
SECOND SUBSTITUTE SENATE BILL 5216

State of Washington

54th Legislature

1995 Regular Session

By Senate Committee on Ways & Means (originally sponsored by Senators Fraser, Swecker, C. Anderson, Spanel, McAuliffe, Oke, Drew, Owen, Winsley, Haugen and Kohl; by request of Parks and Recreation Commission)

Read first time 02/27/95.

1 AN ACT Relating to the parks and recreation commission; amending
2 RCW 43.51.047, 43.51.060, and 43.51.270; adding a new section to
3 chapter 43.85 RCW; adding a new section to chapter 43.51 RCW; creating
4 a new section; repealing RCW 43.51.280; providing an effective date;
5 and declaring an emergency.

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

7 NEW SECTION. **Sec. 1.** The legislature finds that during the past
8 fourteen years, the Washington state parks and recreation commission
9 has endured a steady erosion of general fund operating support, which
10 has caused park closures, staff reductions, and growing backlog of
11 deferred maintenance projects. The legislature also finds that the
12 growth of parks revenue has been constrained by staff limitations and
13 by transfers of that revenue into the general fund.

14 The legislature intends to reverse the decline in operating support
15 to its state parks, stabilize the system's level of general fund
16 support, and inspire system employees and park visitors to enhance
17 these irreplaceable resources and ensure their continuing availability
18 to current and future state citizens and visitors. To achieve these
19 goals, the legislature intends to dedicate park revenues to park

1 operations, developing and renovating park facilities, undertaking
2 deferred maintenance, and improving park stewardship. The legislature
3 clearly intends that such revenues shall complement, not supplant,
4 future general fund support.

5 **Sec. 2.** RCW 43.51.047 and 1984 c 82 s 3 are each amended to read
6 as follows:

7 Only timber which qualifies for cutting or removal under RCW
8 43.51.045(2) may be sold. Timber shall be sold only when surplus to
9 the needs of the park.

10 Net revenue derived from timber sales shall be deposited in the
11 (~~trust land~~) park renewal and stewardship account created in section
12 7 of this act.

13 **Sec. 3.** RCW 43.51.060 and 1993 c 156 s 1 are each amended to read
14 as follows:

15 The commission may:

16 (1) Make rules and regulations for the proper administration of its
17 duties;

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

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

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

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

10 (6) Charge such fees for services, utilities, and use of facilities
11 as the commission shall deem proper(~~(. All fees received by the~~
12 ~~commission shall be deposited with the state treasurer in the state~~
13 ~~general fund))~~);

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

18 (8) Determine the qualifications of and employ a director of parks
19 and recreation who shall receive a salary as fixed by the governor in
20 accordance with the provisions of RCW 43.03.040, and upon his
21 recommendation, a supervisor of recreation, and determine the
22 qualifications and salary of and employ such other persons as may be
23 needed to carry out the provisions hereof; and

24 (9) Without being limited to the powers hereinbefore enumerated,
25 the commission shall have such other powers as in the judgment of a
26 majority of its members are deemed necessary to effectuate the purposes
27 of this chapter: PROVIDED, That the commission shall not have power to
28 supervise directly any local park or recreation district, and no funds
29 shall be made available for such purpose.

30 **Sec. 4.** RCW 43.51.270 and 1992 c 185 s 1 are each amended to read
31 as follows:

32 (1) The (~~board~~) department of natural resources and the state
33 parks and recreation commission shall have authority to negotiate a
34 sale to the state parks and recreation commission, for park and outdoor
35 recreation purposes, of (~~the~~) trust lands (~~withdrawn as of August 9,~~
36 ~~1971, pursuant to law for park purposes and included within the state~~
37 ~~parks listed in subsection (2) of this section:~~ PROVIDED, That the
38 ~~sale shall be by contract with a pay-off period of not less than ten~~

1 years, a price of eleven million twenty-four thousand seven hundred
2 forty dollars or the)) at fair market value((, whichever is higher, for
3 the land value, and interest not to exceed six percent. All fees
4 collected by the commission beginning in the 1973-1975 biennium shall
5 be applied to the purchase price of the trust lands listed in
6 subsection (2) of this section; the acquisition of the property
7 described in subsections (3) and (4) of this section, and all
8 reasonable costs of acquisition, described in subsection (5) of this
9 section; the renovation and redevelopment of state park structures and
10 facilities to extend the original life expectancy or correct damage to
11 the environment of state parks; the maintenance and operation of state
12 parks; and any cost of collection pursuant to appropriations from the
13 trust land purchase account created in RCW 43.51.280. The department
14 of natural resources shall not receive any management fee pursuant to
15 the sale of the trust lands listed in subsections (2) and (4) of this
16 section. Timber on the trust lands which are the subject of
17 subsections (2), (3), and (4) of this section shall continue to be
18 under the management of the department of natural resources until such
19 time as the legislature appropriates funds to the parks and recreation
20 commission for purchase of said timber. The state parks which include
21 trust lands which shall be the subject of this sale pursuant to this
22 section are:

- 23 (2)(a) Penrose Point
- 24 (b) Kopachuck
- 25 (c) Long Beach
- 26 (d) Leadbetter Point
- 27 (e) Nason Creek
- 28 (f) South Whidbey
- 29 (g) Blake Island
- 30 (h) Rockport
- 31 (i) Mt. Pilchuck
- 32 (j) Ginkgo
- 33 (k) Lewis & Clark
- 34 (l) Rainbow Falls
- 35 (m) Bogachiel
- 36 (n) Sequim Bay
- 37 (o) Federation Forest
- 38 (p) Moran
- 39 (q) Camano Island

- 1 ~~(r) Beacon Rock~~
- 2 ~~(s) Bridle Trails~~
- 3 ~~(t) Chief Kamiakin (formerly Kamiak Butte)~~
- 4 ~~(u) Lake Wenatchee~~
- 5 ~~(v) Fields Springs~~
- 6 ~~(w) Sun Lakes~~
- 7 ~~(x) Scenic Beach.~~

8 ~~(3) The board of natural resources and the state parks and~~
9 ~~recreation commission shall negotiate a mutually acceptable transfer~~
10 ~~for adequate consideration to the state parks and recreation commission~~
11 ~~to be used for park and recreation purposes:~~

12 ~~(a) All the state owned Heart Lake property, including the timber~~
13 ~~therein, located in section 36, township 35 north, range 1E, W.M. in~~
14 ~~Skagit county;~~

15 ~~(b) The Moran Park Additions, including the timber thereon, located~~
16 ~~in sections 16, 17, 19, 26, and 30, township 37 north, range 1W, W.M.;~~

17 ~~(c) The Fort Ebey Addition (Partridge Point), including the timber~~
18 ~~thereon, located in section 36, township 32 north, range 1W, W.M. and~~
19 ~~section 6, township 31 north, range 1E, W.M.;~~

20 ~~(d) The South Whidbey Addition (Classic U), including the timber~~
21 ~~thereon, located in section 29, township 30 north, range 2E, W.M.;~~ and

22 ~~(e) The Larrabee Addition, including the timber thereon, located in~~
23 ~~section 29, township 37 north, range 3E, W.M.)).~~

24 ~~((4))~~ (2) The ~~((board))~~ department of natural resources and the
25 state parks and recreation commission shall negotiate a sale to the
26 state parks and recreation commission of the lands and timber thereon
27 identified in the joint study under section 4, chapter 163, Laws of
28 1985, and commonly referred to as(~~:~~

29 ~~(a) The Packwood trust property, Lewis county « located on the~~
30 ~~Cowlitz river at Packwood;~~

31 ~~(b) The Iron Horse (Bullfrog) trust property « adjoining the John~~
32 ~~Wayne Pioneer Trail at Iron Horse State Park;~~

33 ~~(c) The Soleduck Corridor trust property, Clallam county « on the~~
34 ~~Soleduck river at Sappho;~~

35 ~~(d) The Lake Sammamish (Providence Heights) trust property, King~~
36 ~~county « adjacent to Hans Jensen Youth Camp area at Lake Sammamish~~
37 ~~State Park;~~

38 ~~(e) The Kinney Point trust property, Jefferson county « on the~~
39 ~~extreme southern tip of Marrowstone Island;~~

1 ~~(f) The Hartstene Island trust property, Mason county « near Fudge~~
2 ~~Point on the east side of Hartstene Island approximately two miles~~
3 ~~south of Jarrell Cove State Park;~~

4 ~~(g) The Wallace Falls trust property addition, Snohomish county «~~
5 ~~located adjacent to Wallace Falls State Park;~~

6 ~~(h) The Diamond Point trust property, Clallam county « on the~~
7 ~~Strait of Juan de Fuca; provided, however, to the extent authorized by~~
8 ~~the commission by its action of December 7, 1990, as now or hereafter~~
9 ~~amended, the acreage and boundaries of the Diamond Point trust property~~
10 ~~acquired by the commission may vary from the acreage and boundaries~~
11 ~~described in the joint study. The commission may not authorize~~
12 ~~acquisition of any portion of the Diamond Point trust property by a~~
13 ~~private party prior to approval by the Clallam county board of~~
14 ~~commissioners of a preliminary master site plan for a resort~~
15 ~~development on the property;~~

16 ~~(i) The Twin Falls trust property addition, King county « three~~
17 ~~parcels adjacent to the Twin Falls natural area, King county;~~

18 ~~(j) The Skating Lake trust property, Pacific county « one and one-~~
19 ~~half miles north of Ocean Park and two miles south of Leadbetter State~~
20 ~~Park on the Long Beach Peninsula;~~

21 ~~(k) The Kopachuck trust property addition, Pierce county «~~
22 ~~adjoining Kopachuck State Park;~~

23 ~~(l)) the Point Lawrence trust property, San Juan county « on the~~
24 ~~extreme east point of Orcas Island((;~~

25 ~~(m) The Huckleberry Island trust property, Skagit county « between~~
26 ~~Guemes Island and Saddlebag Island State Park;~~

27 ~~(n) The Steamboat Rock (Osborn Bay) trust property, Grant county «~~
28 ~~southwest of Electric City on Osborn Bay;~~

29 ~~(o) The Lord Hill trust property, Snohomish county « west of~~
30 ~~Monroe;~~

31 ~~(p) The Larrabee trust property addition, Whatcom county «~~
32 ~~northeast of Larrabee State Park and Chuckanut Mountain;~~

33 ~~(q) The Beacon Rock trust property, Skamania county « at Beacon~~
34 ~~Rock State Park;~~

35 ~~(r) The Loomis Lake trust property, Pacific county « on the east~~
36 ~~shore of Loomis Lake and Lost Lake;~~

37 ~~(s) The Lake Easton trust property addition, Kittitas county « one-~~
38 ~~quarter mile west of Lake Easton State Park near the town of Easton;~~

1 ~~(t) The Fields Spring trust property addition, Asotin county «~~
2 ~~adjacent to the west and north boundaries of Fields Spring State Park;~~

3 ~~(u) The Hoypus Hill trust property, Island county « south of the~~
4 ~~Hoypus Point natural forest area at Deception Pass State Park;~~

5 ~~(v) The Cascade Island trust property, Skagit county « on the~~
6 ~~Cascade river about one and one half miles east of Marblemount off of~~
7 ~~the South Cascade county road and ten and one half miles east of~~
8 ~~Rockport State Park.~~

9 ~~Payment for the property described in this subsection shall be~~
10 ~~derived from the trust land purchase account established pursuant to~~
11 ~~RCW 43.51.280)). Timber conservation and management practices provided~~
12 ~~for in RCW 43.51.045 and 43.51.395 shall govern the management of land~~
13 ~~and timber transferred under this subsection as of the effective date~~
14 ~~of the transfer, upon payment for the property, and nothing in this~~
15 ~~chapter shall be construed as restricting or otherwise modifying the~~
16 ~~department of natural resources' management, control, or use of such~~
17 ~~land and timber until such date.~~

18 ~~((5) The funds from the trust land purchase account designated for~~
19 ~~the acquisition of the property described in subsections (3) and (4) of~~
20 ~~this section, and the reasonable costs of acquisition, shall be~~
21 ~~deposited in the park land trust revolving fund, hereby created, to be~~
22 ~~utilized by the department of natural resources for the exclusive~~
23 ~~purpose of acquiring real property as a replacement for the property~~
24 ~~described in subsections (3) and (4) of this section to maintain the~~
25 ~~land base of the several trusts and for the reimbursement of the~~
26 ~~department of natural resources for all reasonable costs, to include,~~
27 ~~but not exclusively, the appraisal and cruising of the timber on the~~
28 ~~property for the acquisition of the property described in subsections~~
29 ~~(3) and (4) of this section. Disbursements from the park land trust~~
30 ~~revolving fund to acquire replacement property, and pay for all~~
31 ~~reasonable costs of acquisition, for the property described in~~
32 ~~subsections (3) and (4) of this section shall be on the authorization~~
33 ~~of the board of natural resources. In order to maintain an effective~~
34 ~~expenditure and revenue control, the park land trust revolving fund~~
35 ~~shall be subject in all respects to chapter 43.88 RCW, but no~~
36 ~~appropriation shall be required to permit expenditures and payment of~~
37 ~~obligations from the fund. The state treasurer shall be custodian of~~
38 ~~the revolving fund.~~

1 ~~The department of natural resources shall pay all reasonable costs,~~
2 ~~to include, but not exclusively, the appraisal and cruising of the~~
3 ~~timber on the property for the acquisition of the property described in~~
4 ~~subsection (3) of this section from funds provided in the trust land~~
5 ~~purchase account. Any agreement for the transfer of the property~~
6 ~~described in subsection (3) of this section shall not have an interest~~
7 ~~rate exceeding ten percent.~~

8 ~~The parks and recreation commission is authorized to accept,~~
9 ~~receive, disburse, and administer grants or funds or gifts from any~~
10 ~~source including private individuals, public entities, and the federal~~
11 ~~government to supplement the funds from the trust land purchase account~~
12 ~~for the purchase of the property described in subsection (3) of this~~
13 ~~section.))~~

14 NEW SECTION. **Sec. 5.** A new section is added to chapter 43.85 RCW
15 to read as follows:

16 The park land trust revolving fund is to be utilized by the
17 department of natural resources for the exclusive purpose of acquiring
18 real property, including all reasonable costs associated with these
19 acquisitions, as a replacement for the property transferred to the
20 state parks and recreation commission or as directed by the legislature
21 in order to maintain the land base of the affected trusts. Proceeds
22 from transfers of real property to the state parks and recreation
23 commission or other proceeds identified from transfers of real property
24 as directed by the legislature shall be deposited in this fund.
25 Disbursement from the park land trust revolving fund to acquire
26 replacement property shall be on the authorization of the department of
27 natural resources. In order to maintain an effective expenditure and
28 revenue control, the park land trust revolving fund is subject in all
29 respects to chapter 43.88 RCW, but no appropriation is required to
30 permit expenditures and payment of obligations from the fund.

31 NEW SECTION. **Sec. 6.** RCW 43.51.280 and 1991 sp.s. c 16 s 922,
32 1991 sp.s. c 13 s 4, & 1987 c 466 s 2 are each repealed.

33 NEW SECTION. **Sec. 7.** A new section is added to chapter 43.51 RCW
34 to read as follows:

35 The state parks renewal and stewardship account is created in the
36 state treasury. Except as otherwise provided in this chapter, all

1 receipts from user fees, concessions, leases, and other state park-
2 based activities shall be deposited into the account. Expenditures
3 from the account may be used for operating state parks, developing and
4 renovating park facilities, undertaking deferred maintenance, enhancing
5 park stewardship, and other state park purposes. Expenditures from the
6 account may be made only after appropriation by the legislature.

7 NEW SECTION. **Sec. 8.** This act is necessary for the immediate
8 preservation of the public peace, health, or safety, or support of the
9 state government and its existing public institutions, and shall take
10 effect July 1, 1995.

11 NEW SECTION. **Sec. 9.** If any provision of this act or its
12 application to any person or circumstance is held invalid, the
13 remainder of the act or the application of the provision to other
14 persons or circumstances is not affected.

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