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SENATE BILL 5216

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State of Washington

54th Legislature

1995 Regular Session

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 01/16/95. Referred to Committee on Ecology & Parks.

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; repealing  
4 RCW 43.51.280; providing an effective date; and declaring an emergency.

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

6 **Sec. 1.** RCW 43.51.047 and 1984 c 82 s 3 are each amended to read  
7 as follows:

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

11 Net revenue derived from timber sales shall be deposited in the  
12 (~~trust land~~) parks renewal and stewardship account created in section  
13 6 of this act.

14 **Sec. 2.** RCW 43.51.060 and 1993 c 156 s 1 are each amended to read  
15 as follows:

16 The commission may:

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

1 (2) Accept any grants of funds made with or without a matching  
2 requirement by the United States, or any agency thereof, for purposes  
3 in keeping with the purposes of this chapter; accept gifts, bequests,  
4 devises and endowments for purposes in keeping with such purposes;  
5 enter into cooperative agreements with and provide for private  
6 nonprofit groups to use state park property and facilities to raise  
7 money to contribute gifts, grants, and support to the commission for  
8 the purposes of this chapter. The commission may assist the nonprofit  
9 group in a cooperative effort by providing necessary agency personnel  
10 and services, if available. However, none of the moneys raised may  
11 inure to the benefit of the nonprofit group, except in furtherance of  
12 its purposes to benefit the commission as provided in this chapter.  
13 The agency and the private nonprofit group shall agree on the nature of  
14 any project to be supported by such gift or grant prior to the use of  
15 any agency property or facilities for raising money. Any such gifts  
16 may be in the form of recreational facilities developed or built in  
17 part or in whole for public use on agency property, provided that the  
18 facility is consistent with the purposes of the agency;

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

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

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

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

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

36 (8) Determine the qualifications of and employ a director of parks  
37 and recreation who shall receive a salary as fixed by the governor in  
38 accordance with the provisions of RCW 43.03.040, and upon his  
39 recommendation, a supervisor of recreation, and determine the

1 qualifications and salary of and employ such other persons as may be  
2 needed to carry out the provisions hereof; and

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

9 **Sec. 3.** RCW 43.51.270 and 1992 c 185 s 1 are each amended to read  
10 as follows:

11 (1) The ((board)) department of natural resources and the state  
12 parks and recreation commission shall have authority to negotiate a  
13 sale to the state parks and recreation commission, for park and outdoor  
14 recreation purposes, of ((the)) trust lands ((withdrawn as of August 9,  
15 1971, pursuant to law for park purposes and included within the state  
16 parks listed in subsection (2) of this section: PROVIDED, That the  
17 sale shall be by contract with a pay-off period of not less than ten  
18 years, a price of eleven million twenty-four thousand seven hundred  
19 forty dollars or the)) at fair market value((, whichever is higher, for  
20 the land value, and interest not to exceed six percent. All fees  
21 collected by the commission beginning in the 1973-1975 biennium shall  
22 be applied to the purchase price of the trust lands listed in  
23 subsection (2) of this section; the acquisition of the property  
24 described in subsections (3) and (4) of this section, and all  
25 reasonable costs of acquisition, described in subsection (5) of this  
26 section; the renovation and redevelopment of state park structures and  
27 facilities to extend the original life expectancy or correct damage to  
28 the environment of state parks; the maintenance and operation of state  
29 parks; and any cost of collection pursuant to appropriations from the  
30 trust land purchase account created in RCW 43.51.280. The department  
31 of natural resources shall not receive any management fee pursuant to  
32 the sale of the trust lands listed in subsections (2) and (4) of this  
33 section. Timber on the trust lands which are the subject of  
34 subsections (2), (3), and (4) of this section shall continue to be  
35 under the management of the department of natural resources until such  
36 time as the legislature appropriates funds to the parks and recreation  
37 commission for purchase of said timber. The state parks which include

1 ~~trust lands which shall be the subject of this sale pursuant to this~~  
2 ~~section are:~~

- 3 ~~(2)(a) Penrose Point~~
- 4 ~~(b) Kopachuck~~
- 5 ~~(c) Long Beach~~
- 6 ~~(d) Leadbetter Point~~
- 7 ~~(e) Nason Creek~~
- 8 ~~(f) South Whidbey~~
- 9 ~~(g) Blake Island~~
- 10 ~~(h) Rockport~~
- 11 ~~(i) Mt. Pilchuck~~
- 12 ~~(j) Ginkgo~~
- 13 ~~(k) Lewis & Clark~~
- 14 ~~(l) Rainbow Falls~~
- 15 ~~(m) Bogachiel~~
- 16 ~~(n) Sequim Bay~~
- 17 ~~(o) Federation Forest~~
- 18 ~~(p) Moran~~
- 19 ~~(q) Camano Island~~
- 20 ~~(r) Beacon Rock~~
- 21 ~~(s) Bridle Trails~~
- 22 ~~(t) Chief Kamiakin (formerly Kamiak Butte)~~
- 23 ~~(u) Lake Wenatchee~~
- 24 ~~(v) Fields Springs~~
- 25 ~~(w) Sun Lakes~~
- 26 ~~(x) Scenic Beach.~~

27 ~~(3) The board of natural resources and the state parks and~~  
28 ~~recreation commission shall negotiate a mutually acceptable transfer~~  
29 ~~for adequate consideration to the state parks and recreation commission~~  
30 ~~to be used for park and recreation purposes:~~

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

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

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

1       ~~(d) The South Whidbey Addition (Classic U), including the timber~~  
2 ~~thereon, located in section 29, township 30 north, range 2E, W.M.; and~~  
3       ~~(e) The Larrabee Addition, including the timber thereon, located in~~  
4 ~~section 29, township 37 north, range 3E, W.M)).~~

5       ~~((4))~~ (2) The ~~((board))~~ department of natural resources and the  
6 state parks and recreation commission shall negotiate a sale to the  
7 state parks and recreation commission of the lands and timber thereon  
8 identified in the joint study under section 4, chapter 163, Laws of  
9 1985, and commonly referred to as(~~:~~

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

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

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

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

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

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

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

26       ~~(h) The Diamond Point trust property, Clallam county « on the~~  
27 ~~Strait of Juan de Fuca; provided, however, to the extent authorized by~~  
28 ~~the commission by its action of December 7, 1990, as now or hereafter~~  
29 ~~amended, the acreage and boundaries of the Diamond Point trust property~~  
30 ~~acquired by the commission may vary from the acreage and boundaries~~  
31 ~~described in the joint study. The commission may not authorize~~  
32 ~~acquisition of any portion of the Diamond Point trust property by a~~  
33 ~~private party prior to approval by the Clallam county board of~~  
34 ~~commissioners of a preliminary master site plan for a resort~~  
35 ~~development on the property;~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

30       ~~Payment for the property described in this subsection shall be~~  
31 ~~derived from the trust land purchase account established pursuant to~~  
32 ~~RCW 43.51.280)). Timber conservation and management practices provided~~  
33 ~~for in RCW 43.51.045 and 43.51.395 shall govern the management of land~~  
34 ~~and timber transferred under this subsection as of the effective date~~  
35 ~~of the transfer, upon payment for the property, and nothing in this~~  
36 ~~chapter shall be construed as restricting or otherwise modifying the~~  
37 ~~department of natural resources' management, control, or use of such~~  
38 ~~land and timber until such date.~~

1       (~~(5) The funds from the trust land purchase account designated for~~  
2 ~~the acquisition of the property described in subsections (3) and (4) of~~  
3 ~~this section, and the reasonable costs of acquisition, shall be~~  
4 ~~deposited in the park land trust revolving fund, hereby created, to be~~  
5 ~~utilized by the department of natural resources for the exclusive~~  
6 ~~purpose of acquiring real property as a replacement for the property~~  
7 ~~described in subsections (3) and (4) of this section to maintain the~~  
8 ~~land base of the several trusts and for the reimbursement of the~~  
9 ~~department of natural resources for all reasonable costs, to include,~~  
10 ~~but not exclusively, the appraisal and cruising of the timber on the~~  
11 ~~property for the acquisition of the property described in subsections~~  
12 ~~(3) and (4) of this section. Disbursements from the park land trust~~  
13 ~~revolving fund to acquire replacement property, and pay for all~~  
14 ~~reasonable costs of acquisition, for the property described in~~  
15 ~~subsections (3) and (4) of this section shall be on the authorization~~  
16 ~~of the board of natural resources. In order to maintain an effective~~  
17 ~~expenditure and revenue control, the park land trust revolving fund~~  
18 ~~shall be subject in all respects to chapter 43.88 RCW, but no~~  
19 ~~appropriation shall be required to permit expenditures and payment of~~  
20 ~~obligations from the fund. The state treasurer shall be custodian of~~  
21 ~~the revolving fund.~~

22       The department of natural resources shall pay all reasonable costs,  
23 to include, but not exclusively, the appraisal and cruising of the  
24 timber on the property for the acquisition of the property described in  
25 subsection (3) of this section from funds provided in the trust land  
26 purchase account. Any agreement for the transfer of the property  
27 described in subsection (3) of this section shall not have an interest  
28 rate exceeding ten percent.

29       The parks and recreation commission is authorized to accept,  
30 receive, disburse, and administer grants or funds or gifts from any  
31 source including private individuals, public entities, and the federal  
32 government to supplement the funds from the trust land purchase account  
33 for the purchase of the property described in subsection (3) of this  
34 section.))

35       NEW SECTION. **Sec. 4.** A new section is added to chapter 43.85 RCW  
36 to read as follows:

37       The park land trust revolving fund is to be utilized by the  
38 department of natural resources for the exclusive purpose of acquiring

1 real property, including all reasonable costs associated with these  
2 acquisitions, as a replacement for the property transferred to the  
3 state parks and recreation commission or as directed by the legislature  
4 in order to maintain the land base of the affected trusts. Proceeds  
5 from transfers of real property to the state parks and recreation  
6 commission or other proceeds identified from transfers of real property  
7 as directed by the legislature shall be deposited in this fund.  
8 Disbursement from the park land trust revolving fund to acquire  
9 replacement property shall be on the authorization of the department of  
10 natural resources. In order to maintain an effective expenditure and  
11 revenue control, the park land trust revolving fund is subject in all  
12 respects to chapter 43.88 RCW, but no appropriation is required to  
13 permit expenditures and payment of obligations from the fund.

14 NEW SECTION. **Sec. 5.** RCW 43.51.280 and 1991 sp.s. c 16 s 922,  
15 1991 sp.s. c 13 s 4, & 1987 c 466 s 2 are each repealed.

16 NEW SECTION. **Sec. 6.** A new section is added to chapter 43.51 RCW  
17 to read as follows:

18 The parks renewal and stewardship account is created in the custody  
19 of the state treasurer. Except as otherwise provided in this chapter,  
20 all receipts from user fees, concessions, leases, and other state park-  
21 based activities shall be deposited into the account. Each biennium,  
22 beginning with the 1995-97 biennium, the sum of eighteen million  
23 dollars shall be expended for operating purposes. Other expenditures  
24 from the account may be used for developing and renovating park  
25 facilities, undertaking deferred maintenance, enhancing park  
26 stewardship, and other activities as determined by the commission.  
27 Only the commission or its designee may authorize expenditures from the  
28 account. The account is subject to allotment procedures under chapter  
29 43.88 RCW, but no appropriation is required for expenditures.

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

34 NEW SECTION. **Sec. 8.** If any provision of this act or its  
35 application to any person or circumstance is held invalid, the

1 remainder of the act or the application of the provision to other  
2 persons or circumstances is not affected.

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