oversight.

1 AN ACT Relating to the discover pass; amending RCW 77.32.010,
2 77.15.750, 79A.05.215, 79A.05.070, 77.32.070, 77.32.050, 46.01.140, and
3 46.16A.090; reenacting and amending RCW 43.30.385 and 77.12.170; adding
4 new sections to chapter 79A.80 RCW; adding a new section to chapter
5 77.32 RCW; adding a new section to chapter 79A.05 RCW; adding a new
6 section to chapter 46.01 RCW; creating a new section; repealing RCW
7 79A.80.010, 79A.80.020, 79A.80.030, 79A.80.040, 79A.80.050, 79A.80.060,
8 79A.80.070, 79A.80.080, and 79A.80.090; and prescribing penalties.

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

10 NEW SECTION. **Sec. 1.** The definitions in this section apply
11 throughout this chapter unless the context clearly requires otherwise.

12 (1) "Agency" or "agencies" means the department of fish and
13 wildlife, the department of natural resources, and the state parks and
14 recreation commission.

15 (2) "Day use permit" means the recreational lands access permit
16 created in section 3 of this act.

17 (3) "Discover pass" means the pass created in section 2 of this
18 act.

1 (4) "Recreational lands" means any designated or developed
2 recreation area or site managed by an agency for outdoor recreation or
3 fish and wildlife conservation including designated water access areas,
4 boat ramps and launches, wildlife areas, parking areas, roads,
5 trailheads, water trails, and other trails under ownership, management,
6 lease, or control of the agency.

7 (5) "Vehicle" has the same meaning as "motor vehicle" defined in
8 RCW 46.04.320 and which are required to be registered under chapter
9 46.16A RCW. The term "vehicle" does not include:

10 (a) An otherwise included motor vehicle if the vehicle is being
11 towed under the power of a motor vehicle satisfying the definition
12 provided in RCW 46.04.320;

13 (b) Those motor vehicles exempt from registration under RCW
14 46.16A.080; and

15 (c) State and publicly owned vehicles as provided in RCW
16 46.16A.170.

17 NEW SECTION. **Sec. 2.** (1) The discover pass is created as an
18 annual pass that is required, except as provided in sections 5 and 8 of
19 this act, to park or drive a vehicle on any recreational lands.

20 (2)(a) Except as provided in sections 10 and 11 of this act, the
21 cost of a discover pass is thirty dollars.

22 (b) Every four years the office of financial management must review
23 the cost of a discover pass and, if necessary, recommend to the
24 legislature an adjustment to the cost of a discover pass to account for
25 inflation.

26 (3)(a) Except for a gifted discover pass, a discover pass is valid
27 for one year from the date of issuance and must be designed so the
28 expiration month can be designated at the time of purchase.

29 (b) A gift option must be made available to the purchaser of a
30 discover pass. A gifted discover pass only differs from a standard
31 discover pass in that the purchaser may designate the month in which
32 the pass becomes effective.

33 (4) A discover pass must be made available for purchase as provided
34 in section 9 of this act.

35 (5) The discover pass must contain space for two motor vehicle
36 license plate numbers and is only valid if a license plate number

1 matching the vehicle in which the discover pass is displayed is written
2 into one of those spaces.

3 (6) A complimentary discover pass must be provided to a volunteer
4 who performed twenty-four hours of service on agency-sanctioned
5 volunteer projects in one year. The agency must provide vouchers to
6 volunteers identifying the number of volunteer hours they have provided
7 for each project. The vouchers may be taken to an agency to be
8 redeemed for a discover pass.

9 (7) Except as otherwise specifically provided in statute, other
10 than providing the option for a day use permit under section 3 of this
11 act, the agencies may not require any additional payment for day use
12 noncommercial recreational access to recreational lands by individuals
13 or single vehicles. This subsection does not apply to special winter
14 recreational areas managed by the state parks and recreation commission
15 under chapter 79A.05 RCW, commercial activities or leases, consumptive
16 uses, events, rights of entry, or other activities or uses of
17 recreational lands not otherwise allowed to be accessed or used by the
18 holders of a discover pass.

19 NEW SECTION. **Sec. 3.** (1) A person may purchase a day use permit
20 that enables the holder to park or drive a vehicle on any recreational
21 lands without violating the requirements of section 4 of this act.

22 (2)(a) The day use permit is ten dollars.

23 (b) Every four years the office of financial management must review
24 the cost of a day use permit and, if necessary, recommend to the
25 legislature an adjustment to the cost of a day use permit to account
26 for inflation.

27 (3) Day use permits must be available for purchase as provided in
28 section 9 of this act.

29 NEW SECTION. **Sec. 4.** (1) Except as provided in this section or
30 section 5 of this act, a valid discover pass or a day use permit must
31 be visibly displayed in the front windshield of any vehicle, or in
32 plain sight on a vehicle without a windshield when:

33 (a) Driving on recreational lands; or

34 (b) Parked on recreational lands.

35 (2) A discover pass or day use permit is not required on private

1 lands, state-owned aquatic lands other than water access areas, or at
2 agency offices, hatcheries, or other facilities where public business
3 is conducted.

4 (3) A discover pass or day use permit is not required for persons
5 who use, possess, or enter lands owned or managed by the agencies for
6 purposes consistent with a written authorization from the agency,
7 including but not limited to leases, contracts, and easements. An
8 agency may waive the requirements of this section for any person who
9 has secured the ability to access specific recreational land through
10 the provision of monetary consideration to the agency.

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

16 (5) The penalty for failure to comply with the requirements of this
17 section is ninety-nine dollars. This penalty is reduced to fifty-nine
18 dollars if an individual provides proof of purchase of a discover pass
19 to the court within fifteen days after the issuance of the notice of
20 violation.

21 NEW SECTION. **Sec. 5.** (1) A discover pass or a day use permit are
22 not required for persons who display proof of payment of a camping fee
23 collected by the state parks and recreation commission under chapter
24 79A.05 RCW for the day preceding and the day following the night or
25 nights of camping designated on the proof of payment.

26 (2) A discover pass or day use permit is not required to park in
27 designated winter recreational area parking spaces identified in RCW
28 79A.05.225 between November 1st through March 31st and are not valid
29 substitutes for special winter recreational parking permits issued
30 under RCW 79A.05.230.

31 (3) The state parks and recreation commission must provide twelve
32 days a year where a vehicle may enter upon or park at a state park
33 without having to purchase or display a discover pass or day use
34 permit. At least three of those days must be on weekends.

35 NEW SECTION. **Sec. 6.** (1) The recreation access pass account is

1 created in the state treasury. All moneys received from the sale of
2 discover passes created in section 2 of this act and day use permits
3 created in section 3 of this act must be deposited into the account.

4 (2) Except as otherwise provided in this section, each fiscal
5 biennium, the first seventy-one million dollars in revenue must be
6 distributed to the agencies in the following manner:

7 (a) Eight percent to the department of fish and wildlife and
8 deposited into the state wildlife account created in RCW 77.12.170;

9 (b) Eight percent to the department of natural resources and
10 deposited into the park land trust revolving fund created in RCW
11 43.30.385; and

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

15 (3) Each fiscal biennium, revenues in excess of seventy-one million
16 dollars must be distributed equally among the agencies to the accounts
17 identified in subsection (2) of this section.

18 (4) Revenues distributed from the recreation access pass account
19 may only be used by the agencies for the following purposes:

20 (a) Operating, maintaining, providing stewardship of, and
21 administering recreational lands and public access to public lands,
22 including criminal and civil law enforcement; and

23 (b) Securing public access to land owned by an agency that does not
24 have direct public access, or to fishing and hunting areas located on,
25 or requiring access through, private lands.

26 (5) Prior to distributing revenue to the agencies under this
27 section, the state parks and recreation commission must be reimbursed
28 for the costs of producing, marketing, and distributing discover passes
29 and day use permits under section 7 of this act.

30 NEW SECTION. **Sec. 7.** (1) Administration of this chapter,
31 including the production, marketing, and distribution of discover
32 passes and day use permits to private vendors and other sales
33 locations, is the primary responsibility of the state parks and
34 recreation commission. However, the state parks and recreation
35 commission must consult with the other affected agencies when a
36 decision substantially affects that agency.

1 (2) Nothing in this section affects the administration of the
2 department of fish and wildlife's automated licensing system authorized
3 in RCW 77.32.050 or provides the state parks and recreation commission
4 with any authority over that system.

5 NEW SECTION. **Sec. 8.** Each agency must, where applicable,
6 designate a short-term parking area on recreational lands that allows
7 a vehicle to park on the recreational lands for up to fifteen minutes
8 without having to display a discover pass or day use permit.

9 NEW SECTION. **Sec. 9.** (1) Discover passes and day use permits may
10 be made available for purchase:

11 (a) Through private sector vendors under contract with the state
12 parks and recreation commission;

13 (b) Directly from the state parks and recreation commission, both
14 through that agency's parks reservation system, directly from agency
15 employees or volunteers at staffed state parks, or as otherwise
16 provided in RCW 79A.05.070;

17 (c) From the department of licensing as provided in RCW 46.16A.090
18 and section 21 of this act;

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

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

23 (2) The department of fish and wildlife's automated licensing
24 system is only one option for the sale of discover passes and day use
25 permits. Only discover passes and day use permits purchased in the
26 same transaction with licenses or permits issued under Title 77 RCW are
27 required to be sold through the automated licensing system and assessed
28 a transaction fee paid by the purchaser.

29 (3)(a) Except as provided in (b) of this subsection, once
30 purchased, a discover pass may not be returned and the purchase price
31 may not be refunded. Replacements for lost or stolen discover passes
32 may only be provided at full cost as provided in sections 2 and 3 of
33 this act.

34 (b) The state parks and recreation commission must maintain a
35 policy for providing the full year of recreational lands access that

1 the discover pass provides to individuals who are required by the
2 department of licensing to change license plate numbers during the
3 effective dates of a discover pass tied to the affected vehicle.

4 (4) Private sector vendors under contract with the state parks and
5 recreation commission may be provided with discover passes and day use
6 permits to sell at retail for a per item price less than the sales
7 price established in sections 2 and 3 of this act. However, any
8 participating private sector vendor may not collect less than the
9 amount established in sections 2 and 3 of this act for the sale of a
10 discover pass or day use permit.

11 NEW SECTION. **Sec. 10.** A new section is added to chapter 77.32 RCW
12 to read as follows:

13 (1) The department must make a discover pass available for purchase
14 to any person who, in the same transaction, also purchases one of the
15 following:

- 16 (a) A big game hunting license issued under RCW 77.32.450;
- 17 (b) A small game hunting license issued under RCW 77.32.460;
- 18 (c) A western Washington pheasant permit issued under RCW
19 77.32.575;
- 20 (d) A trapping license issued under RCW 77.65.450;
- 21 (e) A watchable wildlife decal issued under RCW 77.32.560; or
- 22 (f) A combination, saltwater, or freshwater personal use fishing
23 license issued under RCW 77.32.470.

24 (2) The cost of a discover pass, when purchased during the same
25 transaction as an item identified in subsection (1) of this section, is
26 fifty percent of the cost of a discover pass as established in section
27 2 of this act.

28 (3) Only one discounted discover pass may be issued per
29 transaction. Additional discover passes, as well as discover passes
30 and day use permits sold to an individual purchasing an item other than
31 those identified in subsection (1) of this section, may be purchased
32 for the amount established in section 2 of this act.

33 (4) The fees collected for all discover passes and day use permits
34 purchased under this section must be deposited in the recreation access
35 pass account created in section 6 of this act.

36 (5) For the purposes of this section and unless the context clearly

1 requires otherwise, the terms "discover pass" and "day use permit" have
2 the same meaning as provided in section 1 of this act.

3 NEW SECTION. **Sec. 11.** A new section is added to chapter 79A.05
4 RCW to read as follows:

5 (1) The commission must make a discover pass available for purchase
6 to any person who, in the same transaction, also purchases a campsite
7 rental.

8 (2) The cost of a discover pass, when purchased during the same
9 transaction as an item identified in subsection (1) of this section, is
10 fifty percent of the cost of a discover pass as established in section
11 2 of this act.

12 (3) Only one discounted discover pass may be issued per
13 transaction. Additional discover passes, as well as discover passes
14 and day use permits sold to an individual purchasing an item other than
15 those identified in subsection (1) of this section, may be purchased
16 for the amount established in section 2 of this act.

17 (4) The fees collected for all discover passes and day use permits
18 purchased under this section must be deposited in the recreation access
19 pass account created in section 6 of this act.

20 (5) For the purposes of this section and unless the context clearly
21 requires otherwise, the terms "discover pass" and "day use permit" have
22 the same meaning as defined in section 1 of this act.

23 **Sec. 12.** RCW 77.32.010 and 2011 c 320 s 19 are each amended to
24 read as follows:

25 (1) Except as otherwise provided in this chapter, a recreational
26 license issued by the director is required to hunt for or take wild
27 animals or wild birds, fish for, take, or harvest fish, shellfish, and
28 seaweed. A recreational fishing or shellfish license is not required
29 for carp, smelt, and crawfish, and a hunting license is not required
30 for bullfrogs.

31 (2) A (~~pass or permit issued under RCW 79A.80.020, 79A.80.030, or~~
32 ~~79A.80.040 is required to park or operate a motor vehicle on a~~
33 ~~recreation site or lands, as defined in RCW 79A.80.010~~) discover pass
34 or day use permit issued under section 2 or 3 of this act is required
35 to access, park a vehicle on, or drive a vehicle on recreational lands

1 managed by the department, as the term "recreational lands" is defined
2 in section 1 of this act.

3 (3) During the 2009-2011 fiscal biennium to enable the
4 implementation of the pilot project established in section 307, chapter
5 329, Laws of 2008, a fishing permit issued to a nontribal member by the
6 Colville Tribes shall satisfy the license requirements in subsection
7 (1) of this section on the waters of Lake Rufus Woods and on the north
8 shore of Lake Rufus Woods, and a Colville Tribes tribal member
9 identification card shall satisfy the license requirements in
10 subsection (1) of this section on all waters of Lake Rufus Woods.

11 **Sec. 13.** RCW 77.15.750 and 2011 c 320 s 20 are each amended to
12 read as follows:

13 (1) A person is guilty of unlawful use of a department permit if
14 the person:

15 (a) Violates any terms or conditions of the permit issued by the
16 department or the director; or

17 (b) Violates any rule of the commission or the director applicable
18 to the requirement for, issuance of, or use of the permit.

19 (2)(a) Permits covered under subsection (1) of this section
20 include, but are not limited to, master hunter permits, crab pot
21 removal permits and shellfish pot removal permits under RCW 77.70.500,
22 depredation permits, landowner hunting permits, commercial carp license
23 permits, permits to possess or dispense beer or malt liquor pursuant to
24 RCW 66.28.210, and permits to hold, sponsor, or attend an event
25 requiring a banquet permit from the liquor control board.

26 (b) Permits excluded from subsection (1) of this section include
27 the discover pass created in (~~RCW 79A.80.020, the vehicle access pass~~
28 ~~created in RCW 79A.80.040, the day use permit created in RCW~~
29 ~~79A.80.030)) section 2 of this act, the day use permit created in
30 section 3 of this act, commercial use or activity permits,
31 noncommercial use or activity permits, parking permits, experimental
32 fishery permits, trial commercial fishery permits, and scientific
33 collection permits.~~

34 (3) Unlawful use of a department permit is a misdemeanor.

35 (4) A person is guilty of unlawful use of an experimental fishery
36 permit or a trial commercial fishery permit if the person:

1 (a) Violates any terms or conditions of the permit issued by the
2 department or the director; or

3 (b) Violates any rule of the commission or the director applicable
4 to the issuance or use of the permit.

5 (5) Unlawful use of an experimental fishery permit or a trial
6 commercial fishery permit is a gross misdemeanor.

7 (6) The definitions in this subsection apply throughout this
8 section unless the context clearly requires otherwise.

9 (a) "Experimental fishery permit" means a permit issued by the
10 director for either:

11 (i) An "emerging commercial fishery," defined as a fishery for a
12 newly classified species for which the department has determined that
13 there is a need to limit participation; or

14 (ii) An "expanding commercial fishery," defined as a fishery for a
15 previously classified species in a new area, by a new method, or at a
16 new effort level, for which the department has determined that there is
17 a need to limit participation.

18 (b) "Trial commercial fishery permit" means a permit issued by the
19 department for trial harvest of a newly classified species or harvest
20 of a previously classified species in a new area or by a new means.

21 **Sec. 14.** RCW 43.30.385 and 2011 c 320 s 21 and 2011 c 16 s 14 are
22 each reenacted and amended to read as follows:

23 (1) The park land trust revolving fund is to be utilized by the
24 department for the purpose of acquiring real property, including all
25 reasonable costs associated with these acquisitions, as a replacement
26 for the property transferred to the state parks and recreation
27 commission, as directed by the legislature in order to maintain the
28 land base of the affected trusts or under RCW 79.22.060 and to receive
29 voluntary contributions for the purpose of operating and maintaining
30 public use and recreation facilities, including trails, managed by the
31 department.

32 (2) In addition to the other purposes identified in this section,
33 the park land trust revolving fund may be utilized by the department to
34 hold funding for future acquisition of lands for the community forest
35 trust program from willing sellers under RCW 79.155.040.

36 (3)(a) Proceeds from transfers of real property to the state parks

1 and recreation commission or other proceeds identified from transfers
2 of real property as directed by the legislature shall be deposited in
3 the park land trust revolving fund.

4 (b) The proceeds from real property transferred or disposed under
5 RCW 79.22.060 must be used solely to purchase replacement forest land,
6 that must be actively managed as a working forest, within the same
7 county as the property transferred or disposed.

8 (c) Disbursement from the park land trust revolving fund to acquire
9 replacement property and for operating and maintaining public use and
10 recreation facilities shall be on the authorization of the department.

11 (d) The proceeds from the recreation access pass account created in
12 ((RCW 79A.80.090 must be solely used for the purpose of operating and
13 maintaining public use and recreation facilities, including trails,
14 managed by the department)) section 6 of this act may only be used for
15 the purposes provided in section 6 of this act.

16 (4) In order to maintain an effective expenditure and revenue
17 control, the park land trust revolving fund is subject in all respects
18 to chapter 43.88 RCW, but no appropriation is required to permit
19 expenditures and payment of obligations from the fund.

20 (5) The department is authorized to solicit and receive voluntary
21 contributions for the purpose of operating and maintaining public use
22 and recreation facilities, including trails, managed by the department.
23 The department may seek voluntary contributions from individuals and
24 organizations for this purpose. Voluntary contributions will be
25 deposited into the park land trust revolving fund and used solely for
26 the purpose of public use and recreation facilities operations and
27 maintenance. Voluntary contributions are not considered a fee for use
28 of these facilities.

29 **Sec. 15.** RCW 79A.05.215 and 2011 c 320 s 22 are each amended to
30 read as follows:

31 (1) The state parks renewal and stewardship account is created in
32 the state treasury. Except as otherwise provided in this chapter, all
33 receipts from user fees, concessions, leases, donations collected under
34 RCW 46.16A.090(3), and other state park-based activities shall be
35 deposited into the account. ((The proceeds from the recreation access
36 pass account created in RCW 79A.80.090 must be used for the purpose of
37 operating and maintaining state parks.))

1 (2)(a) Except for the proceeds from the recreation access pass
2 account created in section 6 of this act, expenditures from the account
3 may be used for operating state parks, developing and renovating park
4 facilities, undertaking deferred maintenance, enhancing park
5 stewardship, and other state park purposes.

6 (b) The proceeds from the recreation access pass account created in
7 section 6 of this act must be used for the purposes identified in
8 section 6 of this act.

9 (c) Expenditures from the account may be made only after
10 appropriation by the legislature.

11 **Sec. 16.** RCW 77.12.170 and 2011 c 339 s 3, 2011 c 320 s 23, and
12 2011 c 171 s 112 are each reenacted and amended to read as follows:

13 (1) There is established in the state treasury the state wildlife
14 account which consists of moneys received from:

15 (a) Rentals or concessions of the department;

16 (b) The sale of real or personal property held for department
17 purposes, unless the property is seized or recovered through a fish,
18 shellfish, or wildlife enforcement action;

19 (c) The assessment of administrative penalties;

20 (d) The sale of licenses, permits, tags, and stamps required by
21 chapter 77.32 RCW, RCW 77.65.490, and application fees;

22 (e) Fees for informational materials published by the department;

23 (f) Fees for personalized vehicle, Wild on Washington, and
24 Endangered Wildlife license plates and Washington's Wildlife license
25 plate collection as provided in chapter 46.17 RCW;

26 (g) Articles or wildlife sold by the director under this title;

27 (h) Compensation for damage to department property or wildlife
28 losses or contributions, gifts, or grants received under RCW 77.12.320.
29 However, this excludes fish and shellfish overages, and court-ordered
30 restitution or donations associated with any fish, shellfish, or
31 wildlife enforcement action, as such moneys must be deposited pursuant
32 to RCW 77.15.425;

33 (i) Excise tax on anadromous game fish collected under chapter
34 82.27 RCW;

35 (j) The department's share of revenues from auctions and raffles
36 authorized by the commission;

37 (k) The sale of watchable wildlife decals under RCW 77.32.560; and

1 (1) (~~Moneys received from the recreation access pass account~~
2 ~~created in RCW 79A.80.090 must be dedicated to stewardship, operations,~~
3 ~~and maintenance of department lands used for public recreation~~
4 ~~purposes; and~~

5 ~~(m))~~ Donations received by the director under RCW 77.12.039.

6 (2) Moneys received from the recreation access pass account created
7 in section 6 of this act may only be used for the purposes identified
8 in section 6 of this act.

9 (3) State and county officers receiving any moneys listed in
10 subsection (1) of this section shall deposit them in the state treasury
11 to be credited to the state wildlife account.

12 **Sec. 17.** RCW 79A.05.070 and 2011 c 320 s 24 are each amended to
13 read as follows:

14 The commission may:

15 (1) Make rules and regulations for the proper administration of its
16 duties;

17 (2) Accept any grants of funds made with or without a matching
18 requirement by the United States, or any agency thereof, for purposes
19 in keeping with the purposes of this chapter; accept gifts, bequests,
20 devises and endowments for purposes in keeping with such purposes;
21 enter into cooperative agreements with and provide for private
22 nonprofit groups to use state park property and facilities to raise
23 money to contribute gifts, grants, and support to the commission for
24 the purposes of this chapter. The commission may assist the nonprofit
25 group in a cooperative effort by providing necessary agency personnel
26 and services, if available. However, none of the moneys raised may
27 inure to the benefit of the nonprofit group, except in furtherance of
28 its purposes to benefit the commission as provided in this chapter.
29 The agency and the private nonprofit group shall agree on the nature of
30 any project to be supported by such gift or grant prior to the use of
31 any agency property or facilities for raising money. Any such gifts
32 may be in the form of recreational facilities developed or built in
33 part or in whole for public use on agency property, provided that the
34 facility is consistent with the purposes of the agency;

35 (3) Require certification by the commission of all parks and
36 recreation workers employed in state aided or state controlled
37 programs;

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

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

7 (6) Charge (~~such~~) fees for services, utilities, and use of
8 facilities, except for facilities allowed to be accessed and used by
9 the holder of a discover pass or day use permit under chapter 79A.80
10 RCW, as the commission shall deem proper. Unless deemed inappropriate
11 by the commission, the commission shall utilize unstaffed collection
12 stations to collect any fees or distribute any permits necessary for
13 access to state parks;

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

18 (8) Determine the qualifications of and employ a director of parks
19 and recreation who shall receive a salary as fixed by the governor in
20 accordance with the provisions of RCW 43.03.040 and determine the
21 qualifications and salary of and employ such other persons as may be
22 needed to carry out the provisions hereof; and

23 (9) (~~Without being limited to the powers hereinbefore enumerated,~~
24 ~~the commission shall have~~) Utilize such other powers as in the
25 judgment of a majority of its members are deemed necessary to
26 effectuate the purposes of this chapter(~~:- PROVIDED, That~~). However,
27 the commission (~~shall~~) does not have power to supervise directly any
28 local park or recreation district, and no funds shall be made available
29 for such purpose.

30 **Sec. 18.** RCW 77.32.070 and 2008 c 244 s 1 are each amended to read
31 as follows:

32 (1) Applicants for a license, permit, tag, or stamp shall furnish
33 the information required by the director. However, the director may
34 not require the purchaser of a razor clam license under RCW 77.32.520,
35 a discover pass under section 2 of this act, or a day use permit under
36 section 3 of this act to provide any personal information except for,
37 when appropriate, proof of residency. The commission may adopt rules

1 requiring licensees or permittees to keep records and make reports
2 concerning the taking of or effort to harvest fish, shellfish, and
3 wildlife. The reporting requirement may be waived where, for any
4 reason, the department is not able to receive the report. The
5 department must provide reasonable options for a licensee to submit
6 information to a live operator prior to the reporting deadline.

7 (2) The commission may, by rule, set an administrative penalty for
8 failure to comply with rules requiring the reporting of taking or
9 effort to harvest wildlife. The commission may also adopt rules
10 requiring hunters who have not reported for the previous license year
11 to complete a report and pay the assessed administrative penalty before
12 a new hunting license is issued.

13 (a) The total administrative penalty per hunter set by the
14 commission must not exceed ten dollars.

15 (b) By December 31st of each year, the department shall report the
16 rate of hunter compliance with the harvest reporting requirement, the
17 administrative penalty imposed for failing to report, and the amount of
18 administrative penalties collected during that year to the appropriate
19 fiscal and policy committees of the senate and house of
20 representatives.

21 (3) The commission may, by rule, set an administrative penalty for
22 failure to comply with rules requiring the reporting of data from catch
23 record cards officially endorsed for Puget Sound Dungeness crab. The
24 commission may also adopt rules requiring fishers who possessed a catch
25 record card officially endorsed for Puget Sound Dungeness crab and who
26 have not reported for the previous license year to complete a report
27 and pay the assessed administrative penalty before a new catch record
28 card officially endorsed for Puget Sound Dungeness crab is issued.

29 (a) The total administrative penalty per fisher set by the
30 commission must not exceed ten dollars.

31 (b) By December 31st of each year, the department shall report the
32 rate of fisher compliance with the Puget Sound Dungeness crab catch
33 record card reporting requirement, the administrative penalty imposed
34 for failing to report, and the amount of administrative penalties
35 collected during that year to the appropriate fiscal and policy
36 committees of the senate and house of representatives.

1 **Sec. 19.** RCW 77.32.050 and 2011 c 339 s 5 are each amended to read
2 as follows:

3 (1) All recreational and commercial licenses, permits, tags,
4 stamps, and raffle tickets shall be issued under the authority of the
5 commission. The commission shall adopt rules for the issuance of
6 licenses, permits, tags, stamps, and raffle tickets, and for the
7 collection, payment, and handling of license fees, including terms and
8 conditions to govern dealers, and dealer fees. A transaction fee on
9 commercial and recreational documents issued through an automated
10 licensing system may be set by the commission and collected from
11 licensees. The department may authorize all or part of such fee to be
12 paid directly to a contractor providing automated licensing system
13 services. The department and dealers shall collect and retain dealer
14 fees of at least two dollars for purchase of a standard hunting or
15 fishing recreational license document or commercial license document,
16 except that the commission may set a lower dealer fee for issuance of
17 tags or when a licensee buys a license that involves a stamp or display
18 card format rather than a standard department licensing document form
19 or for purchases of a discover pass under section 2 of this act or a
20 day use permit under section 3 of this act. Dealer fees must be
21 uniform throughout the state.

22 (2) (~~Until September 1, 2011, the department shall charge an~~
23 ~~additional transaction fee of ten percent on all recreational licenses,~~
24 ~~permits, tags, stamps, or raffle tickets. These transaction fees must~~
25 ~~be deposited into the state wildlife account, created in RCW 77.12.170,~~
26 ~~for funding fishing and hunting opportunities for recreational license~~
27 ~~holders.~~

28 ~~(3))~~ The application fee is waived for all commercial license
29 documents that are issued through the automated licensing system.

30 **Sec. 20.** RCW 46.01.140 and 2011 c 171 s 11 are each amended to
31 read as follows:

32 (1) **County auditor/agent duties.** A county auditor or other agent
33 appointed by the director shall:

34 (a) Enter into a standard contract provided by the director;

35 (b) Provide all services authorized by the director for vehicle
36 certificates of title and vehicle registration applications and

1 issuance under the direction and supervision of the director including,
2 but not limited to:

3 (i) Processing reports of sale;

4 (ii) Processing transitional ownership transactions;

5 (iii) Processing mail-in vehicle registration renewals until
6 directed otherwise by legislative authority;

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

9 (v) Issuing registrations for snowmobiles as required under chapter
10 46.10 RCW; and

11 (vi) Collecting fees and taxes as required;

12 (c) If authorized by the director, offer for sale and distribute
13 discover passes and day use permits as provided in chapter 79A.80 RCW.

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

17 (a) Appoint assistants as special deputies to accept applications
18 for vehicle certificates of title and to issue vehicle registrations;
19 and

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

23 (3) **Appointing subagents.** A county auditor or other agent
24 appointed by the director who requests a subagency shall, with approval
25 of the director:

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

29 (b) Submit all proposals to the director with a recommendation for
30 appointment of one or more subagents who have applied through the open
31 competitive process. If a qualified successor who is an existing
32 subagent's sibling, spouse, or child, or a subagency employee has
33 applied, the county auditor shall provide the name of the qualified
34 successor and the name of one other applicant who is qualified and was
35 chosen through the open competitive process.

36 (4) **Subagent duties.** A subagent appointed by the director shall:

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

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

5 (i) Processing reports of sale;

6 (ii) Processing transitional ownership transactions;

7 (iii) Mailing out vehicle registrations and replacement plates to
8 internet payment option customers until directed otherwise by
9 legislative authority;

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

12 (v) Issuing registrations for snowmobiles as required under chapter
13 46.10 RCW; and

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

15 (c) If authorized by the director, offer for sale and distribute
16 discover passes and day use permits as provided in chapter 79A.80 RCW.

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

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

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

31 (c) The appointment of a successor is intended to assist in the
32 efficient transfer of appointments to minimize public inconvenience.
33 The appointment of a successor does not create a proprietary or
34 property interest in the appointment.

35 (6) **Standard contracts.** The standard contracts provided by the
36 director in this section may include provisions that the director deems
37 necessary to ensure that readily accessible and acceptable service is

1 provided to the citizens of the state, including the full collection of
2 fees and taxes. The standard contracts must include provisions that:

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

5 (b) Describe the equipment to be supplied by the department and
6 equipment maintenance;

7 (c) Require specific types of insurance or bonds, or both, to
8 protect the state against any loss of collected revenue or loss of
9 equipment;

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

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

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

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

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

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

33 (10) **Rules.** The director may adopt rules to implement this
34 section.

35 NEW SECTION. **Sec. 21.** A new section is added to chapter 46.01 RCW
36 to read as follows:

37 The department of licensing may, in coordination with the state

1 parks and recreation commission, offer for sale and distribute discover
2 passes and day use permits, as provided in chapter 79A.80 RCW, at
3 department driver licenses offices. Any amounts collected by the
4 department through the sales of discover passes and day use permits
5 must be deposited in the recreation access pass account created in
6 section 6 of this act.

7 **Sec. 22.** RCW 46.16A.090 and 2011 c 320 s 12 are each amended to
8 read as follows:

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

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

19 (b) The department, county auditor or other agent, or subagent
20 appointed by the director shall:

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

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

25 (iii) Make information booklets or other informational material
26 available regarding the importance of organ and tissue donations to
27 vehicle owners.

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

36 (3) The department shall collect from a vehicle owner who pays a
37 vehicle license fee under RCW 46.17.350(1) (a), (d), (e), (g), (h),

1 (j), (n), (o), or (q) or who registers a vehicle under RCW 46.16A.455
2 with a declared gross weight of ten thousand pounds or less a voluntary
3 donation of five dollars to support Washington's state park system.
4 The donation may not be collected from any vehicle owner actively
5 opting not to participate in the donation program. The department
6 shall ensure that the opt-out donation under this section is clear,
7 visible, and prominently displayed in both paper and online vehicle
8 registration renewals. Notification of intent to not participate in
9 the donation program must be provided annually at the time of vehicle
10 registration renewal. The donation must be deposited in the state
11 parks renewal and stewardship account established in RCW 79A.05.215 to
12 be used for the operation and maintenance of state parks.

13 (4) (~~Beginning with vehicle license fees that are due or will~~
14 ~~become due on or after October 1, 2011,)~~) A vehicle owner who registers
15 a vehicle under this chapter may purchase a discover pass for (~~a fee~~
16 ~~of thirty dollars, as may be adjusted for inflation under RCW~~
17 ~~79A.80.020~~) the purchase price of a discover pass as established in
18 section 2 of this act. Purchase of the discover pass is voluntary by
19 the vehicle owner. The discover pass fee must be deposited in the
20 recreation access pass account created in (~~RCW 79A.80.090~~) section 6
21 of this act. The department, county auditor, or other agent or
22 subagent appointed by the director is not responsible for delivering a
23 purchased discover pass to a motor vehicle owner. The agencies, as
24 defined in (~~RCW 79A.80.010~~) section 1 of this act, must deliver the
25 purchased discover pass to a motor vehicle owner.

26 NEW SECTION. Sec. 23. (1) A state agency may not refund money for
27 a discover pass or day use permit purchased prior to the effective date
28 of this section.

29 (2) Each pass or permit purchased prior to the effective date of
30 this section is valid for two license plate numbers written on the
31 pass.

32 (3) For the purposes of this section, "discover pass" and "day use
33 permit" refer to the passes and permits defined in section 1 of this
34 act.

35 NEW SECTION. Sec. 24. Sections 1 through 9 of this act are each
36 added to chapter 79A.80 RCW.

1 NEW SECTION. **Sec. 25.** The following acts or parts of acts are
2 each repealed:
3 (1) RCW 79A.80.010 (Definitions) and 2011 c 320 s 2;
4 (2) RCW 79A.80.020 (Discover pass) and 2011 c 320 s 3;
5 (3) RCW 79A.80.030 (Day-use permit) and 2011 c 320 s 4;
6 (4) RCW 79A.80.040 (Vehicle access pass) and 2011 c 320 s 5;
7 (5) RCW 79A.80.050 (Valid camper registration/annual natural
8 investment permit--Commission may provide free entry to state parks)
9 and 2011 c 320 s 6;
10 (6) RCW 79A.80.060 (Sno-park seasonal permit) and 2011 c 320 s 7;
11 (7) RCW 79A.80.070 (Short-term parking) and 2011 c 320 s 8;
12 (8) RCW 79A.80.080 (Pass/permit requirements--Penalty) and 2011 c
13 320 s 9; and
14 (9) RCW 79A.80.090 (Recreation access pass account) and 2011 c 320
15 s 10.

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