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**SUBSTITUTE HOUSE BILL 1530**

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**State of Washington**

**63rd Legislature**

**2013 Regular Session**

**By** House Community Development, Housing & Tribal Affairs (originally sponsored by Representatives McCoy, Angel, Ryu, Sawyer, Santos, Ormsby, Van De Wege, Bergquist, and Sells; by request of Parks and Recreation Commission)

READ FIRST TIME 02/22/13.

1 AN ACT Relating to promoting a balanced financing system for state  
2 parks programs and services in order to facilitate resource  
3 stewardship, interpretative activities, cultural events, and works of  
4 art in state parks; amending RCW 79A.05.065, 79A.05.335, 79A.05.340,  
5 79A.05.345, 79A.70.005, 79A.70.010, 79A.70.020, 79A.70.030, and  
6 79A.70.040; adding new sections to chapter 79A.05 RCW; and repealing  
7 RCW 79A.70.050.

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

9 NEW SECTION. **Sec. 1.** A new section is added to chapter 79A.05 RCW  
10 to read as follows:

11 By August 1st of each even-numbered year, and in compliance with  
12 RCW 43.01.036, the office of financial management must consult with the  
13 director and deliver a report to the fiscal committees of the house of  
14 representatives and the senate. The report must present a detailed  
15 forecast of the fiscal opportunity cost incurred by the commission in  
16 complying with the fee reductions and exemptions provided in RCW  
17 79A.05.065 for the upcoming fiscal biennium.

1           **Sec. 2.** RCW 79A.05.065 and 2011 c 171 s 115 are each amended to  
2 read as follows:

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

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

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

13           (ii) The person is a domiciliary of the state of Washington and  
14 meets reasonable residency requirements prescribed by the commission;  
15 and

16           (iii) The person and his or her spouse have a combined income that  
17 would qualify the person for a property tax exemption pursuant to RCW  
18 84.36.381. The financial eligibility requirements of this subsection  
19 (1)(b)(iii) apply regardless of whether the applicant for a senior  
20 citizen's pass owns taxable property or has obtained or applied for  
21 such property tax exemption.

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

27           (d) A holder of a senior citizen's pass shall surrender the pass  
28 upon request of a commission employee when the employee has reason to  
29 believe the holder fails to meet the criteria in (b) of this  
30 subsection. The holder shall have the pass returned upon providing  
31 proof to the satisfaction of the director that the holder meets the  
32 eligibility criteria for obtaining the senior citizen's pass.

33           (2)(a) Any resident of Washington who is disabled as defined by the  
34 social security administration and who receives social security  
35 benefits for that disability, or any other benefits for that disability  
36 from any other governmental or nongovernmental source, or who is  
37 entitled to benefits for permanent disability under RCW  
38 71A.10.020(~~(+3)~~) (4) due to unemployability full time at the minimum

1 wage, or who is legally blind or profoundly deaf, or who has been  
2 issued a card, decal, or special license plate for a permanent  
3 disability under RCW 46.19.010 shall be entitled to receive, regardless  
4 of age and upon making application therefor, a disability pass at no  
5 cost to the holder. The pass shall: (i) Entitle such a person, and  
6 members of his or her camping unit, to a fifty percent reduction in the  
7 campsite rental fee prescribed by the commission; and (ii) entitle such  
8 a person to free admission to any state park.

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

14 (3) Any resident of Washington who is a veteran and has a service-  
15 connected disability of at least thirty percent shall be entitled to  
16 receive a lifetime veteran's disability pass at no cost to the holder.  
17 The pass shall: (a) Entitle such a person, and members of his or her  
18 camping unit, to free use of any campsite within any state park; (b)  
19 entitle such a person to free admission to any state park; and (c)  
20 entitle such a person to an exemption from any reservation fees.

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

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

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

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

37 (i) "Out-of-home care" means placement in a foster-family home or

1 with a person related to the child under the authority of chapter  
2 13.32A, 13.34, or 74.13 RCW;

3 (ii) "Foster-family home" has the same meaning as defined in RCW  
4 74.15.020; and

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

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

10 (6) (~~The commission shall negotiate payment and costs, to allow~~  
11 ~~holders of a foster home pass free access and usage of park campsites,~~  
12 ~~with the following nonoperated, nonstate-owned parks: Central Ferry,~~  
13 ~~Chief Timothy, Crow Butte, and Lyons Ferry.)) The commission shall  
14 seek state general fund reimbursement on a biennial basis for the  
15 fiscal opportunity cost incurred by the commission in complying with  
16 the fee reductions and exemptions provided in this section. The amount  
17 of state general fund moneys requested for this purpose may not exceed  
18 the total amount identified in the report to the legislature required  
19 under section 1 of this act. However, nothing in this section  
20 prohibits the commission from also seeking general fund contributions  
21 for other state parks needs.~~

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

25 (a) Residency outside the state of Washington;

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

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

30 (d) Fraudulent use of a pass;

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

33 (f) Refusing to display or show the pass to park employees when  
34 requested; or

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

37 (8) This section shall not affect or otherwise impair the power of

1 the commission to continue or discontinue any other programs it has  
2 adopted for senior citizens.

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

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

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

16 The legislature finds that the lands owned and managed by the  
17 (~~state parks and recreation~~) commission are a significant collection  
18 of valuable natural, cultural, and historical(~~, and cultural~~)  
19 resources for the citizens of Washington state. The legislature  
20 further finds that if citizens understand and appreciate the (~~state  
21 park ecological resources, they will come to appreciate and understand  
22 the ecosystems and natural resources throughout the state~~) natural,  
23 cultural, and historical resources present in Washington's state parks,  
24 they will be inspired to conserve this important legacy for future  
25 generations. Therefore, the (~~state parks and recreation~~) commission  
26 may (~~increase the~~) use (~~of~~) its facilities and resources to provide  
27 (~~environmental~~) natural, cultural, or historical resource  
28 interpretation throughout the state parks system.

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

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

34 (1) Explain the functions, history, significance, and cultural  
35 aspects of ecosystems;

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

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

5 (4) Offer experiences and information to increase citizen  
6 understanding, appreciation, and stewardship of (~~the environment and~~  
7 ~~its multiple uses~~) their natural and cultural heritage;

8 (5) Protect natural, cultural, or historical resources from the  
9 impacts of human activities; or

10 (6) Increase awareness, appreciation, and enjoyment of the state's  
11 ethnic and cultural heritage and contemporary works of art.

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

14 The (~~state parks and recreation~~) commission may consult and enter  
15 into agreements with and solicit assistance from (~~private sector~~  
16 ~~organizations and other governmental agencies that are interested in~~  
17 ~~conserving and interpreting Washington's environment. The commission~~  
18 ~~shall not permit commercial advertising in state park lands or~~  
19 ~~interpretive centers as a condition of such agreements. Logos or~~  
20 ~~credit lines for sponsoring organizations may be permitted. The~~  
21 ~~commission shall maintain an accounting of all monetary gifts provided,~~  
22 ~~and expenditures of monetary gifts shall not be used to increase~~  
23 ~~personnel~~) the state parks foundation, private sector individuals,  
24 organizations, businesses, employee business units, other public  
25 agencies, and tribes that are interested in stewarding and interpreting  
26 state parks natural, cultural, scenic, and recreational resources.

27 NEW SECTION. **Sec. 6.** A new section is added to chapter 79A.05 RCW  
28 to read as follows:

29 (1) The commission may enter into an agreement regarding the  
30 transfer of park management responsibilities with an entity listed in  
31 RCW 79A.05.345 only if the entity has demonstrated:

32 (a) It has an adequate source of available funding to assume the  
33 financial responsibilities of the agreement;

34 (b) It has broad support within the local community to undertake  
35 the management responsibilities of the agreement; and

1 (c) It has sufficient experience successfully managing projects of  
2 similar size and scope to the responsibilities of the agreement.

3 (2) The commission may not enter into any management transfer  
4 agreement that provides for the commission to fund, reimburse,  
5 subsidize, or contribute to an entity's operating costs. This does not  
6 restrict the commission's ability to fund or contribute to any capital  
7 development, improvement, or facility maintenance projects.

8 (3) Any management transfer agreement must include terms for an  
9 initial trial period, no longer than one year, that contain specific  
10 performance measures the entity must meet before the agreement may be  
11 extended beyond a year. Performance measures may include, but are not  
12 limited to the entity's ability: To manage financial operating costs,  
13 to adequately perform management responsibilities, and to address and  
14 respond to community concerns. The agreement may provide that failure  
15 to meet any performance measure may lead to the termination of the  
16 contract or remedial action taken before the agreement may be extended.

17 **Sec. 7.** RCW 79A.70.005 and 2000 c 25 s 1 are each amended to read  
18 as follows:

19 The legislature finds that:

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

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

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

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

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

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

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

1       **Sec. 8.** RCW 79A.70.010 and 2000 c 25 s 2 are each amended to read  
2 as follows:

3       The purpose of the Washington state parks (~~gift~~) foundation is to  
4 solicit support (~~for the state parks system, cooperate with other~~  
5 ~~organizations, and to encourage gifts to support and improve the state~~  
6 ~~parks~~), build constituencies, engage in public outreach, cooperate  
7 with other organizations, and encourage gifts and private sponsorship  
8 activities to support operation, acquisition, and improvement of state  
9 parks. The foundation shall take the lead role in soliciting,  
10 recognizing, and cultivating enduring relationships with private donors  
11 and sponsors.

12       **Sec. 9.** RCW 79A.70.020 and 2000 c 25 s 3 are each amended to read  
13 as follows:

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

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

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

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

24       (4) "Eligible projects" means any project, action, program, or part  
25 of any project (~~( $\sigma$ )~~), action, or program that serves to preserve,  
26 restore, improve, (~~( $\sigma$ )~~) enhance (~~(the)~~), or otherwise contribute to  
27 the operation of state parks.

28       **Sec. 10.** RCW 79A.70.030 and 2000 c 25 s 4 are each amended to read  
29 as follows:

30       (1) By September 1, 2000, the commission shall file articles of  
31 incorporation in accordance with the Washington nonprofit corporation  
32 act, chapter 24.03 RCW, to establish the Washington state parks  
33 (~~gift~~) foundation. The foundation shall not be an agency,  
34 instrumentality, or political subdivision of the state and shall not  
35 disburse public funds.



1 (2) The foundation shall have a board of directors consisting of up  
2 to fifteen members(~~(. Initial members of the board shall be appointed~~  
3 ~~by the governor and collectively have experience in business,~~  
4 ~~charitable giving, outdoor recreation, and parks administration.~~  
5 ~~Initial appointments shall be made by September 30, 2000. Subsequent~~  
6 ~~board members shall be elected by the general membership of the~~  
7 ~~foundation.~~

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

15 **Sec. 11.** RCW 79A.70.040 and 2000 c 25 s 5 are each amended to read  
16 as follows:

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

20 ~~(2))~~ The foundation shall actively solicit contributions from  
21 individuals and groups for the benefit of the state parks. The  
22 foundation shall coordinate with the commission and take the lead role  
23 in appropriately thanking, recognizing, and inviting donors to further  
24 support operation, acquisition, and improvement of state parks and  
25 other purposes of this chapter.

26 ~~((3))~~ (2) The foundation shall develop criteria jointly with the  
27 agency director for guiding (~~themselves~~) the foundation in either the  
28 creation of an endowment, or the making of grants to eligible grant  
29 recipients and eligible projects in the state parks, or both.

30 ~~((4))~~ (3) A competitive grant process shall be conducted at least  
31 annually by the foundation to award funds (~~to the~~) for the benefit of  
32 state parks. Competitive grant applications shall only be submitted to  
33 the foundation by the commission, friends groups, or other cooperating  
34 associations established for the benefit of state parks. (~~The process~~  
35 ~~shall be started as soon as practicable.)) Grants shall be awarded to  
36 eligible projects consistent with the criteria developed jointly by the~~

1 foundation and (~~shall be available only for state parks use on~~  
2 ~~eligible projects~~) the agency director.

3 NEW SECTION. **Sec. 12.** RCW 79A.70.050 (Foundation moneys not to  
4 supplant preexisting funding) and 2000 c 25 s 6 are each repealed.

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