
ENGROSSED SECOND SUBSTITUTE HOUSE BILL 2373

State of Washington

62nd Legislature

2012 Regular Session

By House Ways & Means (originally sponsored by Representatives Van De Wege and Tharinger)

READ FIRST TIME 02/21/12.

1 AN ACT Relating to the state's management of its recreational
2 resources; amending RCW 79A.80.010, 79A.80.020, 79A.80.030, 79A.80.040,
3 79A.80.050, 79A.80.060, 79A.80.070, 79A.80.080, 79A.05.070, 46.16A.090,
4 46.01.140, 46.17.375, 79A.05.065, 82.14.060, and 35.101.100; adding new
5 sections to chapter 79A.80 RCW; adding a new section to chapter 46.01
6 RCW; adding a new section to chapter 82.32 RCW; creating new sections;
7 providing expiration dates; and declaring an emergency.

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

9 **Sec. 1.** RCW 79A.80.010 and 2011 c 320 s 2 are each amended to read
10 as follows:

11 The definitions in this section apply throughout this chapter
12 unless the context clearly requires otherwise.

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

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

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

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

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

6 (6) "Motor vehicle" has the same meaning as defined in RCW
7 46.04.320 and which are required to be registered under chapter 46.16A
8 RCW. "Motor vehicle" does not include those motor vehicles exempt from
9 registration under RCW 46.16A.080 and state and publicly owned motor
10 vehicles as provided in RCW 46.16A.170.

11 (7) "Recreation site or lands" means a state park (~~(or)~~), state
12 lands and state forest lands as those terms are defined in RCW
13 79.02.010, natural resources conservation areas as that term is defined
14 in RCW 79.71.030, natural area preserves as that term is defined in RCW
15 79.70.020, and fish and wildlife conservation sites including water
16 access areas, boat ramps, wildlife areas, parking areas, roads, and
17 trailheads(~~(or department of natural resources developed or~~
18 ~~designated recreation areas, sites, trailheads, and parking areas))~~).

19 (8) "Sno-park (~~(seasonal)~~) permit" means (~~(the)~~) a seasonal or
20 daily permit issued by the parks and recreation commission for
21 providing access to winter recreational facilities for the period of
22 November 1st through March 31st.

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

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

26 (1) Except as otherwise provided in RCW 79A.80.050, 79A.80.060, and
27 79A.80.070, a discover pass is required for any motor vehicle to park
28 or operate on any recreation site or lands, except for short-term
29 parking as may be authorized under RCW 79A.80.070.

30 (2) The cost of (~~(the)~~) a discover pass is thirty dollars (~~(per~~
31 ~~motor vehicle))~~). Every four years the office of financial management
32 must review the cost of the discover pass and, if necessary, recommend
33 to the legislature an adjustment to the cost of the discover pass to
34 account for inflation.

35 (3) (~~(The)~~) A discover pass is valid for one year (~~(from the date~~
36 ~~of issuance))~~ beginning from the date that the discover pass is marked

1 for activation. The activation date may differ from the purchase date
2 pursuant to any policies developed by the agencies.

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

6 ~~(5) The)) Sales of discover ((pass)) passes must be ((made~~
7 ~~available for purchase through the department of licensing as provided~~
8 ~~in RCW 46.16A.090. The department of licensing, county auditor, or~~
9 ~~other agent or subagent appointed by the director, is not responsible~~
10 ~~for delivering a purchased discover pass to a motor vehicle owner. The~~
11 ~~agencies must deliver the purchased discover pass to a motor vehicle~~
12 ~~owner.~~

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

17 ~~((7))~~ (5) The discover pass must contain space for ((the)) two
18 motor vehicle license plate numbers. A discover pass is valid only for
19 those vehicle license plate numbers written on the pass. However, the
20 agencies may offer for sale a family discover pass that is fully
21 transferable among vehicles and does not require the placement of a
22 license plate number on the pass to be valid. The agencies must
23 collectively set a price for the sale of a family discover pass that is
24 no more than fifty dollars.

25 ~~((8) A))~~ (6) One complimentary discover pass must be provided to:
26 (a) A volunteer who performed twenty-four hours of service on agency-
27 sanctioned volunteer projects in a year. The agency must provide
28 vouchers to volunteers identifying the number of volunteer hours they
29 have provided for each project. The vouchers may be brought to an
30 agency to be redeemed for a discover pass;

31 (b) A person who has been provided with a lifetime veteran's
32 disability pass from the state parks and recreation commission under
33 RCW 79A.05.065.

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

36 (1) A person may purchase a day-use permit to meet the requirements

1 of RCW 79A.80.080. ((The)) A day-use permit is ten dollars per day and
2 must be available for purchase from each agency. ((The)) A day-use
3 permit is valid for one calendar day.

4 (2) The agencies may provide short-term parking under RCW
5 79A.80.070 where ((the)) a day-use permit is not required.

6 (3) Every four years the office of financial management must review
7 the cost of the day-use permit and, if necessary, recommend to the
8 legislature an adjustment to the cost of the day-use permit to account
9 for inflation.

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

12 NEW SECTION. Sec. 4. A new section is added to chapter 79A.80 RCW
13 to read as follows:

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

16 (a) Through private sector vendors under contract with one or more
17 of the agencies;

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

22 (c) From the department of licensing as provided in RCW 46.16A.090
23 and section 13 of this act;

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

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

28 (2) The department of fish and wildlife's automated licensing
29 system is only one option for the sale of discover passes and day-use
30 permits. Only discover passes and day-use permits purchased through
31 the automated licensing system may be assessed dealer or transaction
32 fees paid by the purchaser that increases the final purchase price
33 above the prices set in RCW 79A.80.020 and 79A.80.030.

34 (3) The agencies must maintain a policy to address conditions
35 related to return, replacements, and for providing the full year of
36 recreational lands access that the discover pass provides to

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

4 (4) Vendors under contract with the state parks and recreation
5 commission may be provided with discover passes and day-use permits to
6 sell at retail for a per item price less than the sales price
7 established in RCW 79A.80.020 and 79A.80.030. However, any
8 participating private sector vendor may not collect less than the
9 amount established in RCW 79A.80.020 and 79A.80.030 for the sale of a
10 discover pass or day-use permit.

11 (5) For discover passes and day-use permits purchased through the
12 department of licensing, county auditors, or other agents or subagents
13 appointed by the director of the department of licensing, the selling
14 entity is not responsible for delivering the purchased discover pass to
15 the purchaser. The responsibility for delivering the discover pass
16 belongs to the agencies.

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

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

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

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

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

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

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

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

11 **Sec. 7.** RCW 79A.80.060 and 2011 c 320 s 7 are each amended to read
12 as follows:

13 ~~((The))~~ A discover pass or ~~((the))~~ day-use permit are not required,
14 for persons who have a valid sno-park ~~((seasonal))~~ permit issued by the
15 state parks and recreation commission, at designated sno-parks between
16 November 1st through March 31st.

17 **Sec. 8.** RCW 79A.80.070 and 2011 c 320 s 8 are each amended to read
18 as follows:

19 Each agency, where applicable, must designate short-term parking
20 ~~((not to exceed thirty))~~ of fifteen minutes where the discover pass or
21 day-use permit are not required at recreation sites or lands.

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

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

- 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-
35 use permit is not required for:

1 (a) Persons who use, possess, or enter lands owned or managed by
2 the agencies for nonrecreational purposes consistent with a written
3 authorization from the agency, including but not limited to leases,
4 contracts, and easements(

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

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

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

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

21 (5) Failure to comply with subsection (1) of this section is a
22 natural resource infraction under chapter 7.84 RCW. An agency is
23 authorized to issue a notice of infraction to any person who fails to
24 comply with subsection (1)(a) of this section or to any motor vehicle
25 that fails to comply with subsection (1)(b) of this section.

26 ~~(5)~~ (6) The penalty for failure to comply with the requirements
27 of this section is ninety-nine dollars. This penalty ~~(is)~~ must be:

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

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

35 **Sec. 10.** RCW 79A.05.070 and 2011 c 320 s 24 are each amended to
36 read as follows:

37 The commission may:

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

3 (2) Accept any grants of funds made with or without a matching
4 requirement by the United States, or any agency thereof, for purposes
5 in keeping with the purposes of this chapter; accept gifts, bequests,
6 devises and endowments for purposes in keeping with such purposes;
7 enter into cooperative agreements with and provide for private
8 nonprofit groups to use state park property and facilities to raise
9 money to contribute gifts, grants, and support to the commission for
10 the purposes of this chapter. The commission may assist the nonprofit
11 group in a cooperative effort by providing necessary agency personnel
12 and services, if available. However, none of the moneys raised may
13 inure to the benefit of the nonprofit group, except in furtherance of
14 its purposes to benefit the commission as provided in this chapter.
15 The agency and the private nonprofit group shall agree on the nature of
16 any project to be supported by such gift or grant prior to the use of
17 any agency property or facilities for raising money. Any such gifts
18 may be in the form of recreational facilities developed or built in
19 part or in whole for public use on agency property, provided that the
20 facility is consistent with the purposes of the agency;

21 (3) Require certification by the commission of all parks and
22 recreation workers employed in state aided or state controlled
23 programs;

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

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

30 (6) Charge (~~such~~) fees for services, utilities, and use of
31 facilities as the commission shall deem proper. The commission may
32 utilize unstaffed collection stations to collect any fees or distribute
33 any permits necessary for access to state parks, including discover
34 passes and day-use permits as those terms are defined in RCW
35 79A.80.010;

36 (7) Enter into agreements whereby individuals or companies may rent
37 undeveloped parks or parkway land for grazing, agricultural, or mineral

1 development purposes upon such terms and conditions as the commission
2 shall deem proper, for a term not to exceed forty years;

3 (8) Determine the qualifications of and employ a director of parks
4 and recreation who shall receive a salary as fixed by the governor in
5 accordance with the provisions of RCW 43.03.040 and determine the
6 qualifications and salary of and employ such other persons as may be
7 needed to carry out the provisions hereof; and

8 (9) (~~Without being limited to the powers hereinbefore enumerated,~~
9 ~~the commission shall have~~) Utilize such other powers as in the
10 judgment of a majority of its members are deemed necessary to
11 effectuate the purposes of this chapter(~~PROVIDED, That~~). However,
12 the commission (~~shall~~) does not have power to supervise directly any
13 local park or recreation district, and no funds shall be made available
14 for such purpose.

15 **Sec. 11.** RCW 46.16A.090 and 2011 c 320 s 12 are each amended to
16 read as follows:

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

21 (2)(a) A vehicle owner who registers a vehicle under this chapter
22 may donate one dollar or more to the organ and tissue donation
23 awareness account to promote the donation of organs and tissues under
24 the uniform anatomical gift act as described in chapter 68.64 RCW. The
25 donation of one or more dollars is voluntary and may be refused by the
26 vehicle owner.

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

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

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

33 (iii) Make information booklets or other informational material
34 available regarding the importance of organ and tissue donations to
35 vehicle owners.

36 (c) All reasonable costs associated with the creation of the
37 donation program created under this section must be paid proportionally

1 or by another agreement by a participating Washington state organ
2 procurement organization established for organ and tissue donation
3 awareness purposes by the Washington state organ procurement
4 organizations. For the purposes of this section, "reasonable costs"
5 and "Washington state organ procurement organization" have the same
6 meaning as in RCW 68.64.010.

7 (3) The department shall collect from a vehicle owner who pays a
8 vehicle license fee under RCW 46.17.350(1) (a), (c), (d), (e), (f),
9 (g), (h), (i), (j), (k), (m), (n), (o), (p), or (q) or who registers a
10 vehicle under RCW 46.16A.455 with a declared gross weight of ~~((ten))~~
11 twelve thousand pounds or less a voluntary donation of five dollars to
12 support Washington's state park system. The donation may not be
13 collected from any vehicle owner actively opting not to participate in
14 the donation program. The department shall ensure that the opt-out
15 donation under this section is clear, visible, and prominently
16 displayed in both paper and online vehicle registration renewals.
17 Notification of intent to not participate in the donation program must
18 be provided annually at the time of vehicle registration renewal. The
19 donation must be deposited in the state parks renewal and stewardship
20 account established in RCW 79A.05.215 to be used for the operation and
21 maintenance of state parks.

22 (4) ~~((Beginning with vehicle license fees that are due or will
23 become due on or after October 1, 2011,))~~ A vehicle owner who registers
24 a vehicle under this chapter may purchase a discover pass for ~~((a fee
25 of thirty dollars, as may be adjusted for inflation under))~~ the price
26 amount established in RCW 79A.80.020. Purchase of ~~((the))~~ a discover
27 pass is voluntary by the vehicle owner. The discover pass fee must be
28 deposited in the recreation access pass account created in RCW
29 79A.80.090. The department, county auditor, or other agent or subagent
30 appointed by the director is not responsible for delivering a purchased
31 discover pass to a motor vehicle owner. The agencies, as defined in
32 RCW 79A.80.010, must deliver the purchased discover pass to a motor
33 vehicle owner.

34 **Sec. 12.** RCW 46.01.140 and 2011 c 171 s 11 are each amended to
35 read as follows:

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

- 1 (a) Enter into a standard contract provided by the director;
- 2 (b) Provide all services authorized by the director for vehicle
- 3 certificates of title and vehicle registration applications and
- 4 issuance under the direction and supervision of the director including,
- 5 but not limited to:
 - 6 (i) Processing reports of sale;
 - 7 (ii) Processing transitional ownership transactions;
 - 8 (iii) Processing mail-in vehicle registration renewals until
 - 9 directed otherwise by 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;
 - 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 (2) **County auditor/agent assistants and subagents.** A county
- 18 auditor or other agent appointed by the director may, with approval of
- 19 the director:
 - 20 (a) Appoint assistants as special deputies to accept applications
 - 21 for vehicle certificates of title and to issue vehicle registrations;
 - 22 and
 - 23 (b) Recommend and request that the director appoint subagencies
 - 24 within the county to accept applications for vehicle certificates of
 - 25 title and vehicle registration application issuance.
- 26 (3) **Appointing subagents.** A county auditor or other agent
- 27 appointed by the director who requests a subagency shall, with approval
- 28 of the director:
 - 29 (a) Use an open competitive process including, but not limited to,
 - 30 a written business proposal and oral interview to determine the
 - 31 qualifications of all interested applicants; and
 - 32 (b) Submit all proposals to the director with a recommendation for
 - 33 appointment of one or more subagents who have applied through the open
 - 34 competitive process. If a qualified successor who is an existing
 - 35 subagent's sibling, spouse, or child, or a subagency employee has
 - 36 applied, the county auditor shall provide the name of the qualified
 - 37 successor and the name of one other applicant who is qualified and was
 - 38 chosen through the open competitive process.

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

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

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

8 (i) Processing reports of sale;

9 (ii) Processing transitional ownership transactions;

10 (iii) Mailing out vehicle registrations and replacement plates to
11 internet payment option customers until directed otherwise by
12 legislative authority;

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

15 (v) Issuing registrations for snowmobiles as required under chapter
16 46.10 RCW; and

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

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

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

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

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

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

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

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

8 (b) Describe the equipment to be supplied by the department and
9 equipment maintenance;

10 (c) Require specific types of insurance or bonds, or both, to
11 protect the state against any loss of collected revenue or loss of
12 equipment;

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

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

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

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

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

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

36 (10) **Rules.** The director may adopt rules to implement this
37 section.

1 NEW SECTION. **Sec. 13.** A new section is added to chapter 46.01 RCW
2 to read as follows:

3 The department may, in coordination with the state parks and
4 recreation commission, offer for sale and distribute discover passes
5 and day-use permits, as provided in chapter 79A.80 RCW, at the
6 department's drivers' licenses offices. Any amounts collected by the
7 department through the sales of discover passes and day-use permits
8 must be deposited in the recreation access pass account created in RCW
9 79A.80.090.

10 **Sec. 14.** RCW 46.17.375 and 2010 c 161 s 534 are each amended to
11 read as follows:

12 (1) Before accepting an application for registration for a
13 recreational vehicle, the department, county auditor or other agent, or
14 subagent appointed by the director shall require an applicant to pay:

15 (a) A three dollar recreational vehicle sanitary disposal fee, in
16 addition to any other fees and taxes required by law; and

17 (b) Until July 1, 2015, a ten dollar state parks support fee, in
18 addition to any other fees and taxes required by law.

19 (2) The recreational vehicle sanitary disposal fee must be
20 deposited in the RV account created in RCW 46.68.170 and the state
21 parks support fee must be deposited in the state parks renewal and
22 stewardship account established in RCW 79A.05.215. The revenue
23 generated by the state parks support fee may only be used by the parks
24 and recreation commission for operation and maintenance at state parks
25 that provide access and overnight accommodations to recreational
26 vehicles.

27 ~~((+2))~~ (3) For the purposes of this section, "recreational
28 vehicle" means a camper, motor home, or travel trailer.

29 **Sec. 15.** RCW 79A.05.065 and 2011 c 171 s 115 are each amended to
30 read as follows:

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

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

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

5 (ii) The person is a domiciliary of the state of Washington and
6 meets reasonable residency requirements prescribed by the commission;
7 and

8 (iii) The person and his or her spouse have a combined income that
9 would qualify the person for a property tax exemption pursuant to RCW
10 84.36.381. The financial eligibility requirements of this subsection
11 (1)(b)(iii) apply regardless of whether the applicant for a senior
12 citizen's pass owns taxable property or has obtained or applied for
13 such property tax exemption.

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

19 (d) A holder of a senior citizen's pass shall surrender the pass
20 upon request of a commission employee when the employee has reason to
21 believe the holder fails to meet the criteria in (b) of this
22 subsection. The holder shall have the pass returned upon providing
23 proof to the satisfaction of the director that the holder meets the
24 eligibility criteria for obtaining the senior citizen's pass.

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

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

6 (3) Any resident of Washington who is a veteran and has a service-
7 connected disability of at least thirty percent shall be entitled to
8 receive a lifetime veteran's disability pass at no cost to the holder.
9 The pass shall: (a) Entitle such a person, and members of his or her
10 camping unit, to free use of any campsite within any state park; (b)
11 entitle such a person to free admission to any state park; (~~and~~) (c)
12 entitle such a person to an exemption from any reservation fees; and
13 (d) entitle such a person to a complimentary discover pass consistent
14 with the provisions of RCW 79A.80.020.

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

18 (b) An applicant for a foster home pass must request a pass in the
19 manner required by the commission. Upon receipt of a properly
20 submitted request, the commission shall verify with the department of
21 social and health services that the applicant qualifies under (a) of
22 this subsection. Once issued, a foster home pass is valid for the
23 period, which may not be less than one year, designated by the
24 commission.

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

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

31 (i) "Out-of-home care" means placement in a foster-family home or
32 with a person related to the child under the authority of chapter
33 13.32A, 13.34, or 74.13 RCW;

34 (ii) "Foster-family home" has the same meaning as defined in RCW
35 74.15.020; and

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

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

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

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

12 (a) Residency outside the state of Washington;

13 (b) Violation of laws or state park rules resulting in eviction
14 from a state park;

15 (c) Intimidating, obstructing, or assaulting a park employee or
16 park volunteer who is engaged in the performance of official duties;

17 (d) Fraudulent use of a pass;

18 (e) Providing false information or documentation in the application
19 for a state parks pass;

20 (f) Refusing to display or show the pass to park employees when
21 requested; or

22 (g) Failing to provide current eligibility information upon request
23 by the agency or when eligibility ceases or changes.

24 (8) This section shall not affect or otherwise impair the power of
25 the commission to continue or discontinue any other programs it has
26 adopted for senior citizens.

27 (9) The commission may engage in a mutually agreed upon reciprocal
28 or discounted program for all or specific pass programs with other
29 outdoor recreation agencies.

30 (10) The commission shall adopt those rules as it finds appropriate
31 for the administration of this section. Among other things, the rules
32 shall prescribe a definition of "camping unit" which will authorize a
33 reasonable number of persons traveling with the person having a pass to
34 stay at the campsite rented by such a person, a minimum Washington
35 residency requirement for applicants for a senior citizen's pass, and
36 an application form to be completed by applicants for a senior
37 citizen's pass.

1 NEW SECTION. **Sec. 16.** A new section is added to chapter 79A.80
2 RCW to read as follows:

3 (1) In implementing the volunteer voucher provisions of RCW
4 79A.80.020, the agencies must consider volunteer time spent cleaning
5 ocean beaches of debris generated by the 2011 Tōhoku earthquake and
6 tsunami towards satisfying the volunteer commitment threshold provided
7 in RCW 79A.80.020.

8 (2) This section expires December 31, 2015.

9 NEW SECTION. **Sec. 17.** (1) A state agency may not refund money for
10 a discover pass or vehicle access pass issued prior to the effective
11 date of this section.

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

15 (3) For the purposes of this section, the terms "discover pass" and
16 "vehicle access pass" have the same meanings provided under RCW
17 79A.80.010.

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

19 NEW SECTION. **Sec. 18.** (1) By December 31, 2013, the agencies
20 responsible for implementing the discover pass requirements of chapter
21 79A.80 RCW must prepare a report to the legislature, delivered
22 consistent with RCW 43.01.036, that identifies opportunities for
23 simplifying the administration and use of the discover pass and
24 creating consistent recreational access policies across all lands that
25 require a discover pass for lawful recreational access. The report
26 must specifically address options for consistent boat launch policies
27 among the agencies and, more generally, address how consistency can be
28 developed for other inconsistent interagency access policies.

29 (2) To the degree the agencies have the authority to address
30 inconsistent recreational access policies administratively, progress
31 towards this end should be included in the required report. If
32 inconsistent recreational access policies are a result of statutory
33 limits, then the report should identify those barriers to consistent
34 recreational access policies.

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

1 NEW SECTION. **Sec. 19.** A new section is added to chapter 82.32 RCW
2 to read as follows:

3 (1) By September 1, 2012, and by September 1st of every year
4 thereafter, the department must estimate the amount of revenue
5 collected for the prior fiscal year under RCW 67.28.180, 67.28.181, and
6 35.101.050 by a city, town, or county from sales of lodging services
7 within any state park. The department must provide the estimate to the
8 state treasurer.

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

17 (3) The next scheduled distribution under RCW 82.14.060 or
18 35.101.100 to any city or county included within the estimate under
19 subsection (1) of this section must be reduced by the amount of the
20 estimate. The reduction in local sales and use tax distributions under
21 this subsection (3) may be implemented over several months, but not to
22 exceed six, at the request of the jurisdiction.

23 **Sec. 20.** RCW 82.14.060 and 2009 c 469 s 108 are each amended to
24 read as follows:

25 (1)(a) Monthly, the state treasurer must distribute from the local
26 sales and use tax account to the counties, cities, transportation
27 authorities, public facilities districts, and transportation benefit
28 districts the amount of tax collected on behalf of each taxing
29 authority, less:

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

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

34 (iii) Any reduction required under section 19 of this act.

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

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

6 **Sec. 21.** RCW 35.101.100 and 2003 c 148 s 10 are each amended to
7 read as follows:

8 The local tourism promotion account is created in the custody of
9 the state treasurer. Except for reductions required under section 19
10 of this act, all receipts from the charges for tourism promotion must
11 be deposited into this account. Expenditures from the account may only
12 be used for tourism promotion. The state treasurer shall distribute
13 the money in the account on a monthly basis to the legislative
14 authority on whose behalf the money was collected.

15 NEW SECTION. **Sec. 22.** This act is necessary for the immediate
16 preservation of the public peace, health, or safety, or support of the
17 state government and its existing public institutions, and takes effect
18 immediately.

--- END ---