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**SUBSTITUTE HOUSE BILL 1935**

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**State of Washington**

**63rd Legislature**

**2013 Regular Session**

**By** House Appropriations (originally sponsored by Representatives Halder, Hudgins, Goodman, Angel, Wilcox, Alexander, Sequist, Appleton, Ryu, Tarleton, Zeiger, Moscoso, and Bergquist)

READ FIRST TIME 04/24/13.

1 AN ACT Relating to state parks and recreation; amending RCW  
2 79A.05.015, 79A.05.335, 79A.05.340, 79A.05.345, 79A.05.320, 79A.70.005,  
3 79A.70.010, 79A.70.020, 79A.70.030, 79A.70.040, 79A.80.020, 79A.80.030,  
4 and 79A.80.080; reenacting and amending RCW 79A.05.030; adding new  
5 sections to chapter 79A.05 RCW; adding a new section to chapter 79A.80  
6 RCW; creating new sections; repealing RCW 79A.70.050; and providing an  
7 expiration date.

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

9 **Sec. 1.** RCW 79A.05.015 and 1999 c 249 s 201 are each amended to  
10 read as follows:

11 There is hereby created a "state parks and recreation commission"  
12 consisting of seven citizens of the state. The members of the  
13 commission shall be appointed by the governor by and with the advice  
14 and consent of the senate and shall serve for a term of six years(~~-~~  
15 expiring). For members appointed before 2013, terms expire on  
16 December 31st of even-numbered years, and until their successors are  
17 appointed. For members appointed after 2012, terms expire on June 30th  
18 of odd-numbered years and until their successors are appointed. In

1 case of a vacancy, the governor shall fill the vacancy for the  
2 unexpired term of the commissioner whose office has become vacant.

3 In making the appointments to the commission, the governor shall  
4 choose citizens who understand park and recreation needs and interests.  
5 No person shall serve if he or she holds any elective or full-time  
6 appointive state, county, or municipal office. Members of the  
7 commission shall be compensated in accordance with RCW 43.03.240 and in  
8 addition shall be allowed their travel expenses incurred while absent  
9 from their usual places of residence in accordance with RCW 43.03.050  
10 and 43.03.060.

11 Payment of expenses pertaining to the operation of the commission  
12 shall be made upon vouchers certified to by such persons as shall be  
13 designated by the commission.

14 **Sec. 2.** RCW 79A.05.030 and 2005 c 373 s 1 and 2005 c 360 s 5 are  
15 each reenacted and amended to read as follows:

16 The commission shall:

17 (1) Have the care, charge, control, and supervision of all parks  
18 and parkways acquired or set aside by the state for park or parkway  
19 purposes.

20 (2) Adopt policies, and adopt, issue, and enforce rules pertaining  
21 to the use, care, and administration of state parks and parkways. The  
22 commission shall cause a copy of the rules to be kept posted in a  
23 conspicuous place in every state park to which they are applicable, but  
24 failure to post or keep any rule posted shall be no defense to any  
25 prosecution for the violation thereof.

26 (3) Permit the use of state parks and parkways by the public under  
27 such rules as shall be adopted.

28 (4) Clear, drain, grade, seed, and otherwise improve or beautify  
29 parks and parkways, and erect structures, buildings, fireplaces, and  
30 comfort stations and build and maintain paths, trails, and roadways  
31 through or on parks and parkways.

32 (5) Grant concessions or leases in state parks and parkways, upon  
33 such rentals, fees, or percentage of income or profits and for such  
34 terms, in no event longer than fifty years, and upon such conditions as  
35 shall be approved by the commission: PROVIDED, That (~~leases exceeding~~  
36 ~~a twenty-year term shall require a unanimous vote of the commission:~~  
37 ~~PROVIDED FURTHER, That~~)) if, during the term of any concession or

1 lease, it is the opinion of the commission that it would be in the best  
2 interest of the state, the commission may, with the consent of the  
3 concessionaire or lessee, alter and amend the terms and conditions of  
4 such concession or lease: PROVIDED FURTHER, That television station  
5 leases shall be subject to the provisions of RCW 79A.05.085, only:  
6 PROVIDED FURTHER, That the rates of such concessions or leases, other  
7 than concessions or leases to a public agency as defined in RCW  
8 39.34.020, shall be renegotiated at five-year intervals. No concession  
9 shall be granted which will prevent the public from having free access  
10 to the scenic attractions of any park or parkway.

11 (6) Employ such assistance as it deems necessary. Commission  
12 expenses relating to its use of volunteer assistance shall be limited  
13 to premiums or assessments for the insurance of volunteers by the  
14 department of labor and industries, compensation of staff who assist  
15 volunteers, materials and equipment used in authorized volunteer  
16 projects, training, reimbursement of volunteer travel as provided in  
17 RCW 43.03.050 and 43.03.060, and other reasonable expenses relating to  
18 volunteer recognition. The commission, at its discretion, may waive  
19 commission fees otherwise applicable to volunteers. The commission  
20 shall not use volunteers to replace or supplant classified positions.  
21 The use of volunteers may not lead to the elimination of any employees  
22 or permanent positions in the bargaining unit.

23 (7) By majority vote of its authorized membership select and  
24 purchase or obtain options upon, lease, or otherwise acquire for and in  
25 the name of the state such tracts of land, including shore and tide  
26 lands, for park and parkway purposes as it deems proper. If the  
27 commission cannot acquire any tract at a price it deems reasonable, it  
28 may, by majority vote of its authorized membership, obtain title  
29 thereto, or any part thereof, by condemnation proceedings conducted by  
30 the attorney general as provided for the condemnation of rights-of-way  
31 for state highways. Option agreements executed under authority of this  
32 subsection shall be valid only if:

33 (a) The cost of the option agreement does not exceed one dollar;  
34 and

35 (b) Moneys used for the purchase of the option agreement are from  
36 (i) funds appropriated therefor, or (ii) funds appropriated for  
37 undesignated land acquisitions, or (iii) funds deemed by the commission

1 to be in excess of the amount necessary for the purposes for which they  
2 were appropriated; and

3 (c) The maximum amount payable for the property upon exercise of  
4 the option does not exceed the appraised value of the property.

5 (8) Cooperate with the United States, or any county or city of this  
6 state, in any matter pertaining to the acquisition, development,  
7 redevelopment, renovation, care, control, or supervision of any park or  
8 parkway, and enter into contracts in writing to that end. All parks or  
9 parkways, to which the state contributed or in whose care, control, or  
10 supervision the state participated pursuant to the provisions of this  
11 section, shall be governed by the provisions hereof.

12 (9) Within allowable resources, maintain policies that increase the  
13 number of people who have access to free or low-cost recreational  
14 opportunities for physical activity, including noncompetitive physical  
15 activity.

16 (10) Adopt rules establishing the requirements for a criminal  
17 history record information search for the following: Job applicants,  
18 volunteers, and independent contractors who have unsupervised access to  
19 children or vulnerable adults, or who will be responsible for  
20 collecting or disbursing cash or processing credit/debit card  
21 transactions. These background checks will be done through the  
22 Washington state patrol criminal identification section and may include  
23 a national check from the federal bureau of investigation, which shall  
24 be through the submission of fingerprints. A permanent employee of the  
25 commission, employed as of July 24, 2005, is exempt from the provisions  
26 of this subsection.

27 **Sec. 3.** RCW 79A.05.335 and 1991 c 107 s 1 are each amended to read  
28 as follows:

29 The legislature finds that the lands owned and managed by the  
30 (~~state parks and recreation~~) commission are a significant collection  
31 of valuable natural, cultural, and historical(~~, and cultural~~)  
32 resources for the citizens of Washington state. The legislature  
33 further finds that if citizens understand and appreciate the (~~state  
34 park ecological resources, they will come to appreciate and understand  
35 the ecosystems and natural resources throughout the state~~) natural,  
36 cultural, and historical resources present in Washington's state parks,  
37 they will be inspired to conserve this important legacy for future

1 generations. Therefore, the (~~state parks and recreation~~) commission  
2 may (~~increase the~~) use (~~of~~) its facilities and resources to provide  
3 (~~environmental~~) natural, cultural, or historical resource  
4 interpretation throughout the state parks system.

5 **Sec. 4.** RCW 79A.05.340 and 1991 c 107 s 2 are each amended to read  
6 as follows:

7 The (~~state parks and recreation~~) commission may provide  
8 (~~environmental interpretative~~) natural, cultural, or historical  
9 resource interpretive activities for visitors to state parks that:

10 (1) Explain the functions, history, significance, and cultural  
11 aspects of ecosystems;

12 (2) Explain the relationship between human needs, human behaviors  
13 and attitudes, and the environment; (~~and~~)

14 (3) Explain the diverse human heritage and cultural changes over  
15 time in Washington state;

16 (4) Offer experiences and information to increase citizen  
17 understanding, appreciation, and stewardship of (~~the environment and~~  
18 ~~its multiple uses~~) their natural, cultural, ethnic, and artistic  
19 heritage;

20 (5) Explain the need for natural, cultural, and historical resource  
21 protection and preservation as well as the methods by which these goals  
22 may be achieved.

23 **Sec. 5.** RCW 79A.05.345 and 1991 c 107 s 3 are each amended to read  
24 as follows:

25 The (~~state parks and recreation~~) commission may consult and enter  
26 into agreements with and solicit assistance from (~~private sector~~  
27 ~~organizations and other governmental agencies that are interested in~~  
28 ~~conserving and interpreting Washington's environment. The commission~~  
29 ~~shall not permit commercial advertising in state park lands or~~  
30 ~~interpretive centers as a condition of such agreements. Logos or~~  
31 ~~credit lines for sponsoring organizations may be permitted. The~~  
32 ~~commission shall maintain an accounting of all monetary gifts provided,~~  
33 ~~and expenditures of monetary gifts shall not be used to increase~~  
34 ~~personnel~~) the state parks foundation, private sector individuals,  
35 organizations, businesses, employee business units, other public

1 agencies, and tribes that are interested in stewarding and interpreting  
2 state parks natural, cultural, scenic, and recreational resources.

3 NEW SECTION. Sec. 6. A new section is added to chapter 79A.05 RCW  
4 to read as follows:

5 (1) By September 1st of each year, the commission shall provide the  
6 appropriate committees of the senate and house of representatives with  
7 a report including a summary of all:

8 (a) Existing agreements entered into pursuant to RCW 79A.05.345 or  
9 otherwise involving the management of state park lands or facilities by  
10 a public or private entity;

11 (b) Existing concession or lease agreements entered into pursuant  
12 to RCW 79A.05.030, with a term of two years or more; and

13 (c) Proposed agreements of the kind included in (a) and (b) of this  
14 subsection that are under negotiation.

15 (2) For each agreement, the report must include, but is not limited  
16 to, an evaluation of:

17 (a) The entity's adequate source of available funding to assume or  
18 continue the financial responsibilities of the agreement;

19 (b) The entity's ability to assume or continue the scope of  
20 responsibilities of the agreement;

21 (c) The details of the net fiscal impact to the state, including  
22 any subsidies and indirect costs or revenues; and

23 (d) The extent to which the agreement results in advancement of the  
24 state parks system's public purpose.

25 (3) The report must include an update on the progress and  
26 satisfaction of the performance measures provided in any existing  
27 agreement described in subsection (1) of this section.

28 NEW SECTION. Sec. 7. A new section is added to chapter 79A.05 RCW  
29 to read as follows:

30 (1) The commission shall continue its ongoing efforts to evaluate  
31 the agency's mission and options to improve the efficiency and  
32 effectiveness of the agency, which may include the evaluation of  
33 options relating to organizational structure, administrative processes,  
34 land and facility ownership and management, and provision of services.

35 (2) The evaluation must include development of specific performance

1 measures relating to the efficiency and effectiveness of the agency,  
2 which may include measures relating to data collection necessary for  
3 future analysis consistent with the purposes of this section.

4 (3) By September 1st of each even-numbered year, the commission  
5 shall, consistent with RCW 43.01.036, provide the office of financial  
6 management and the appropriate committees of the senate and house of  
7 representatives with an analysis of the commission's progress in  
8 achieving the performance measures during the current biennium and  
9 performance measures for the next biennium that are informed by, and  
10 build on, the commission's previous efforts under this section.

11 NEW SECTION. **Sec. 8.** (1) In developing the initial performance  
12 measures required by section 7 of this act that are due by September 1,  
13 2014, the state parks and recreation commission shall produce and  
14 consider the following:

15 (a) An inventory of land and facilities owned and managed by state  
16 parks and a process to upgrade the inventory to one capable of  
17 describing primary land and facility uses;

18 (b) An evaluation of the lands and facilities identified under (a)  
19 of this subsection for lands and facilities surplus to state park needs  
20 and actions taken or planned to dispose of or more advantageously  
21 position these assets;

22 (c) Current annual visitation categorized by state park and a  
23 process to upgrade the system for collecting parks visitation data to  
24 better understand existing and potential markets for park services;

25 (d) A process to systematically assess and prioritize the state  
26 park and recreation commission's capital needs, including a financial  
27 analysis;

28 (e) An inventory of and progress developing ongoing partnerships  
29 with entities including the state parks foundation, state park friends  
30 groups, and other appropriate public and nonprofit entities;

31 (f) An inventory of existing enterprise activities and agreements  
32 at state parks, including those relating to product sales, concessions,  
33 sponsorships, and advertising, and a process for identifying and  
34 evaluating additional potential enterprise opportunities for generating  
35 revenue or cost savings;

36 (g) A summary of actions taken and planned for the application of  
37 lean management philosophies and tools throughout the agency; and

1 (h) A summary of actions taken and planned towards continued  
2 development of a sustained, strategic approach to marketing state  
3 parks.

4 (2) The information to be produced and considered under subsection  
5 (1) of this section must be provided to the office of financial  
6 management and appropriate committees of the senate and house of  
7 representatives, concurrently with the performance measures required  
8 under section 7 of this act, by September 1, 2014.

9 (3) This section expires June 30, 2015.

10 **Sec. 9.** RCW 79A.05.320 and 2000 c 11 s 39 are each amended to read  
11 as follows:

12 The state parks and recreation commission shall do the following  
13 with respect to the portion of the Milwaukee Road corridor under its  
14 control:

15 (1) Manage the corridor as a recreational trail except when closed  
16 under RCW 79A.05.325;

17 (2) Close the corridor to hunting;

18 (3) Close the corridor to all motorized vehicles except: (a)  
19 Emergency or law enforcement vehicles; (b) vehicles necessary for  
20 access to utility lines; ~~((and))~~ (c) vehicles necessary for maintenance  
21 of the corridor, or construction of the trail; (d) vehicles used by  
22 lessees and concessionaires operating under valid state parks  
23 agreements; and (e) vehicles for agricultural users for periodic  
24 access;

25 (4) Comply with legally enforceable conditions contained in the  
26 deeds for the corridor;

27 (5) Control weeds under the applicable provisions of chapters  
28 17.04, 17.06, and 17.10 RCW; and

29 (6) Clean and maintain culverts.

30 **Sec. 10.** RCW 79A.70.005 and 2000 c 25 s 1 are each amended to read  
31 as follows:

32 The legislature finds that:

33 (1) State parks are a valuable asset to the people of the state of  
34 Washington, contributing to their health, education, and well-being;

35 (2) Well maintained state parks are an attraction and contribute  
36 significantly to the economic well-being of the state of Washington;



1 (3) Well maintained state parks encourage the appreciation of the  
2 natural resources and natural beauty of the state of Washington;

3 (4) There is an increasing demand for more state parks and more  
4 state parks services;

5 (5) There are individuals and groups who desire to contribute to  
6 the continued vitality of the state parks system;

7 (6) Providing a tax-deductible method for individuals and groups to  
8 contribute is an effective way of increasing available funds to improve  
9 the state parks system; and

10 (7) It is in the public interest to create a nonprofit foundation  
11 to provide such a method for individuals and groups to contribute to  
12 the preservation, restoration, ~~((and))~~ enhancement, and operation of  
13 the state parks system.

14 **Sec. 11.** RCW 79A.70.010 and 2000 c 25 s 2 are each amended to read  
15 as follows:

16 The purpose of the Washington state parks ~~((gift))~~ foundation is to  
17 solicit support ~~((for the state parks system, cooperate with other  
18 organizations, and to encourage gifts to support and improve the state  
19 parks)), build constituencies, engage in public outreach, cooperate  
20 with other organizations, and encourage gifts and private sponsorship  
21 activities to support operation, acquisition, and improvement of state  
22 parks. The foundation shall take the lead role in soliciting,  
23 recognizing, and cultivating enduring relationships with private donors  
24 and sponsors.~~

25 **Sec. 12.** RCW 79A.70.020 and 2000 c 25 s 3 are each amended to read  
26 as follows:

27 The definitions in this section apply throughout this chapter,  
28 unless the context clearly requires otherwise.

29 (1) "Foundation" means the Washington state parks ~~((gift))~~  
30 foundation~~(( $\tau$ ))~~ created in RCW 79A.70.030.

31 (2) "State parks" means that system of parks administered by the  
32 commission under this title.

33 (3) "Eligible grant recipients" includes any and all of the  
34 activities of the commission in carrying out the provisions of this  
35 title and friends groups or other cooperating associations established  
36 solely for the benefit of state parks.

1 (4) "Eligible projects" means any project, action, program, or part  
2 of any project (~~(or)~~), action, or program that serves to preserve,  
3 restore, improve, (~~(or)~~) enhance (the), or otherwise contribute to  
4 the operation of state parks.

5 **Sec. 13.** RCW 79A.70.030 and 2000 c 25 s 4 are each amended to read  
6 as follows:

7 (1) By September 1, 2000, the commission shall file articles of  
8 incorporation in accordance with the Washington nonprofit corporation  
9 act, chapter 24.03 RCW, to establish the Washington state parks  
10 (~~(gift)~~) foundation. The foundation shall not be an agency,  
11 instrumentality, or political subdivision of the state and shall not  
12 disburse public funds.

13 (2) The foundation shall have a board of directors consisting of up  
14 to fifteen members(~~(. Initial members of the board shall be appointed~~  
15 ~~by the governor and collectively have experience in business,~~  
16 ~~charitable giving, outdoor recreation, and parks administration.~~  
17 ~~Initial appointments shall be made by September 30, 2000. Subsequent~~  
18 ~~board members shall be elected by the general membership of the~~  
19 ~~foundation.~~

20 ~~(3) Members of the board shall serve three year terms, except for~~  
21 ~~the initial terms, which shall be staggered by the governor to achieve~~  
22 ~~a balanced mix of terms on the board. Members of the board may serve~~  
23 ~~up to a maximum of three terms. At the end of a term, a member may~~  
24 ~~continue to serve until a successor has been elected)), whose terms,  
25 method of appointment, and authority must be in accordance with the  
26 Washington nonprofit corporation act, chapter 24.03 RCW.~~

27 **Sec. 14.** RCW 79A.70.040 and 2000 c 25 s 5 are each amended to read  
28 as follows:

29 (1) (~~(As soon as practicable, the board of directors shall organize~~  
30 ~~themselves and the foundation suitably to carry out the duties of the~~  
31 ~~foundation, including achieving federal tax exempt status.~~

32 ~~(2))~~ The foundation shall actively solicit contributions from  
33 individuals and groups for the benefit of the state parks. The  
34 foundation shall coordinate with the commission and take the lead role  
35 in appropriately thanking, recognizing, and inviting donors to further

1 support operation, acquisition, and improvement of state parks and  
2 other purposes of this chapter.

3 ~~((+3))~~ (2) The foundation shall develop criteria jointly with the  
4 agency director for guiding ~~((themselves))~~ the foundation in either the  
5 creation of an endowment, or the making of grants to eligible grant  
6 recipients and eligible projects in the state parks, or both.

7 ~~((+4))~~ (3) A competitive grant process shall be conducted at least  
8 annually by the foundation to award funds ~~((to the))~~ for the benefit of  
9 state parks. Competitive grant applications shall only be submitted to  
10 the foundation by the commission, friends groups, or other cooperating  
11 associations established for the benefit of state parks. ~~((The process~~  
12 ~~shall be started as soon as practicable.))~~ Grants shall be awarded to  
13 eligible projects consistent with the criteria developed jointly by the  
14 foundation and ~~((shall be available only for state parks use on~~  
15 ~~eligible projects))~~ the agency director.

16 NEW SECTION. Sec. 15. RCW 79A.70.050 (Foundation moneys not to  
17 supplant preexisting funding) and 2000 c 25 s 6 are each repealed.

18 Sec. 16. RCW 79A.80.020 and 2012 c 261 s 2 are each amended to  
19 read as follows:

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

23 (a) Park ~~((or operate on))~~ at any recreation site or lands~~((,~~  
24 ~~except for short term parking as may be authorized under RCW~~  
25 ~~79A.80.070))~~; or

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

27 (2) Except as provided in section 19 of this act, the cost of a  
28 discover pass is thirty dollars. Every four years the office of  
29 financial management must review the cost of the discover pass and, if  
30 necessary, recommend to the legislature an adjustment to the cost of  
31 the discover pass to account for inflation.

32 (3) A discover pass is valid for one year beginning from the date  
33 that the discover pass is marked for activation. The activation date  
34 may differ from the purchase date pursuant to any policies developed by  
35 the agencies.

1 (4) Sales of discover passes must be consistent with RCW  
2 79A.80.100.

3 (5) The discover pass must contain space for two motor vehicle  
4 license plate numbers. A discover pass is valid only for those vehicle  
5 license plate numbers written on the pass. However, the agencies may  
6 offer for sale a family discover pass that is fully transferable among  
7 vehicles and does not require the placement of a license plate number  
8 on the pass to be valid. The agencies must collectively set a price  
9 for the sale of a family discover pass that is no more than fifty  
10 dollars. A discover pass is valid only for use with one motor vehicle  
11 at any one time.

12 (6)(a) One complimentary discover pass must be provided to a  
13 volunteer who performed twenty-four hours of service on agency-  
14 sanctioned volunteer projects in a year. The agency must provide  
15 vouchers to volunteers identifying the number of volunteer hours they  
16 have provided for each project. The vouchers may be brought to an  
17 agency to be redeemed for a discover pass.

18 (b) Married spouses under chapter 26.04 RCW may present an agency  
19 with combined vouchers demonstrating the collective performance of  
20 twenty-four hours of service on agency-sanctioned volunteer projects in  
21 a year to be redeemed for a single complimentary discover pass.

22 **Sec. 17.** RCW 79A.80.030 and 2012 c 261 s 3 are each amended to  
23 read as follows:

24 (1) A person may purchase a day-use permit to meet the requirements  
25 of RCW 79A.80.080. Except as provided in section 19 of this act, a  
26 day-use permit is ten dollars per day and must be available for  
27 purchase from each agency. A day-use permit is valid for one calendar  
28 day.

29 (2) The agencies may provide short-term parking under RCW  
30 79A.80.070 where a day-use permit is not required.

31 (3) Every four years the office of financial management must review  
32 the cost of the day-use permit and, if necessary, recommend to the  
33 legislature an adjustment to the cost of the day-use permit to account  
34 for inflation.

35 (4) Sales of day-use permits must be consistent with RCW  
36 79A.80.100.

1       **Sec. 18.** RCW 79A.80.080 and 2012 c 261 s 7 are each amended to  
2 read as follows:

3       (1) A discover pass, vehicle access pass, or day-use permit must be  
4 visibly displayed in the front windshield, or otherwise in a prominent  
5 location for motor vehicles without a windshield, of any motor vehicle  
6 (~~or otherwise in a prominent location for vehicles without a~~  
7 ~~windshield~~)):

8       (a) Operating on ~~((a))~~ any recreation site or lands; or

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

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

12       (a) On private lands, state-owned aquatic lands other than water  
13 access areas, or at agency offices, hatcheries, or other facilities  
14 where public business is conducted(~~(-~~

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

17 ~~(a))~~);

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

22 ~~(b))~~) (c) On department of fish and wildlife lands only, for  
23 persons possessing a current vehicle access pass pursuant to RCW  
24 79A.80.040; or

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

28       (~~(4))~~) (3)(a) An agency may waive the requirements of this section  
29 for any person who has secured the ability to access specific  
30 recreational land through the provision of monetary consideration to  
31 the agency or for any person attending an event or function that  
32 required the provision of monetary compensation to the agency.

33       (b) Special events and group activities are core recreational  
34 activities and major public service opportunities within state parks.  
35 When waiving the requirements of this section for special events, the  
36 state parks and recreation commission must consider the direct and  
37 indirect costs and benefits to the state, local market rental rates,

1 the public service functions of the event sponsor, and other public  
2 interest factors when setting appropriate fees for each event or  
3 activity.

4 ~~((+5))~~ (4) Failure to comply with subsection (1) of this section  
5 is a natural resource infraction under chapter 7.84 RCW. An agency is  
6 authorized to issue a notice of infraction to any person who fails to  
7 comply with subsection (1)(a) of this section or to any motor vehicle  
8 that fails to comply with subsection (1)(b) of this section.

9 ~~((+6))~~ (5) The penalty for failure to comply with the requirements  
10 of this section is ninety-nine dollars. This penalty must be reduced  
11 to fifty-nine dollars if an individual provides proof of purchase of a  
12 discover pass to the court within fifteen days after the issuance of  
13 the notice of violation.

14 NEW SECTION. **Sec. 19.** A new section is added to chapter 79A.80  
15 RCW to read as follows:

16 (1) By mutual agreement, the agencies may sell discounted discover  
17 passes at a rate below that established under RCW 79A.80.020 or  
18 discounted day-use permits at a rate below that established under RCW  
19 79A.80.030 for purposes of bulk sales to retailers, agency license and  
20 permit product bundling, and partnership opportunities in order to  
21 expand accessibility and visibility of the discover pass and  
22 recreational opportunities on agency-managed lands.

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

25 NEW SECTION. **Sec. 20.** This act may be known and cited as the  
26 state parks and recreation centennial act.

--- END ---