

SSB 5897 - S AMD 365

By Senators Hargrove, Pearson

ADOPTED 06/23/2013

1 Strike everything after the enacting clause and insert the  
2 following:

3 "Sec. 1. RCW 79A.80.020 and 2012 c 261 s 2 are each amended to  
4 read as follows:

5 (1) Except as otherwise provided in (~~RCW 79A.80.050, 79A.80.060,~~  
6 ~~and 79A.80.070~~) this chapter, a discover pass is required for any  
7 motor vehicle to:

8 (a) Park (~~or operate on~~) at any recreation site or lands(~~or~~  
9 ~~except for short term parking as may be authorized under RCW~~  
10 ~~79A.80.070)~~); or

11 (b) Operate on any recreation site or lands.

12 (2) Except as provided in section 4 of this act, the cost of a  
13 discover pass is thirty dollars. Every four years the office of  
14 financial management must review the cost of the discover pass and, if  
15 necessary, recommend to the legislature an adjustment to the cost of  
16 the discover pass to account for inflation.

17 (3) A discover pass is valid for one year beginning from the date  
18 that the discover pass is marked for activation. The activation date  
19 may differ from the purchase date pursuant to any policies developed by  
20 the agencies.

21 (4) Sales of discover passes must be consistent with RCW  
22 79A.80.100.

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

1 dollars. A discover pass is valid only for use with one motor vehicle  
2 at any one time.

3 (6) One complimentary discover pass must be provided to a volunteer  
4 who performed twenty-four hours of service on agency-sanctioned  
5 volunteer projects in a 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 brought to an agency to be  
8 redeemed for a discover pass.

9 **Sec. 2.** RCW 79A.80.030 and 2012 c 261 s 3 are each amended to read  
10 as follows:

11 (1) A person may purchase a day-use permit to meet the requirements  
12 of RCW 79A.80.080. Except as provided in section 4 of this act, a day-  
13 use permit is ten dollars per day and must be available for purchase  
14 from each agency. A day-use permit is valid for one calendar day.

15 (2) The agencies may provide short-term parking under RCW  
16 79A.80.070 where a day-use permit is not required.

17 (3) Every four years the office of financial management must review  
18 the cost of the day-use permit and, if necessary, recommend to the  
19 legislature an adjustment to the cost of the day-use permit to account  
20 for inflation.

21 (4) Sales of day-use permits must be consistent with RCW  
22 79A.80.100.

23 **Sec. 3.** RCW 79A.80.080 and 2012 c 261 s 7 are each amended to read  
24 as follows:

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

30 (a) Operating on ((a)) any recreation site or lands; or

31 (b) Parking at ((a)) any recreation site or lands.

32 (2) The discover pass, the vehicle access pass, or the day-use  
33 permit is not required:

34 (a) On private lands, state-owned aquatic lands other than water  
35 access areas, or at agency offices, hatcheries, or other facilities  
36 where public business is conducted((-

1       ~~(3) The discover pass, the vehicle access pass, or the day use~~  
2 ~~permit is not required for:~~

3       ~~(a))~~;

4       **(b)** For persons who use, possess, or enter lands owned or managed  
5 by the agencies for nonrecreational purposes consistent with a written  
6 authorization from the agency, including but not limited to leases,  
7 contracts, and easements; ~~((or~~

8       ~~(b))~~ **(c)** On department of fish and wildlife lands only, for  
9 persons possessing a current vehicle access pass pursuant to RCW  
10 79A.80.040; or

11       **(d)** When operating on a road managed by the department of natural  
12 resources or the department of fish and wildlife, including a forest or  
13 land management road, that is not blocked by a gate.

14       ~~((4))~~ **(3)**(a) An agency may waive the requirements of this section  
15 for any person who has secured the ability to access specific  
16 recreational land through the provision of monetary consideration to  
17 the agency or for any person attending an event or function that  
18 required the provision of monetary compensation to the agency.

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

27       ~~((5))~~ **(4)** Failure to comply with subsection (1) of this section  
28 is a natural resource infraction under chapter 7.84 RCW. An agency is  
29 authorized to issue a notice of infraction to any person who fails to  
30 comply with subsection (1)(a) of this section or to any motor vehicle  
31 that fails to comply with subsection (1)(b) of this section.

32       ~~((6))~~ **(5)** The penalty for failure to comply with the requirements  
33 of this section is ninety-nine dollars. This penalty must be reduced  
34 to fifty-nine dollars if an individual provides proof of purchase of a  
35 discover pass to the court within fifteen days after the issuance of  
36 the notice of violation.

1            NEW SECTION.    **Sec. 4.**    A new section is added to chapter 79A.80 RCW  
2 to read as follows:

3            (1) By mutual agreement, the agencies may sell discounted discover  
4 passes at a rate below that established under RCW 79A.80.020 or  
5 discounted day-use permits at a rate below that established under RCW  
6 79A.80.030 for purposes of bulk sales to retailers, agency license and  
7 permit product bundling, and partnership opportunities to expand  
8 accessibility and visibility of the discover pass and recreational  
9 opportunities on agency-managed lands.

10           (2) In exercising this authority, the agencies must prioritize  
11 opportunities for discounted sales that result in a net revenue gain.

12           **Sec. 5.**    RCW 82.19.040 and 2001 c 118 s 6 are each amended to read  
13 as follows:

14           (1) To the extent applicable, all of the definitions of chapter  
15 82.04 RCW and all of the provisions of chapter 82.32 RCW apply to the  
16 tax imposed in this chapter.

17           (2) Taxes collected under this chapter shall be (~~deposited in~~)  
18 distributed as follows: (a) Five million dollars per fiscal year must  
19 be deposited in equal monthly amounts to the state parks renewal and  
20 stewardship account under RCW 79A.05.215; and (b) the remainder to the  
21 waste reduction, recycling, and litter control account under RCW  
22 70.93.180.

23           **Sec. 6.**    RCW 70.93.180 and 2011 1st sp.s. c 50 s 963 are each  
24 amended to read as follows:

25           (1) There is hereby created an account within the state treasury to  
26 be known as the "waste reduction, recycling, and litter control  
27 account". Moneys in the account may be spent only after appropriation.  
28 Expenditures from the waste reduction, recycling, and litter control  
29 account shall be used as follows:

30           (a) Fifty percent to the department of ecology, for use by the  
31 departments of ecology, natural resources, revenue, transportation, and  
32 corrections, and the parks and recreation commission, for use in litter  
33 collection programs, to be distributed under RCW 70.93.220. The amount  
34 to the department of ecology shall also be used for a central  
35 coordination function for litter control efforts statewide, for the  
36 biennial litter survey under RCW 70.93.200(8), and for statewide public

1 awareness programs under RCW 70.93.200(7). The amount to the  
2 department shall also be used to defray the costs of administering the  
3 funding, coordination, and oversight of local government programs for  
4 waste reduction, litter control, and recycling, so that local  
5 governments can apply one hundred percent of their funding to achieving  
6 program goals. The amount to the department of revenue shall be used  
7 to enforce compliance with the litter tax imposed in chapter 82.19 RCW;

8 (b) Twenty percent to the department for local government funding  
9 programs for waste reduction, litter control, and recycling activities  
10 by cities and counties under RCW 70.93.250, to be administered by the  
11 department of ecology; and

12 (c) Thirty percent to the department of ecology for waste reduction  
13 and recycling efforts.

14 (2) All (~~taxes imposed in RCW 82.19.010~~) moneys directed to the  
15 waste reduction, recycling, and litter control account under RCW  
16 82.19.040 and fines and bail forfeitures collected or received pursuant  
17 to this chapter shall be deposited in the (~~waste reduction, recycling,~~  
18 ~~and litter control~~) account and used for the programs under subsection  
19 (1) of this section.

20 (3) Not less than five percent and no more than ten percent of the  
21 amount appropriated into the waste reduction, recycling, and litter  
22 control account every biennium shall be reserved for capital needs,  
23 including the purchase of vehicles for transporting crews and for  
24 collecting litter and solid waste. Capital funds shall be distributed  
25 among state agencies and local governments according to the same  
26 criteria provided in RCW 70.93.220 for the remainder of the funds, so  
27 that the most effective waste reduction, litter control, and recycling  
28 programs receive the most funding. The intent of this subsection is to  
29 provide funds for the purchase of equipment that will enable the  
30 department to account for the greatest return on investment in terms of  
31 reaching a zero litter goal.

32 (~~(4) During the 2009-2011 fiscal biennium, the legislature may~~  
33 ~~transfer from the waste reduction, recycling, and litter control~~  
34 ~~account to the state general fund such amounts as reflect the excess~~  
35 ~~fund balance of the account. Additionally, during the 2009-2011 fiscal~~  
36 ~~biennium, subsection (1)(a), (b), and (c) of this section is suspended.~~

37 (~~5) During the 2011-2013 fiscal biennium, the legislature may~~  
38 ~~transfer from the waste reduction, recycling, and litter control~~

1 ~~account to the state general fund such amounts as reflect the excess~~  
2 ~~fund balance of the account. Additionally, during the 2011-2013 fiscal~~  
3 ~~biennium, subsection (1)(a), (b), and (c) of this section is~~  
4 ~~suspended.)~~)

5 **Sec. 7.** RCW 79A.05.215 and 2011 c 320 s 22 are each amended to  
6 read as follows:

7 The state parks renewal and stewardship account is created in the  
8 state treasury. Except as otherwise provided in this chapter, all  
9 receipts from user fees, concessions, leases, donations collected under  
10 RCW 46.16A.090(3), and other state park-based activities shall be  
11 deposited into the account. The proceeds from the recreation access  
12 pass account created in RCW 79A.80.090 (~~must~~) and amounts received  
13 under RCW 82.19.040 may only be used for the purpose of operating and  
14 maintaining state parks. Expenditures from the account may be used for  
15 operating state parks, developing and renovating park facilities,  
16 undertaking deferred maintenance, enhancing park stewardship, and other  
17 state park purposes. Expenditures from the account may be made only  
18 after appropriation by the legislature.

19 NEW SECTION. **Sec. 8.** Sections 5 through 7 of this act expire June  
20 30, 2017.

21 NEW SECTION. **Sec. 9.** Sections 5 through 7 of this act are  
22 necessary for the immediate preservation of the public peace, health,  
23 or safety, or support of the state government and its existing public  
24 institutions, and take effect July 1, 2013."

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**ADOPTED 06/23/2013**

25 On page 1, line 1 of the title, after "parks;" strike the remainder  
26 of the title and insert "amending RCW 79A.80.020, 79A.80.030,  
27 79A.80.080, 82.19.040, 70.93.180, and 79A.05.215; adding a new section

1 to chapter 79A.80 RCW; providing an effective date; providing an  
2 expiration date; and declaring an emergency."

EFFECT: Removes all language from the underlying bill except provisions: (1) Allowing a person to operate a motor vehicle on roads managed by the department of natural resources and department of fish and wildlife without a discover pass, as long as the road is not blocked by a gate; (2) authorizing discount discover pass sales for purposes of bulk sales to retailers, bundling with agency licenses, and to facilitate certain partnership opportunities; and (3) providing five million dollars per fiscal year in litter tax revenue for state park operation and maintenance until June 30, 2017.

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