
HOUSE BILL 2909

State of Washington

66th Legislature

2020 Regular Session

By Representatives Griffey and Irwin

Read first time 01/31/20. Referred to Committee on Appropriations.

1 AN ACT Relating to restoring state general fund support for the
2 operation of state parks by eliminating the discover pass; amending
3 RCW 79A.05.215, 4.24.210, 7.84.100, 43.12.065, 43.30.385, 46.16A.090,
4 77.15.750, 77.32.010, 79A.05.070, and 77.12.170; and repealing RCW
5 79A.80.005, 79A.80.010, 79A.80.020, 79A.80.030, 79A.80.040,
6 79A.80.050, 79A.80.060, 79A.80.070, 79A.80.080, 79A.80.090,
7 79A.80.100, 79A.80.110, and 46.01.370.

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

9 **Sec. 1.** RCW 79A.05.215 and 2011 c 320 s 22 are each amended to
10 read as follows:

11 The state parks renewal and stewardship account is created in the
12 state treasury. Except as otherwise provided in this chapter, all
13 receipts from user fees, concessions, leases, donations collected
14 under RCW 46.16A.090(3), and other state park-based activities shall
15 be deposited into the account. (~~The proceeds from the recreation~~
16 ~~access pass account created in RCW 79A.80.090 must be used for the~~
17 ~~purpose of operating and maintaining state parks.)) Moneys
18 appropriated from the state general fund sufficient to fund the
19 ongoing operation and maintenance activities at state parks may also
20 be deposited in the account. Expenditures from the account may be
21 used for operating state parks, developing and renovating park~~

1 facilities, undertaking deferred maintenance, enhancing park
2 stewardship, and other state park purposes. Expenditures from the
3 account may be made only after appropriation by the legislature.

4 **Sec. 2.** RCW 4.24.210 and 2017 c 245 s 1 are each amended to read
5 as follows:

6 (1) Except as otherwise provided in subsection (3) or (4) of this
7 section, any public or private landowners, hydroelectric project
8 owners, or others in lawful possession and control of any lands
9 whether designated resource, rural, or urban, or water areas or
10 channels and lands adjacent to such areas or channels, who allow
11 members of the public to use them for the purposes of outdoor
12 recreation, which term includes, but is not limited to, the cutting,
13 gathering, and removing of firewood by private persons for their
14 personal use without purchasing the firewood from the landowner,
15 hunting, fishing, camping, picnicking, swimming, hiking, bicycling,
16 skateboarding or other nonmotorized wheel-based activities, aviation
17 activities including, but not limited to, the operation of airplanes,
18 ultra-light airplanes, hang gliders, parachutes, and paragliders,
19 rock climbing, the riding of horses or other animals, clam digging,
20 pleasure driving of off-road vehicles, snowmobiles, and other
21 vehicles, boating, kayaking, canoeing, rafting, nature study, winter
22 or water sports, viewing or enjoying historical, archaeological,
23 scenic, or scientific sites, without charging a fee of any kind
24 therefor, shall not be liable for unintentional injuries to such
25 users.

26 (2) Except as otherwise provided in subsection (3) or (4) of this
27 section, any public or private landowner or others in lawful
28 possession and control of any lands whether rural or urban, or water
29 areas or channels and lands adjacent to such areas or channels, who
30 offer or allow such land to be used for purposes of a fish or
31 wildlife cooperative project, or allow access to such land for
32 cleanup of litter or other solid waste, shall not be liable for
33 unintentional injuries to any volunteer group or to any other users.

34 (3) Any public or private landowner, or others in lawful
35 possession and control of the land, may charge an administrative fee
36 of up to twenty-five dollars for the cutting, gathering, and removing
37 of firewood from the land.

38 (4)(a) Nothing in this section shall prevent the liability of a
39 landowner or others in lawful possession and control for injuries

1 sustained to users by reason of a known dangerous artificial latent
2 condition for which warning signs have not been conspicuously posted.

3 (i) A fixed anchor used in rock climbing and put in place by
4 someone other than a landowner is not a known dangerous artificial
5 latent condition and a landowner under subsection (1) of this section
6 shall not be liable for unintentional injuries resulting from the
7 condition or use of such an anchor.

8 (ii) Releasing water or flows and making waterways or channels
9 available for kayaking, canoeing, or rafting purposes pursuant to and
10 in substantial compliance with a hydroelectric license issued by the
11 federal energy regulatory commission, and making adjacent lands
12 available for purposes of allowing viewing of such activities, does
13 not create a known dangerous artificial latent condition and
14 hydroelectric project owners under subsection (1) of this section
15 shall not be liable for unintentional injuries to the recreational
16 users and observers resulting from such releases and activities.

17 (b) Nothing in RCW 4.24.200 and this section limits or expands in
18 any way the doctrine of attractive nuisance.

19 (c) Usage by members of the public, volunteer groups, or other
20 users is permissive and does not support any claim of adverse
21 possession.

22 (5) For purposes of this section, the following are not fees:

23 (a) A license or permit issued for statewide use under authority
24 of chapter 79A.05 RCW or Title 77 RCW;

25 (b) (~~A pass or permit issued under RCW 79A.80.020, 79A.80.030,~~
26 ~~or 79A.80.040;~~

27 ~~(e))~~ A daily charge not to exceed twenty dollars per person, per
28 day, for access to a publicly owned ORV sports park, as defined in
29 RCW 46.09.310, or other public facility accessed by a highway,
30 street, or nonhighway road for the purposes of off-road vehicle use;
31 and

32 (~~(d))~~ (c) Payments to landowners for public access from state,
33 local, or nonprofit organizations established under department of
34 fish and wildlife cooperative public access agreements if the
35 landowner does not charge a fee to access the land subject to the
36 cooperative agreement.

37 **Sec. 3.** RCW 7.84.100 and 2012 c 262 s 2 are each amended to read
38 as follows:

1 (1) A person found to have committed an infraction shall be
2 assessed a monetary penalty. No penalty may exceed five hundred
3 dollars for each offense unless specifically authorized by statute.

4 (2) The supreme court may prescribe by rule a schedule of
5 monetary penalties for designated infractions. The legislature
6 requests the supreme court to adjust this schedule every two years
7 for inflation. The maximum penalty imposed by the schedule shall be
8 five hundred dollars per infraction and the minimum penalty imposed
9 by the schedule shall be ten dollars per infraction. This schedule
10 may be periodically reviewed by the legislature and is subject to its
11 revision.

12 (3) Whenever a monetary penalty is imposed by a court under this
13 chapter, it is immediately payable. If the person is unable to pay at
14 that time, the court may, in its discretion, grant an extension of
15 the period in which the penalty may be paid.

16 ~~((4) The county treasurer shall remit the money received under
17 RCW 79A.80.080(5) to the state treasurer. Money remitted under this
18 subsection to the state treasurer must be deposited in the recreation
19 access pass account established under RCW 79A.80.090.))~~

20 **Sec. 4.** RCW 43.12.065 and 2011 c 320 s 16 are each amended to
21 read as follows:

22 (1) For the promotion of the public safety and the protection of
23 public property, the department of natural resources may, in
24 accordance with chapter 34.05 RCW, issue, promulgate, adopt, and
25 enforce rules pertaining to use by the public of state-owned lands
26 and property which are administered by the department.

27 (2)(a) Except as otherwise provided in this subsection, a
28 violation of any rule adopted under this section is a misdemeanor.

29 (b) Except as provided in (c) of this subsection, the department
30 may specify by rule, when not inconsistent with applicable statutes,
31 that violation of such a rule is an infraction under chapter 7.84
32 RCW. However, any violation of a rule relating to traffic including
33 parking, standing, stopping, and pedestrian offenses is a traffic
34 infraction.

35 (c) Violation of such a rule equivalent to those provisions of
36 Title 46 RCW set forth in RCW 46.63.020 remains a misdemeanor.

37 (3) The commissioner of public lands and those employees as the
38 commissioner may designate shall be vested with police powers when
39 enforcing:

1 (a) The rules of the department adopted under this section; or
2 (b) (~~The civil infractions created under RCW 79A.80.080; or~~
3 ~~(c)~~) The general criminal statutes or ordinances of the state or
4 its political subdivisions where enforcement is necessary for the
5 protection of state-owned lands and property.

6 (4) The commissioner of public lands may, under the provisions of
7 RCW 7.84.140, enter into an agreement allowing employees of the state
8 parks and recreation commission and the department of fish and
9 wildlife to enforce certain civil infractions created under this
10 title.

11 **Sec. 5.** RCW 43.30.385 and 2014 c 32 s 2 are each amended to read
12 as follows:

13 (1) The parkland trust revolving fund is to be utilized by the
14 department for the purpose of acquiring real property, including all
15 reasonable costs associated with these acquisitions, as a replacement
16 for the property transferred to the state parks and recreation
17 commission, as directed by the legislature in order to maintain the
18 land base of the affected trusts or under RCW 79.22.060 and to
19 receive voluntary contributions for the purpose of operating and
20 maintaining public use and recreation facilities, including trails,
21 managed by the department.

22 (2) (a) Proceeds from transfers of real property to the state
23 parks and recreation commission or other proceeds identified from
24 transfers of real property as directed by the legislature shall be
25 deposited in the parkland trust revolving fund.

26 (b) Except as otherwise provided in this subsection, the proceeds
27 from real property transferred or disposed under RCW 79.22.060 must
28 be used solely to purchase replacement forestland, that must be
29 actively managed as a working forest, within the same county as the
30 property transferred or disposed. If the real property was
31 transferred under RCW 79.22.060 (1)(c) and (2)(c) from within a
32 county participating in the state forestland pool created under RCW
33 79.22.140, replacement forestland may be located within any county
34 participating in the land pool.

35 (c) Disbursement from the parkland trust revolving fund to
36 acquire replacement property and for operating and maintaining public
37 use and recreation facilities shall be on the authorization of the
38 department.

1 (~~(d) The proceeds from the recreation access pass account~~
2 ~~created in RCW 79A.80.090 must be solely used for the purpose of~~
3 ~~operating and maintaining public use and recreation facilities,~~
4 ~~including trails, managed by the department.))~~

5 (3) In order to maintain an effective expenditure and revenue
6 control, the parkland trust revolving fund is subject in all respects
7 to chapter 43.88 RCW, but no appropriation is required to permit
8 expenditures and payment of obligations from the fund.

9 (4) The department is authorized to solicit and receive voluntary
10 contributions for the purpose of operating and maintaining public use
11 and recreation facilities, including trails, managed by the
12 department. The department may seek voluntary contributions from
13 individuals and organizations for this purpose. Voluntary
14 contributions will be deposited into the parkland trust revolving
15 fund and used solely for the purpose of public use and recreation
16 facilities operations and maintenance. Voluntary contributions are
17 not considered a fee for use of these facilities.

18 **Sec. 6.** RCW 46.16A.090 and 2012 c 261 s 9 are each amended to
19 read as follows:

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

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

30 (b) The department, county auditor or other agent, or subagent
31 appointed by the director must:

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

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

36 (iii) Make information booklets or other informational material
37 available regarding the importance of organ and tissue donations to
38 vehicle owners.

1 (c) All reasonable costs associated with the creation of the
2 donation program created under this section must be paid
3 proportionally or by another agreement by a participating Washington
4 state organ procurement organization established for organ and tissue
5 donation awareness purposes by the Washington state organ procurement
6 organizations. For the purposes of this section, "reasonable costs"
7 and "Washington state organ procurement organization" have the same
8 meaning as in RCW 68.64.010.

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

23 ~~((4) A vehicle owner who registers a vehicle under this chapter
24 may purchase a discover pass for the price amount established in RCW
25 79A.80.020. Purchase of a discover pass is voluntary by the vehicle
26 owner. The discover pass fee must be deposited in the recreation
27 access pass account created in RCW 79A.80.090. The department, county
28 auditor, or other agent or subagent appointed by the director is not
29 responsible for delivering a purchased discover pass to a motor
30 vehicle owner. The agencies, as defined in RCW 79A.80.010, must
31 deliver the purchased discover pass to a motor vehicle owner.))~~

32 **Sec. 7.** RCW 77.15.750 and 2011 c 320 s 20 are each amended to
33 read as follows:

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

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

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

1 (2)(a) Permits covered under subsection (1) of this section
2 include, but are not limited to, master hunter permits, crab pot
3 removal permits and shellfish pot removal permits under RCW
4 77.70.500, depredation permits, landowner hunting permits, commercial
5 carp license permits, permits to possess or dispense beer or malt
6 liquor pursuant to RCW 66.28.210, and permits to hold, sponsor, or
7 attend an event requiring a banquet permit from the state liquor
8 (~~control~~) and cannabis board.

9 (b) Permits excluded from subsection (1) of this section include
10 (~~the discover pass created in RCW 79A.80.020, the vehicle access~~
11 ~~pass created in RCW 79A.80.040, the day-use permit created in RCW~~
12 ~~79A.80.030,~~) commercial use or activity permits, noncommercial use
13 or activity permits, parking permits, experimental fishery permits,
14 trial commercial fishery permits, and scientific collection permits.

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

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

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

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

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

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

26 (a) "Experimental fishery permit" means a permit issued by the
27 director for either:

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

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

35 (b) "Trial commercial fishery permit" means a permit issued by
36 the department for trial harvest of a newly classified species or
37 harvest of a previously classified species in a new area or by a new
38 means.

1 **Sec. 8.** RCW 77.32.010 and 2019 c 290 s 3 are each amended to
2 read as follows:

3 (1) Except as otherwise provided in this chapter or department
4 rule, a recreational license issued by the director is required to
5 hunt, fish, or take wildlife or seaweed. A recreational fishing or
6 shellfish license is not required for carp, freshwater smelt, and
7 crawfish, and a hunting license is not required for bullfrogs.

8 (2) ~~((A pass or permit issued under RCW 79A.80.020, 79A.80.030,~~
9 ~~or 79A.80.040 is required to park or operate a motor vehicle on a~~
10 ~~recreation site or lands, as defined in RCW 79A.80.010.~~

11 ~~(3))~~) The commission may, by rule, indicate that a fishing permit
12 issued to a nontribal member by the Colville Tribes shall satisfy the
13 license requirements in subsection (1) of this section on the waters
14 of Lake Rufus Woods and on the north shore of Lake Rufus Woods, and
15 that a Colville Tribes tribal member identification card shall
16 satisfy the license requirements in subsection (1) of this section on
17 all waters of Lake Rufus Woods.

18 **Sec. 9.** RCW 79A.05.070 and 2012 c 261 s 8 are each amended to
19 read as follows:

20 The commission may:

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

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

1 built in part or in whole for public use on agency property, provided
2 that the facility is consistent with the purposes of the agency;

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

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

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

13 (6) Charge fees for services, utilities, and use of facilities as
14 the commission shall deem proper. The commission may utilize
15 unstaffed collection stations to collect any fees or distribute any
16 permits necessary for access to state parks(~~(, including discover~~
17 ~~passes and day-use permits as those terms are defined in RCW~~
18 ~~79A.80.010))~~);

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

23 (8) Determine the qualifications of and employ a director of
24 parks and recreation who must receive a salary as fixed by the
25 governor in accordance with the provisions of RCW 43.03.040 and
26 determine the qualifications and salary of and employ such other
27 persons as may be needed to carry out the provisions hereof; and

28 (9) Utilize such other powers as in the judgment of a majority of
29 its members are deemed necessary to effectuate the purposes of this
30 chapter. However, the commission does not have power to supervise
31 directly any local park or recreation district, and no funds shall be
32 made available for such purpose.

33 **Sec. 10.** RCW 77.12.170 and 2017 3rd sp.s. c 8 s 3 are each
34 amended to read as follows:

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

37 (a) Rentals or concessions of the department;

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

4 (c) The assessment of administrative penalties;

5 (d) The sale of licenses, permits, tags, and stamps required by
6 chapters 77.32, 77.65, and 77.70 RCW and application fees;

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

8 (f) Fees for personalized vehicle, Wild on Washington, and
9 Endangered Wildlife license plates, Washington's Wildlife license
10 plate collection, and Washington's fish license plate collection as
11 provided in chapter 46.17 RCW;

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

13 (h) Compensation for damage to department property or wildlife
14 losses or contributions, gifts, or grants received under RCW
15 77.12.320. However, this excludes fish and shellfish overages, and
16 court-ordered restitution or donations associated with any fish,
17 shellfish, or wildlife enforcement action, as such moneys must be
18 deposited pursuant to RCW 77.15.425;

19 (i) Excise tax on anadromous game fish collected under chapter
20 82.27 RCW;

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

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

25 ~~(l) ((Moneys received from the recreation access pass account
26 created in RCW 79A.80.090 must be dedicated to stewardship,
27 operations, and maintenance of department lands used for public
28 recreation purposes; and~~

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

30 (2) State and county officers receiving any moneys listed in
31 subsection (1) of this section shall deposit them in the state
32 treasury to be credited to the state wildlife account.

33 NEW SECTION. **Sec. 11.** The following acts or parts of acts are
34 each repealed:

35 (1) RCW 79A.80.005 (Findings—Intent—2011 c 320) and 2011 c 320 s
36 1;

37 (2) RCW 79A.80.010 (Definitions) and 2019 c 175 s 3, 2013 2nd
38 sp.s. c 23 s 22, 2012 c 261 s 1, & 2011 c 320 s 2;

- 1 (3) RCW 79A.80.020 (Discover pass) and 2017 c 121 s 1, 2013 2nd
2 sp.s. c 15 s 1, 2012 c 261 s 2, & 2011 c 320 s 3;
- 3 (4) RCW 79A.80.030 (Day-use permit) and 2013 2nd sp.s. c 15 s 2,
4 2012 c 261 s 3, & 2011 c 320 s 4;
- 5 (5) RCW 79A.80.040 (Vehicle access pass) and 2012 c 261 s 5 &
6 2011 c 320 s 5;
- 7 (6) RCW 79A.80.050 (Valid camper registration/annual natural
8 investment permit—Commission may provide free entry to state parks)
9 and 2012 c 261 s 6 & 2011 c 320 s 6;
- 10 (7) RCW 79A.80.060 (Sno-park seasonal permit) and 2019 c 175 s 2
11 & 2011 c 320 s 7;
- 12 (8) RCW 79A.80.070 (Short-term parking) and 2011 c 320 s 8;
- 13 (9) RCW 79A.80.080 (Pass/permit requirements—Penalty) and 2013
14 2nd sp.s. c 15 s 3, 2012 c 261 s 7, & 2011 c 320 s 9;
- 15 (10) RCW 79A.80.090 (Recreation access pass account) and 2017 3rd
16 sp.s. c 1 s 988, 2016 sp.s. c 36 s 948, & 2011 c 320 s 10;
- 17 (11) RCW 79A.80.100 (Purchase, return, replacement of discover
18 passes and day-use permits) and 2012 c 261 s 4;
- 19 (12) RCW 79A.80.110 (Discounted passes—Bulk sales) and 2013 2nd
20 sp.s. c 15 s 4; and
- 21 (13) RCW 46.01.370 (Authority to sell and distribute discover
22 passes and day-use permits) and 2012 c 261 s 11.

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