

CERTIFICATION OF ENROLLMENT

ENGROSSED SENATE BILL 6034

63rd Legislature
2014 Regular Session

Passed by the Senate March 11, 2014
YEAS 47 NAYS 2

President of the Senate

Passed by the House March 7, 2014
YEAS 79 NAYS 18

Speaker of the House of Representatives

Approved

Governor of the State of Washington

CERTIFICATE

I, Hunter G. Goodman, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **ENGROSSED SENATE BILL 6034** as passed by the Senate and the House of Representatives on the dates hereon set forth.

Secretary

FILED

**Secretary of State
State of Washington**

ENGROSSED SENATE BILL 6034

AS AMENDED BY THE HOUSE

Passed Legislature - 2014 Regular Session

State of Washington 63rd Legislature 2014 Regular Session

By Senators Pearson, Hargrove, McCoy, Mullet, and McAuliffe; by request of Parks and Recreation Commission

Read first time 01/14/14. Referred to Committee on Natural Resources & Parks.

1 AN ACT Relating to state parks partnership opportunities; amending
2 RCW 79A.05.335, 79A.05.340, 79A.05.345, 79A.70.010, 79A.70.020,
3 79A.70.030, and 79A.70.040; and adding new sections to chapter 79A.05
4 RCW.

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

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

8 The legislature finds that the parks and recreation lands owned and
9 managed by the (~~state parks and recreation~~) commission are a
10 significant collection of valuable scenic, natural, cultural, and
11 historical(~~, and cultural~~) resources for the citizens of Washington
12 state. The legislature further finds that if citizens understand and
13 appreciate the (~~state park ecological resources, they will come to~~
14 ~~appreciate and understand the ecosystems and natural resources~~
15 ~~throughout the state~~) scenic, natural, cultural, and historical
16 resources present in Washington's state parks, they will be inspired to
17 conserve this important legacy for future generations. Therefore, the
18 (~~state parks and recreation~~) commission may (~~increase the~~) use

1 ((of)) its facilities and resources to provide ((environmental))
2 scenic, natural, cultural, or historical resource interpretation
3 throughout the state parks system.

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

6 The ((state parks and recreation)) commission may provide
7 ((environmental interpretative)) scenic, natural, cultural, or
8 historical resource interpretive activities for visitors to state parks
9 that:

10 (1) Explain the functions, history, significance, and cultural
11 aspects of ecosystems;

12 (2) Explain the relationship between human needs, human behaviors
13 and attitudes, and the environment; ((and))

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

16 (4) Offer experiences and information to increase citizen
17 understanding, appreciation, and stewardship of ((the environment and
18 its multiple uses)) their natural, cultural, ethnic, and artistic
19 heritage; and

20 (5) Explain the need for natural, cultural, and historical resource
21 protection and preservation as well as the methods by which these goals
22 can be achieved.

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

25 The ((state parks and recreation)) commission may consult and enter
26 into agreements with and solicit assistance from ((private sector
27 organizations and other governmental agencies that are interested in
28 conserving and interpreting Washington's environment. The commission
29 shall not permit commercial advertising in state park lands or
30 interpretive centers as a condition of such agreements. Logos or
31 credit lines for sponsoring organizations may be permitted. The
32 commission shall maintain an accounting of all monetary gifts provided,
33 and expenditures of monetary gifts shall not be used to increase
34 personnel)) other public agencies, the state parks foundation, private
35 entities, employee business units, and tribes that are interested in

1 stewarding and interpreting state parks scenic, natural, cultural, and
2 recreational resources.

3 NEW SECTION. **Sec. 4.** A new section is added to chapter 79A.05 RCW
4 to read as follows:

5 (1) The commission, in consultation with the department of
6 archaeology and historic preservation, may permit commercial
7 advertising on or in state parks lands and buildings when all the
8 following conditions and standards are met with regard to the
9 commercial advertising:

10 (a) It conforms to the United States secretary of the interior's
11 standards for the treatment of historic properties when applied to
12 advertising affecting historic structures, cultural and historic
13 landscapes, and archaeological sites;

14 (b) It does not detract from the integrity of the park's natural,
15 cultural, historic, and recreational resources and outstanding scenic
16 view sheds;

17 (c) It does not create a potential conflict of interest because of
18 the commercial or corporate entity's regulatory or business
19 relationships with the commission; and

20 (d) It will acknowledge individuals and organizations that are
21 donors or sponsors of park events or projects or support the
22 sustainability of park concessionaires, lessees, or service providers.

23 (2) The commission is encouraged to use its advertising authority
24 to promote:

25 (a) Community economic development near state parks;

26 (b) Wellness, healthy food options, healthy behaviors, and any
27 other public health goals or principles adopted by the state; and

28 (c) Park visitor awareness of services and activities within and
29 near each park.

30 (3) The commission shall adopt standards for advertising, naming,
31 product placement, and other forms of commercial recognition that
32 require the commission to define and prohibit, at minimum, the
33 following:

34 (a) Obscene, indecent, or discriminatory content;

35 (b) Political or public issue advocacy content;

36 (c) Products, services, or other materials that are offensive,
37 insulting, disparaging, or degrading; or

1 (d) Products, services, or messages that are contrary to the public
2 interest, including any advertisement that encourages or depicts unsafe
3 behaviors or encourages unsafe or prohibited recreation activities.
4 Tobacco and cannabis must be included among the products prohibited
5 under this subsection (3)(d).

6 (4) Notwithstanding subsection (1) of this section, commercial
7 advertising, including product placement, is permitted on commission
8 web sites, electronic social media, and printed materials within or
9 outside of state parks.

10 NEW SECTION. **Sec. 5.** A new section is added to chapter 79A.05 RCW
11 to read as follows:

12 (1) When entering into any agreement under RCW 79A.05.345 or
13 otherwise involving the management of state park land or a facility by
14 a public or private partner, the commission shall consider, when
15 appropriate:

16 (a) If the entity has an adequate source of available funding to
17 assume the financial responsibilities of the agreement;

18 (b) If the entity has sufficient expertise to assume the scope of
19 responsibilities of the agreement;

20 (c) If the agreement results in net financial benefits to the
21 state; and

22 (d) If the agreement results in advancement of the commission's
23 public purpose.

24 (2) Any agreement subject to this section must include specific
25 performance measures. The performance measures must cover, but are not
26 limited to, the entity's ability to manage financial operating costs,
27 to adequately perform management responsibilities, and to address and
28 respond to public concerns. The agreement must provide that failure to
29 meet any performance measure may lead to the termination of the
30 contract or requirements for remedial action to be taken before the
31 agreement may be extended.

32 (3) The commission's authority to enter into agreements under this
33 section, section 4 of this act, or RCW 79A.05.345 does not include the
34 ability to rename any state park after a corporate or commercial
35 entity, product, or service.

1 **Sec. 6.** 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.

7 **Sec. 7.** RCW 79A.70.020 and 2000 c 25 s 3 are each amended to read
8 as follows:

9 The definitions in this section apply throughout this chapter(~~(7)~~)
10 unless the context clearly requires otherwise.

11 (1) "Foundation" means the Washington state parks (~~gift~~)
12 foundation(~~(7)~~) created in RCW 79A.70.030.

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

15 (3) "Eligible grant recipients" includes any and all of the
16 activities of the commission in carrying out the provisions of this
17 title and friends groups or other organizations that propose projects
18 or programs solely for the benefit of state parks.

19 (4) "Eligible projects" means any project, action, program, or part
20 of any project (~~(or)~~) action, or program that serves to preserve,
21 restore, improve, or enhance the state parks.

22 **Sec. 8.** RCW 79A.70.030 and 2000 c 25 s 4 are each amended to read
23 as follows:

24 (1) By September 1, 2000, the commission shall file articles of
25 incorporation in accordance with the Washington nonprofit corporation
26 act, chapter 24.03 RCW, to establish the Washington state parks
27 (~~gift~~) foundation. The foundation shall not be an agency,
28 instrumentality, or political subdivision of the state and shall not
29 disburse public funds.

30 (2) The foundation shall have a board of directors consisting of up
31 to fifteen members, whose terms, method of appointment, and authority
32 must be in accordance with the Washington nonprofit corporation act,
33 chapter 24.03 RCW. (~~Initial members of the board shall be appointed~~
34 ~~by the governor and collectively have experience in business,~~
35 ~~charitable giving, outdoor recreation, and parks administration.~~

1 Initial appointments shall be made by September 30, 2000. Subsequent
2 board members shall be elected by the general membership of the
3 foundation.

4 ~~(3) Members of the board shall serve three year terms, except for~~
5 ~~the initial terms, which shall be staggered by the governor to achieve~~
6 ~~a balanced mix of terms on the board. Members of the board may serve~~
7 ~~up to a maximum of three terms. At the end of a term, a member may~~
8 ~~continue to serve until a successor has been elected.)~~)

9 **Sec. 9.** RCW 79A.70.040 and 2000 c 25 s 5 are each amended to read
10 as follows:

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

14 ~~(2))~~) The foundation shall actively solicit contributions from
15 individuals and groups for the benefit of the state parks.

16 ~~((+3))~~) (2) The foundation shall develop criteria for guiding
17 themselves in either the creation of an endowment, or the making of
18 grants to eligible grant recipients and eligible projects in the state
19 parks, or both.

20 ~~((+4))~~) (3) A competitive grant process shall be conducted at least
21 annually by the foundation to award funds ~~((to the))~~ for the benefit of
22 state parks. Competitive grant applications shall only be submitted to
23 the foundation by the commission, friends groups, or other
24 organizations with projects or programs solely for the benefit of state
25 parks. ~~((The process shall be started as soon as practicable.))~~
26 Grants shall be awarded to eligible projects consistent with the
27 criteria developed by the foundation ~~((and shall be available only for~~
28 ~~state parks use on eligible projects))~~.

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