

INITIATIVE 809

I, Sam Reed, Secretary of State of the State of Washington and custodian of its seal, hereby certify that, according to the records on file in my office, the attached copy of Initiative Measure No. 809 to the People is a true and correct copy as it was received by this office.

1 AN ACT Relating to the creation of an evergreen recreation pass;
2 amending RCW 4.24.210; adding a new section to chapter 43.30 RCW; and
3 adding a new chapter to Title 79A RCW.

4 BE IT ENACTED BY THE PEOPLE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** (1) The people find that the state parks and
6 recreation commission, the department of natural resources, and the
7 fish and wildlife commission have difficulty maintaining recreation
8 sites they own and operate because of insufficient funds. The people
9 also find that the lack of funds to operate, maintain, and repair these
10 recreation sites is resulting in the closure of some of these sites to
11 the public at a time when the demand for outdoor recreation areas
12 continues to increase.

13 (2) The people recognize that many state residents and visitors to
14 Washington enjoy visiting state-owned and operated recreation sites
15 throughout different parts of the state, and that many people visit
16 lands owned and operated by more than one state agency. The people are
17 aware that the commission is instituting a statewide parking fee, the
18 fish and wildlife commission has an annual pass for parking at their

1 access sites, and the department of natural resources currently does
2 not charge a parking fee at their recreation sites.

3 (3) It is the intent of the people that there be a single basic
4 pass available to the citizens of the state of Washington that would
5 provide, for a single fee, access to the parking, day-use, trailhead
6 and trail, and primitive overnight camping facilities owned and
7 operated by the commission, the fish and wildlife commission, and the
8 department of natural resources, with a single deluxe pass that would
9 provide boat launch access in addition to the access provided in the
10 basic pass. It is further the intent of the people that a similar
11 nonresident pass be made available, at a higher cost, to visitors to
12 the state of Washington.

13 NEW SECTION. **Sec. 2.** The definitions in this section apply
14 throughout this chapter unless the context clearly requires otherwise.

15 (1) "Commission" means the state parks and recreation commission.

16 (2) "Committee" means the interagency committee for outdoor
17 recreation.

18 (3) "Pass" means the evergreen recreation pass, created in section
19 3 of this act.

20 NEW SECTION. **Sec. 3.** (1) The evergreen recreation pass is created
21 and administered by the committee. The committee may provide for the
22 sale of the pass by the various state agencies and their vendors, and
23 by other vendors.

24 (2) The pass must also be available for purchase through the
25 department of licensing. The department of licensing shall include a
26 notice of the availability of the pass, including the opportunity to
27 renew the pass, in each notice of motor vehicle registration renewal.
28 The department of licensing shall also encourage private vendors to
29 distribute the pass and to make the pass available for persons renewing
30 motor vehicle registrations on-line.

31 (3) The committee shall: (a) Determine the form of the pass; (b)
32 determine the term of the pass, be it calendar year or some other term;
33 and (c) beginning June 30, 2006, and no later than June 30th of each
34 even-numbered year, recommend to the governor and the legislature how
35 the proceeds from the sale of the pass should be distributed to the
36 committee, the commission, the fish and wildlife commission, and the
37 department of natural resources, for the cost of developing and

1 administering the pass and the support of the agencies' recreation and
2 recreation access programs.

3 NEW SECTION. **Sec. 4.** (1) The evergreen recreation pass must be
4 available for purchase by January 1, 2004, at a cost not to exceed
5 thirty-five dollars for residents or sixty-five dollars for
6 nonresidents for the basic pass, or fifty dollars for residents or
7 ninety-five dollars for nonresidents for the deluxe pass. Up to five
8 dollars from the sale of each pass may be retained by the vendors or
9 the agencies to cover the cost of processing the sale of the pass, as
10 determined by the committee. Eighty percent of the net proceeds from
11 the sale of the pass must be deposited in the state parks renewal and
12 stewardship account until June 30, 2007, or until fifteen million
13 dollars in net proceeds from the sale of the pass have been deposited
14 in the state parks renewal and stewardship account, whichever occurs
15 first.

16 (2) All other net proceeds from the sale of the pass must be
17 deposited in the evergreen recreation account, hereby created in the
18 state treasury. Moneys in the account may be spent only after
19 appropriation. Money may be appropriated only for the cost of
20 developing and administering the pass and the support of the recreation
21 and recreation access programs of the commission, the fish and wildlife
22 commission, and the department of natural resources.

23 NEW SECTION. **Sec. 5.** A premium version of the pass, entitled the
24 corps of discovery pass, may be created, administered, and sold by the
25 commission until June 30, 2007. The commission is authorized to seek
26 private sponsorship of the corps of discovery pass, to arrange for
27 merchandising and sponsorship programs in connection with the corps of
28 discovery pass, and may use any Lewis and Clark trail logos owned by
29 the state of Washington in support of the corps of discovery pass and
30 related merchandising and sponsorship programs. All costs of
31 developing and administering the corps of discovery pass must be borne
32 by the commission. All net proceeds from the sale of the corps of
33 discovery pass and related merchandising and sponsorship programs must
34 be deposited in the state parks renewal and stewardship account and
35 used first to cover the costs associated with renewing the leases of,
36 and operating and maintaining, state parks along the Lewis and Clark

1 trail through the bicentennial activities celebrating the corps of
2 discovery.

3 NEW SECTION. **Sec. 6.** (1) The cost of all versions of the pass may
4 be adjusted for inflation by the office of financial management on an
5 annual basis subject to the limitation contained in RCW 43.135.055(1).

6 (2) On January 1st following any biennial operating or supplemental
7 operating budget proposal submitted by the governor that does not
8 propose general fund appropriations to the commission, the fish and
9 wildlife commission, and the department of natural resources for the
10 support of outdoor recreation programs at least equal to the general
11 fund appropriation for fiscal year 2002 adjusted for inflation, the
12 office of financial management must reduce the cost of all versions of
13 the pass to five dollars.

14 NEW SECTION. **Sec. 7.** The commission, the fish and wildlife
15 commission, and the department of natural resources shall accept the
16 pass in lieu of any fee charged for access to the parking, day-use,
17 trailhead and trail, and unsupervised primitive overnight camping
18 facilities owned or operated by the commission, the fish and wildlife
19 commission, and the department of natural resources.

20 NEW SECTION. **Sec. 8.** A new section is added to chapter 43.30 RCW
21 to read as follows:

22 The department shall require an evergreen recreation pass for the
23 use of the parking, day-use, trailhead and trail, and primitive
24 overnight camping facilities owned or operated by the department.

25 **Sec. 9.** RCW 4.24.210 and 1997 c 26 s 1 are each amended to read as
26 follows:

27 (1) Except as otherwise provided in subsection (3) of this section,
28 any public or private landowners or others in lawful possession and
29 control of any lands whether designated resource, rural, or urban, or
30 water areas or channels and lands adjacent to such areas or channels,
31 who allow members of the public to use them for the purposes of outdoor
32 recreation, which term includes, but is not limited to, the cutting,
33 gathering, and removing of firewood by private persons for their
34 personal use without purchasing the firewood from the landowner,
35 hunting, fishing, camping, picnicking, swimming, hiking, bicycling,

1 skateboarding or other nonmotorized wheel-based activities,
2 hanggliding, paragliding, the riding of horses or other animals, clam
3 digging, pleasure driving of off-road vehicles, snowmobiles, and other
4 vehicles, boating, nature study, winter or water sports, viewing or
5 enjoying historical, archaeological, scenic, or scientific sites,
6 without charging a fee (~~of any kind therefor~~), shall not be liable
7 for unintentional injuries to such users.

8 (2) Except as otherwise provided in subsection (3) of this section,
9 any public or private landowner or others in lawful possession and
10 control of any lands whether rural or urban, or water areas or channels
11 and lands adjacent to such areas or channels, who offer or allow such
12 land to be used for purposes of a fish or wildlife cooperative project,
13 or allow access to such land for cleanup of litter or other solid
14 waste, shall not be liable for unintentional injuries to any volunteer
15 group or to any other users.

16 (3) Any public or private landowner, or others in lawful possession
17 and control of the land, may charge an administrative fee of up to
18 twenty-five dollars for the cutting, gathering, and removing of
19 firewood from the land. Nothing in this section shall prevent the
20 liability of such a landowner or others in lawful possession and
21 control for injuries sustained to users by reason of a known dangerous
22 artificial latent condition for which warning signs have not been
23 conspicuously posted. Nothing in RCW 4.24.200 and 4.24.210 limits or
24 expands in any way the doctrine of attractive nuisance. Usage by
25 members of the public, volunteer groups, or other users is permissive
26 and does not support any claim of adverse possession.

27 (4) For purposes of this section, a license or permit issued for
28 statewide use under authority of (~~chapter 43.51 RCW, Title 75, or~~)
29 Title 77 RCW, chapter 79A.05 RCW, or the evergreen recreation pass
30 created in sections 1 through 7 of this act is not a fee.

31 NEW SECTION. Sec. 10. Sections 1 through 7 of this act constitute
32 a new chapter in Title 79A RCW.

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