

Chapter 79A.25 RCW
RECREATION AND CONSERVATION FUNDING BOARD
(Formerly: Interagency committee for outdoor recreation)

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RCW 79A.25.005 Policy—Mission of board. (1) As Washington begins its second century of statehood, the legislature recognizes that renewed efforts are needed to preserve, conserve, and enhance the state's recreational resources. Rapid population growth and increased urbanization have caused a decline in suitable land for recreation and resulted in overcrowding and deterioration of existing facilities. Lack of adequate recreational resources directly affects the health and well-being of all citizens of the state, reduces the state's economic viability, and prevents Washington from maintaining and achieving the quality of life that it deserves.

It is therefore the policy of the state and its agencies to preserve, conserve, and enhance recreational resources and open space. In carrying out this policy, the mission of the recreation and conservation funding board and its office is to (a) create and work actively for the implementation of a unified statewide strategy for meeting the recreational needs of Washington's citizens, (b) represent and promote the interests of the state on recreational issues in concert with other state and local agencies and the governor, (c) encourage and provide interagency and regional coordination, and interaction between public and private organizations, (d) administer recreational grant-in-aid programs and provide technical assistance, and (e) serve as a repository for information, studies, research, and other data relating to recreation.

(2) Washington is uniquely endowed with fresh and salt waters rich in scenic and recreational value. This outdoor heritage enriches the lives of citizens, attracts new residents and businesses to the state, and is a major support of its expanding tourist industry. Rising population, increased income and leisure time, and the rapid growth of boating and other water sports have greatly increased the demand for water related recreation, while waterfront land is rapidly rising in value and disappearing from public use. There is consequently an urgent need for the acquisition or improvement of waterfront land on fresh and salt water suitable for marine recreational use by Washington residents and visitors. To meet this need, it is necessary and proper that the portion of motor vehicle fuel taxes paid by boat owners and operators on fuel consumed in their watercraft and not reclaimed as presently provided by law should be expended for the acquisition or improvement of marine recreation land on the Pacific Ocean, Puget Sound, bays, lakes, rivers, reservoirs and other fresh and salt waters of the state. [2007 c 241 § 39; 1989 c 237 § 1; 1965 c 5 § 1 (Initiative Measure No. 215, approved November 3, 1964). Formerly RCW 43.99.010.]

Intent—2007 c 241: "The legislature intends to change the name of the interagency committee for outdoor recreation to the recreation and conservation funding board. Similarly, the office of the interagency committee is renamed the recreation and conservation office.

The legislature does not intend this act to make any substantive policy changes other than to change or clarify the names of the relevant entities.

The name changes in this act have no impact on the powers, duties, or responsibilities previously delegated to the interagency committee for outdoor recreation or the office of the interagency committee by statute, budget proviso, or executive order.

The name changes in this act have no impact on the validity of the documents, contracts, agreements, policies, and written decisions made, entered into, recorded, issued, or established before this name change by the interagency committee for outdoor recreation, its office, or director. Documents, contracts, agreements, policies, publications, and written decisions are not required to be changed to conform to the name changes, and the continued use of former names on documents made, recorded, issued, or established prior to the changes in this act does not affect the document's validity after the change." [2007 c 241 § 1.]

Effective date—2007 c 241: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 2007." [2007 c 241 § 76.]

Effective date—1989 c 237: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect on June 30, 1989." [1989 c 237 § 9.]

RCW 79A.25.010 Definitions. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Board" means the recreation and conservation funding board.

(2) "Council" means the Washington invasive species council created in RCW 79A.25.310.

(3) "Director" means the director of the recreation and conservation office.

(4) "Marine recreation land" means any land with or without improvements which (a) provides access to, or in whole or in part borders on, fresh or salt water suitable for recreational use by watercraft, or (b) may be used to create, add to, or make more usable, bodies of water, waterways, or land, for recreational use by watercraft.

(5) "Office," "recreation and conservation office," or "the office of recreation and conservation" means the state agency responsible for administration of programs and activities of the recreation and conservation funding board, the salmon recovery funding board, the invasive species council, and such other duties or boards, councils, or advisory groups as are or may be established or directed for administrative placement in the agency.

(6) "Public body" means any county, city, town, port district, park and recreation district, metropolitan park district, or other municipal corporation which is authorized to acquire or improve public outdoor recreation land, and also means Indian tribes now or hereafter recognized as such by the federal government for participation in the land and water conservation program.

(7) "Tax on marine fuel" means motor vehicle fuel tax which is (a) tax on fuel used in, or sold or distributed for use in, any watercraft, (b) refundable pursuant to chapter 82.38 RCW, and (c) paid to the director of licensing with respect to taxable sales, distributions, or uses occurring on or after December 3, 1964.

(8) "Watercraft" means any boat, vessel, or other craft used for navigation on or through water. [2013 c 225 § 636; 2007 c 241 § 40; 2006 c 152 § 9; 1989 c 237 § 2; 1979 c 158 § 108; 1972 ex.s. c 56 § 1; 1965 c 5 § 2 (Initiative Measure No. 215, approved November 3, 1964). Formerly RCW 43.99.020.]

Reviser's note: The definitions in this section have been alphabetized pursuant to RCW 1.08.015(2)(k).

Effective date—2013 c 225: See note following RCW 82.38.010.

Intent—Effective date—2007 c 241: See notes following RCW 79A.25.005.

Effective date—1989 c 237: See note following RCW 79A.25.005.

Construction—1972 ex.s. c 56: "The provisions of this 1972 amendatory act are intended to be remedial and procedural and shall be construed to apply retroactively." [1972 ex.s. c 56 § 2.]

RCW 79A.25.020 Director's powers and duties. The director shall have the following powers and duties:

(1) To supervise the administrative operations of the boards, office, and their staff;

(2) To administer recreation and conservation grant-in-aid programs and contracts, and provide technical assistance to state and local agencies;

(3) To prepare and update a strategic plan for the acquisition, renovation, and development of recreational resources and the preservation and conservation of open space. The plan shall be prepared in coordination with the office of the governor and the office of financial management, with participation of federal, state, and local agencies having recreational responsibilities, user groups, private sector interests, and the general public. The plan shall be submitted to the recreation and conservation funding board for review, and the board shall submit its recommendations on the plan to the governor. The plan shall include, but is not limited to: (a) an inventory of current resources; (b) a forecast of recreational resource demand; (c) identification and analysis of actual and potential funding sources; (d) a process for broad scale information gathering; (e) an assessment of the capabilities and constraints, both internal and external to state government, that affect the ability of the state to achieve the goals of the plan; (f) an analysis of strategic options and decisions available to the state; (g) an implementation strategy that is coordinated with executive policy and

budget priorities; and (h) elements necessary to qualify for participation in or the receipt of aid from any federal program for outdoor recreation;

(4) To represent and promote the interests of the state on recreational issues and further the mission of the board and office;

(5) Upon approval of the relevant board, to enter into contracts and agreements with private nonprofit corporations to further state goals of preserving, conserving, and enhancing recreational resources and open space for the public benefit and use;

(6) To appoint such technical and other committees as may be necessary to carry out the purposes of this chapter;

(7) To create and maintain a repository for data, studies, research, and other information relating to recreation and conservation resources in the state, and to encourage the interchange of such information;

(8) To encourage and provide opportunities for interagency and regional coordination and cooperative efforts between public agencies and between public and private entities involved in the development and preservation of recreational and conservation resources; and

(9) To prepare the state trails plan, as required by RCW 79A.35.040. [2007 c 241 § 41; 2000 c 11 § 69; 1989 c 237 § 4. Formerly RCW 43.99.025.]

Intent—Effective date—2007 c 241: See notes following RCW 79A.25.005.

Effective date—1989 c 237: See note following RCW 79A.25.005.

RCW 79A.25.030 Proportion of motor vehicle fuel tax moneys that are tax on marine fuel. (1) The amount or proportion of motor vehicle fuel tax moneys that are tax on marine fuel is deemed to be one percent of the total motor vehicle fuel tax moneys collected annually.

(2) One percent of the total motor vehicle fuel tax moneys collected annually is to be deposited into the marine fuel tax refund account as provided in RCW 79A.25.040 and 79A.25.070. [2010 c 23 § 1; 2007 c 241 § 42; 2000 c 11 § 70; 1995 c 166 § 1; 1979 c 158 § 109; 1975-'76 2nd ex.s. c 50 § 1; 1969 ex.s. c 74 § 1; 1965 c 5 § 3 (Initiative Measure No. 215, approved November 3, 1964). Formerly RCW 43.99.030.]

Intent—Effective date—2007 c 241: See notes following RCW 79A.25.005.

RCW 79A.25.040 Marine fuel tax refund account—Moneys derived from tax on marine fuel—Refunding and placement in account—Exception. There is created the marine fuel tax refund account in the state treasury. The director of licensing must request the state treasurer to refund monthly from the motor vehicle fund an amount equal to one percent of the motor vehicle fuel tax moneys collected during that period. The state treasurer must refund such amounts and place them in the marine fuel tax refund account to be held for those entitled thereto pursuant to chapter 82.38 RCW and RCW 79A.25.050, except that the treasurer may not refund and place in the marine fuel tax refund account more than the greater of the following amounts: (1) An amount

equal to two percent of all moneys paid to the treasurer as motor vehicle fuel tax for such period, (2) an amount necessary to meet all approved claims for refund of tax on marine fuel for such period. [2013 c 225 § 637; 2010 c 23 § 2; 2000 c 11 § 71; 1995 c 166 § 2; 1991 sp.s. c 13 § 42; 1985 c 57 § 53; 1979 c 158 § 110; 1965 c 5 § 4 (Initiative Measure No. 215, approved November 3, 1964). Formerly RCW 43.99.040.]

Effective date—2013 c 225: See note following RCW 82.38.010.

Effective dates—Severability—1991 sp.s. c 13: See notes following RCW 18.08.240.

Effective date—1985 c 57: See note following RCW 18.04.105.

RCW 79A.25.050 Marine fuel tax refund account—Claims for refunds paid from. Claims submitted pursuant to chapter 82.38 RCW for refund of tax on marine fuel which has been placed in the marine fuel tax refund account must, if approved, be paid from that account. [2013 c 225 § 638; 1965 c 5 § 5 (Initiative Measure No. 215, approved November 3, 1964). Formerly RCW 43.99.050.]

Effective date—2013 c 225: See note following RCW 82.38.010.

RCW 79A.25.060 Outdoor recreation account—Deposits. The outdoor recreation account is created in the state treasury. Moneys in the account are subject to legislative appropriation. The board shall administer the account in accordance with chapter 79A.15 RCW and this chapter, and shall hold it separate and apart from all other money, funds, and accounts of the board.

Grants, gifts, or other financial assistance, proceeds received from public bodies as administrative cost contributions, and moneys made available to the state of Washington by the federal government for outdoor recreation, may be deposited into the account. [2007 c 241 § 43; 2000 c 11 § 72; 1995 c 166 § 3; 1991 sp.s. c 13 § 52; 1985 c 57 § 54; 1967 ex.s. c 62 § 1; 1965 c 5 § 6 (Initiative Measure No. 215, approved November 3, 1964). Formerly RCW 43.99.060.]

Intent—Effective date—2007 c 241: See notes following RCW 79A.25.005.

Effective dates—Severability—1991 sp.s. c 13: See notes following RCW 18.08.240.

Effective date—1985 c 57: See note following RCW 18.04.105.

RCW 79A.25.070 Recreation resource account, motor vehicle fund—Transfers of moneys from marine fuel tax account. Upon expiration of the time limited by *RCW 82.36.330 for claiming of refunds of tax on marine fuel, the state of Washington shall succeed to the right to such refunds. The director of licensing, after taking into account past and anticipated claims for refunds from and deposits to the marine fuel tax refund account, shall request the state treasurer to

transfer monthly from the marine fuel tax refund account an amount equal to the proportion of the moneys in the account representing: (1) A motor vehicle fuel tax rate of: (a) Nineteen cents per gallon of motor vehicle fuel from July 1, 2003, through June 30, 2005; (b) twenty cents per gallon of motor vehicle fuel from July 1, 2005, through June 30, 2007; (c) twenty-one cents per gallon of motor vehicle fuel from July 1, 2007, through June 30, 2009; (d) twenty-two cents per gallon of motor vehicle fuel from July 1, 2009, through June 30, 2011; (e) twenty-three cents per gallon of motor vehicle fuel from July 1, 2011, through July 31, 2015; (f) thirty cents per gallon of motor vehicle fuel from August 1, 2015, through June 30, 2016; and (g) thirty-four and nine-tenths cents per gallon of motor vehicle fuel from July 1, 2016, through June 30, 2031; and (2) beginning July 1, 2031, and thereafter, the state's motor vehicle fuel tax rate in existence at the time of the fuel purchase, to the recreation resource account and the remainder to the motor vehicle fund. [2015 3rd sp.s. c 44 § 113; (2015 2nd sp.s. c 9 § 4 repealed by 2015 3rd sp.s. c 44 § 111); 2010 c 23 § 3; 2003 c 361 § 409; 2000 c 11 § 73; 1995 c 166 § 4; 1990 c 42 § 116; 1979 c 158 § 111; 1965 c 5 § 7 (Initiative Measure No. 215, approved November 3, 1964). Formerly RCW 43.99.070.]

***Reviser's note:** Chapter 82.36 RCW was repealed in its entirety by 2013 c 225 § 501, effective July 1, 2016.

Effective date—2015 3rd sp.s. c 44: See note following RCW 46.68.395.

Findings—Intent—2015 2nd sp.s. c 9: See note following RCW 46.09.520.

Findings—2003 c 361: See note following RCW 82.38.030.

Effective dates—2003 c 361: See note following RCW 82.08.020.

Purpose—Effective dates—Application—Implementation—1990 c 42: See notes following RCW 46.68.090.

RCW 79A.25.080 Recreation resource account—Distribution of moneys transferred. (1) Moneys transferred to the recreation resource account from the marine fuel tax refund account may be used when appropriated by the legislature, as well as any federal or other funds now or hereafter available, to pay the office and necessary administrative and coordinative costs of the recreation and conservation funding board established by RCW 79A.25.110. All moneys so transferred, except those appropriated as aforesaid, shall be divided into two equal shares and shall be used to benefit watercraft recreation in this state as follows:

(a) One share as grants to state agencies for (i) acquisition of title to, or any interests or rights in, marine recreation land, (ii) capital improvement and renovation of marine recreation land, including periodic dredging in accordance with subsection (2) of this section, if needed, to maintain or make the facility more useful, or (iii) matching funds in any case where federal or other funds are made available on a matching basis for purposes described in (a)(i) or (ii) of this subsection;

(b) One share as grants to public bodies to help finance (i) acquisition of title to, or any interests or rights in, marine recreation land, or (ii) capital improvement and renovation of marine recreation land, including periodic dredging in accordance with subsection (2) of this section, if needed, to maintain or make the facility more useful. A public body is authorized to use a grant, together with its own contribution, as matching funds in any case where federal or other funds are made available for purposes described in (a) (i) or (ii) of this subsection. The board may prescribe further terms and conditions for the making of grants in order to carry out the purposes of this chapter.

(2) For the purposes of this section "periodic dredging" is limited to dredging of materials that have been deposited in a channel due to unforeseen events. This dredging should extend the expected usefulness of the facility for at least five years.

(3) During the 2009-2011 fiscal biennium, the legislature may appropriate such amounts as reflect the excess fund balance in the recreation resource account to the state parks and recreation commission for maintenance and operation of parks and to improve accessibility for boaters and off-road vehicle users. This appropriation is not required to follow the specific distribution specified in subsection (1) (a) and (b) of this section. [2009 c 564 § 958; 2007 c 241 § 44; 2000 c 11 § 74; 1999 c 341 § 1; 1995 c 166 § 5; 1971 ex.s. c 140 § 1; 1965 ex.s. c 136 § 1; 1965 c 5 § 8 (Initiative Measure No. 215, approved November 3, 1964). Formerly RCW 43.99.080.]

Effective date—2009 c 564: See note following RCW 2.68.020.

Intent—Effective date—2007 c 241: See notes following RCW 79A.25.005.

RCW 79A.25.090 Interest on funds granted by board to be returned to source account. Interest earned on funds granted or made available by the board shall not be expended by the recipient but shall be returned to the source account for disbursement by the board in accordance with general budget and accounting procedure. [2007 c 241 § 45; 1995 c 166 § 6; 1967 ex.s. c 62 § 7. Formerly RCW 43.99.095.]

Intent—Effective date—2007 c 241: See notes following RCW 79A.25.005.

RCW 79A.25.100 Conversion of marine recreation land to other uses—Approval—Substitution. Marine recreation land with respect to which money has been expended under RCW 79A.25.080 shall not, without the approval of the board, be converted to uses other than those for which such expenditure was originally approved. The board shall only approve any such conversion upon conditions which will assure the substitution of other marine recreation land of at least equal fair market value at the time of conversion and of as nearly as feasible equivalent usefulness and location. [2007 c 241 § 46; 2000 c 11 § 75; 1965 c 5 § 10 (Initiative Measure No. 215, approved November 3, 1964). Formerly RCW 43.99.100.]

Intent—Effective date—2007 c 241: See notes following RCW 79A.25.005.

RCW 79A.25.110 Recreation and conservation funding board—Created—Membership—Terms—Compensation and travel expenses. There is created the recreation and conservation funding board consisting of the commissioner of public lands, the director of parks and recreation, and the director of fish and wildlife, or their designees, and, by appointment of the governor with the advice and consent of the senate, five members from the public at large who have a demonstrated interest in and a general knowledge of outdoor recreation and conservation in the state. The terms of members appointed from the public at large shall commence on January 1st of the year of appointment and shall be for three years or until a successor is appointed, except in the case of appointments to fill vacancies which shall be for the remainder of the unexpired term. The governor shall appoint one of the members from the public at large to serve as chair of the board for the duration of the member's term. Members employed by the state shall serve without additional pay and participation in the work of the board shall be deemed performance of their employment. Members from the public at large shall be compensated in accordance with RCW 43.03.240 and shall be entitled to reimbursement individually for travel expenses incurred in performance of their duties as members of the board in accordance with RCW 43.03.050 and 43.03.060. [2007 c 241 § 47; 1994 c 264 § 31; 1988 c 36 § 21; 1985 c 77 § 1; 1984 c 287 § 84. Prior: 1981 c 338 § 7; 1981 c 206 § 1; 1975-'76 2nd ex.s. c 34 § 125; 1971 c 60 § 1; 1967 ex.s. c 62 § 2; 1965 c 5 § 11 (Initiative Measure No. 215, approved November 3, 1964). Formerly RCW 43.99.110.]

Intent—Effective date—2007 c 241: See notes following RCW 79A.25.005.

Legislative findings—Severability—Effective date—1984 c 287: See notes following RCW 43.03.220.

Effective date—1981 c 206: "This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect June 30, 1981." [1981 c 206 § 4.]

Effective date—Severability—1975-'76 2nd ex.s. c 34: See notes following RCW 2.08.115.

Construction and maintenance of outdoor recreation facilities by department of natural resources, review by recreation and conservation funding board: RCW 79.10.140.

RCW 79A.25.120 Plans for public outdoor recreation land acquisition or improvement—Contents—Submission—Recommendations. Any public body or any agency of state government authorized to acquire or improve public outdoor recreation land which desires funds from the outdoor recreation account, the recreation resource account, or the nonhighway and off-road vehicle activities program account shall submit to the board a long-range plan for developing outdoor

recreation facilities within its authority and detailed plans for the projects sought to be financed from these accounts, including estimated cost and such other information as the board may require. The board shall analyze all proposed plans and projects, and shall recommend to the governor for inclusion in the budget such projects as it may approve and find to be consistent with an orderly plan for the acquisition and improvement of outdoor recreation lands in the state. [2007 c 241 § 48; 1995 c 166 § 7; 1983 c 3 § 114; 1965 c 5 § 12 (Initiative Measure No. 215, approved November 3, 1964). Formerly RCW 43.99.120.]

Intent—Effective date—2007 c 241: See notes following RCW 79A.25.005.

RCW 79A.25.130 Participation in federal programs—Authority.

The board or director may apply to any appropriate agency or officer of the United States for participation in or the receipt of aid from any federal program respecting outdoor recreation or conservation. The board or director may enter into contracts and agreements with the United States or any appropriate agency thereof, keep financial and other records relating thereto, and furnish to appropriate officials and agencies of the United States such reports and information as may be reasonably necessary to enable such officials and agencies to perform their duties under such programs. [2007 c 241 § 49; 1967 ex.s. c 62 § 5. Formerly RCW 43.99.124.]

Intent—Effective date—2007 c 241: See notes following RCW 79A.25.005.

RCW 79A.25.140 Commitments or agreements forbidden unless sufficient funds available—Agreements with federal agencies on behalf of state or local agencies—Conditions. The board or director shall not make any commitment or enter into any agreement until it is determined that sufficient funds are available to meet project costs. It is the legislative intent that, to such extent as may be necessary to assure the proper operation and maintenance of areas and facilities acquired or developed pursuant to any program participated in by this state under authority of this chapter, such areas and facilities shall be publicly maintained for outdoor recreation purposes. When requested by a state agency or public body, the board or director may enter into and administer agreements with the United States or any appropriate agency thereof for planning, acquisition, and development projects involving participating federal-aid funds on behalf of any state agency, public body, or subdivision of this state: PROVIDED, That recipients of funds give necessary assurances to the board or director that they have available sufficient matching funds to meet their shares, if any, of the cost of the project and that the acquired or developed areas will be operated and maintained at the expense of such state agency, public body, or subdivision for public outdoor recreation use. [2007 c 241 § 50; 1967 ex.s. c 62 § 6. Formerly RCW 43.99.126.]

Intent—Effective date—2007 c 241: See notes following RCW 79A.25.005.

RCW 79A.25.150 Assistance furnished by state departments—Appointment of director and personnel—Civil service exemption. When requested by the board, members employed by the state shall furnish assistance to the board from their departments for the analysis and review of proposed plans and projects, and such assistance shall be a proper charge against the appropriations to the several agencies represented on the board. Assistance may be in the form of money, personnel, or equipment and supplies, whichever is most suitable to the needs of the board.

The director of the recreation and conservation office shall be appointed by, and serve at the pleasure of, the governor. The governor shall select the director from a list of three candidates submitted by the board. However, the governor may request and the board shall provide an additional list or lists from which the governor may select the director. The director shall have background and experience in the areas of recreation and conservation management and policy. The director shall be paid a salary to be fixed by the governor in accordance with the provisions of RCW 43.03.040. The director shall appoint such personnel as may be necessary to carry out the duties of the office. Not more than three employees appointed by the director shall be exempt from the provisions of chapter 41.06 RCW. [2010 c 128 § 7; 2007 c 241 § 51; 1989 c 237 § 3; 1981 c 206 § 2; 1967 ex.s. c 62 § 3; 1965 c 5 § 13 (Initiative Measure No. 215, approved November 3, 1964). Formerly RCW 43.99.130.]

Intent—Effective date—2007 c 241: See notes following RCW 79A.25.005.

Effective date—1989 c 237: See note following RCW 79A.25.005.

Effective date—1981 c 206: See note following RCW 79A.25.110.

RCW 79A.25.170 Public parks and recreation sites guide. In addition to its other powers and duties the director is authorized to coordinate the preparation of a comprehensive guide of public parks and recreation sites in the state of Washington. Such guide may include one or more maps showing the locations of such public parks and recreation areas, and may also include information as to the facilities and recreation opportunities available. All state agencies providing public recreational facilities shall participate. Cooperation of federal agencies providing public recreational facilities within the state shall be solicited.

The director shall determine the costs of providing and distributing such a guide and pursue the most feasible means of paying the costs of initial production. The guide shall be sold for an amount to cover the reasonable production and distribution costs involved, and the director may contract with any state agency, local government agency, or private firm as otherwise allowed by law for any part of such production or distribution. [1989 c 237 § 5; 1979 ex.s. c 24 § 1. Formerly RCW 43.99.142.]

Effective date—1989 c 237: See note following RCW 79A.25.005.

Plan submittal: "The committee shall submit a plan for production and distribution of the guide to the State Legislature on or before January 1, 1981." [1979 ex.s. c 24 § 3.]

RCW 79A.25.180 Public parks and recreation sites guide—Review and update. The director shall periodically review and have updated the guide authorized by RCW 79A.25.170. [2000 c 11 § 76; 1989 c 237 § 6; 1979 ex.s. c 24 § 4. Formerly RCW 43.99.146.]

Effective date—1989 c 237: See note following RCW 79A.25.005.

RCW 79A.25.190 Appropriations by subsequent legislatures. The 1967 and subsequent legislatures may appropriate funds requested in the budget for grants to public bodies and state agencies from the recreation resource account to the board for allocation and disbursement. The board shall include a list of prioritized state agency projects to be funded from the recreation resource account with its biennial budget request. [2007 c 241 § 52; 1995 c 166 § 8; 1965 c 5 § 15 (Initiative Measure No. 215, approved November 3, 1964). Formerly RCW 43.99.150.]

Intent—Effective date—2007 c 241: See notes following RCW 79A.25.005.

RCW 79A.25.200 Recreation resource account. The recreation resource account is created in the state treasury. Moneys in this account are subject to legislative appropriation. The board shall administer the account in accordance with this chapter and chapter 79A.35 RCW and shall hold it separate and apart from all other money, funds, and accounts of the board. Moneys received from the marine fuel tax refund account under RCW 79A.25.070 shall be deposited into the account. Grants, gifts, or other financial assistance, proceeds received from public bodies as administrative cost contributions, and moneys made available to the state of Washington by the federal government for outdoor recreation may be deposited into the account. During the 2011-2013 fiscal biennia, the recreation resource account may be used by the department of fish and wildlife for the purposes of activities related to aquatic and marine enforcement. [2012 2nd sp.s. c 7 § 931; 2007 c 241 § 53; 2000 c 11 § 77; 1995 c 166 § 10. Formerly RCW 43.99.170.]

Effective date—2012 2nd sp.s. c 7: See note following RCW 2.68.020.

Intent—Effective date—2007 c 241: See notes following RCW 79A.25.005.

RCW 79A.25.210 Firearms range account—Grant program—Rules. The firearms range account is hereby created in the state general fund. Moneys in the account shall be subject to legislative appropriation and shall be used for purchase and development of land, construction or improvement of range facilities, including fixed structure

construction or remodeling, equipment purchase, safety or environmental improvements, noise abatement, and liability protection for public and nonprofit firearm range training and practice facilities.

Grant funds shall not be used for expendable shooting supplies, or normal operating expenses. In making grants, the board shall give priority to projects for noise abatement or safety improvement. Grant funds shall not supplant funds for other organization programs.

The funds will be available to nonprofit shooting organizations, school districts, and state, county, or local governments on a match basis. All entities receiving matching funds must be open on a regular basis and usable by law enforcement personnel or the general public who possess Washington concealed pistol licenses or Washington hunting licenses or who are enrolled in a firearm safety class.

Applicants for a grant from the firearms range account shall provide matching funds in either cash or in-kind contributions. The match must represent one dollar in value for each one dollar of the grant except that in the case of a grant for noise abatement or safety improvements the match must represent one dollar in value for each two dollars of the grant. In-kind contributions include but are not limited to labor, materials, and new property. Existing assets and existing development may not apply to the match.

Applicants other than school districts or local or state government must be registered as a nonprofit or not-for-profit organization with the Washington secretary of state. The organization's articles of incorporation must contain provisions for the organization's structure, officers, legal address, and registered agent.

Organizations requesting grants must provide the hours of range availability for public and law enforcement use. The fee structure will be submitted with the grant application.

Any nonprofit organization or agency accepting a grant under this program will be required to pay back the entire grant amount to the firearms range account if the use of the range facility is discontinued less than ten years after the grant is accepted.

Entities receiving grants must make the facilities for which grant funding is received open for hunter safety education classes and firearm safety classes on a regular basis for no fee.

Government units or school districts applying for grants must open their range facility on a regular basis for hunter safety education classes and firearm safety classes.

The board shall adopt rules to implement chapter 195, Laws of 1990, pursuant to chapter 34.05 RCW. During the 2017-2019 and 2019-2021 fiscal biennia, expenditures from the firearms range account may be used to implement chapter 74, Laws of 2017 (SHB 1100) (concealed pistol licenses) and chapter 282, Laws of 2017 (SB 5268) (concealed pistol license notices). During the 2021-2023 and 2023-2025 fiscal biennia, expenditures from the firearms range account may be used to implement chapter 74, Laws of 2017 (SHB 1100) (concealed pistol licenses). [2023 c 475 § 945; 2021 c 334 § 997; 2019 c 415 § 987; 2017 3rd sp.s. c 1 § 997; 2007 c 241 § 54; 1996 c 96 § 1; 1994 sp.s. c 7 § 443; 1990 c 195 § 2. Formerly RCW 77.12.720.]

Effective date—2023 c 475: See note following RCW 16.76.030.

Conflict with federal requirements—Effective date—2021 c 334: See notes following RCW 43.79.555.

Effective date—2019 c 415: See note following RCW 28B.20.476.

Effective date—2017 3rd sp.s. c 1: See note following RCW 43.41.455.

Intent—Effective date—2007 c 241: See notes following RCW 79A.25.005.

Finding—Intent—Severability—1994 sp.s. c 7: See notes following RCW 43.70.540.

Effective date—1994 sp.s. c 7 §§ 401-410, 413-416, 418-437, and 439-460: See note following RCW 9.41.010.

Findings—1990 c 195: "Firearms are collected, used for hunting, recreational shooting, and self-defense, and firearm owners as well as bow users need safe, accessible areas in which to shoot their equipment. Approved shooting ranges provide that opportunity, while at the same time, promote public safety. Interest in all shooting sports has increased while safe locations to shoot have been lost to the pressures of urban growth." [1990 c 195 § 1.]

RCW 79A.25.230 Firearms range account—Gifts and grants. The board or director may accept gifts and grants upon such terms as the board shall deem proper. All monetary gifts and grants shall be deposited in the firearms range account of the general fund. [2007 c 241 § 56; 1990 c 195 § 4. Formerly RCW 77.12.740.]

Intent—Effective date—2007 c 241: See notes following RCW 79A.25.005.

Findings—1990 c 195: See note following RCW 79A.25.210.

RCW 79A.25.240 Grants and loan administration. The recreation and conservation office shall provide necessary grants and loan administration support to the salmon recovery funding board as provided in RCW 77.85.120. The office shall also be responsible for tracking salmon recovery expenditures under RCW 77.85.140. The office shall provide all necessary administrative support to the salmon recovery funding board, and the salmon recovery funding board shall be located with the office. [2009 c 345 § 13; 2007 c 241 § 57; 2003 c 39 § 44; 2000 c 11 § 78; 1999 sp.s. c 13 § 17.]

Finding—Intent—2009 c 345: See notes following RCW 77.85.030.

Intent—Effective date—2007 c 241: See notes following RCW 79A.25.005.

Severability—Effective date—1999 sp.s. c 13: See notes following RCW 77.85.005.

RCW 79A.25.250 Acquisition, development, etc., of urban area parks by recreation and conservation funding board. Recognizing the fact that the demand for park services is greatest in our urban areas, that parks should be accessible to all Washington citizens, that the urban poor cannot afford to travel to remotely located parks, that few state parks are located in or near urban areas, that a need exists to conserve energy, and that local governments having jurisdiction in urban areas cannot afford the costs of maintaining and operating the extensive park systems needed to service their large populations, the legislature hereby directs the recreation and conservation funding board to place a high priority on the acquisition, development, redevelopment, and renovation of parks to be located in or near urban areas and to be particularly accessible to and used by the populations of those areas. For purposes of RCW 79A.25.250 and 79A.05.300, "urban areas" means any incorporated city with a population of five thousand persons or greater or any county with a population density of two hundred fifty persons per square mile or greater. This section shall be implemented by January 1, 1981. [2007 c 241 § 58; 2000 c 11 § 79; 1980 c 89 § 3. Formerly RCW 43.51.380.]

Intent—Effective date—2007 c 241: See notes following RCW 79A.25.005.

RCW 79A.25.260 Habitat and recreation lands coordinating group—Members—Progress reports—Duties. (Expires July 31, 2027.) (1) The habitat and recreation lands coordinating group is established. The group must include representatives from the office, the state parks and recreation commission, the department of natural resources, and the department of fish and wildlife. The members of the group must have subject matter expertise with the issues presented in this section. Representatives from appropriate stakeholder organizations and local government must also be considered for participation on the group, but may only be appointed or invited by the director.

(2) To ensure timely completion of the duties assigned to the group, the director shall submit yearly progress reports to the office of financial management.

(3) The group must:

(a) Review agency land acquisition and disposal plans and policies to help ensure statewide coordination of habitat and recreation land acquisitions and disposals;

(b) Produce an interagency, statewide biennial forecast of habitat and recreation land acquisition and disposal plans;

(c) Establish procedures for publishing the biennial forecast of acquisition and disposal plans on websites or other centralized, easily accessible formats;

(d) Develop and convene an annual forum for agencies to coordinate their near-term acquisition and disposal plans;

(e) Develop a recommended method for interagency geographic information system-based documentation of habitat and recreation lands in cooperation with other state agencies using geographic information systems;

(f) Develop recommendations for standardization of acquisition and disposal recordkeeping, including identifying a preferred process for centralizing acquisition data;

(g) Develop an approach for monitoring the success of acquisitions;

(h) Identify and commence a dialogue with key state and federal partners to develop an inventory of potential public lands for transfer into habitat and recreation land management status; and

(i) Review existing and proposed habitat conservation plans on a regular basis to foster statewide coordination and save costs.

(4) If prioritization among the various requirements of subsection (3) of this section is necessary due to the availability of resources, the group shall prioritize implementation of subsection (3)(a) through (d) and (g) of this section.

(5) The group shall revisit the planning requirements of relevant grant programs administered by the office to determine whether coordination of state agency habitat and recreation land acquisition and disposal could be improved by modifying those requirements.

(6) The group must develop options for centralizing coordination of habitat and recreation land acquisition made with funds from federal grants. The advantages and drawbacks of the following options, at a minimum, must be developed:

(a) Requiring that agencies provide early communication on the status of federal grant applications to the office, the office of financial management, or directly to the legislature;

(b) Establishing a centralized pass-through agency for federal funds, where individual agencies would be the primary applicants.

(7) This section expires July 31, 2027. Prior to January 1, 2027, the group shall make a formal recommendation to the board and the appropriate committees of the legislature as to whether the existence of the habitat and recreation lands coordinating group should be continued beyond July 31, 2027, and if so, whether any modifications to its enabling statute should be pursued. [2016 c 151 § 1; 2012 c 128 § 1; 2007 c 247 § 1.]

Finding—2012 c 128: "The legislature finds that participation by the state's habitat and recreation land management agencies in the habitat and recreation lands coordinating group is an inherent part of transparent, efficient, and effective state habitat and recreation land management, and must be conducted within existing resources." [2012 c 128 § 2.]

RCW 79A.25.300 Findings. The legislature finds that:

(1) The land, water, and other resources of Washington are being severely impacted by the invasion of an increasing number of harmful invasive plant and animal species.

(2) These impacts are resulting in damage to Washington's environment and causing economic hardships.

(3) The multitude of public and private organizations with an interest in controlling and preventing the spread of harmful invasive species in Washington need a mechanism for cooperation, communication, collaboration, and developing a statewide plan of action to meet these threats. [2006 c 152 § 1.]

RCW 79A.25.310 Washington invasive species council—Created. (Expires June 30, 2032.) (1) There is created the Washington invasive species council to exist until June 30, 2032. Staff support to the

council shall be provided by the recreation and conservation office and from the agencies represented on the council. For administrative purposes, the council shall be located within the office.

(2) The purpose of the council is to provide policy level direction, planning, and coordination for combating harmful invasive species throughout the state and preventing the introduction of others that may be potentially harmful.

(3) The council is a joint effort between local, tribal, state, and federal governments, as well as the private sector and nongovernmental interests. The purpose of the council is to foster cooperation, communication, and coordinated approaches that support local, state, and regional initiatives for the prevention and control of invasive species.

(4) For the purposes of this chapter, "invasive species" include nonnative organisms that cause economic or environmental harm and are capable of spreading to new areas of the state. "Invasive species" does not include domestic livestock, intentionally planted agronomic crops, or nonharmful exotic organisms.

(5) This section expires June 30, 2032. [2021 c 177 § 1; 2016 sp.s. c 7 § 1; 2011 c 154 § 2; 2007 c 241 § 61; 2006 c 152 § 2.]

Findings—2011 c 154: "The land, water, and other resources of Washington state are being severely impacted by the invasion of an increasing number of harmful invasive plant and animal species. These impacts are resulting in damage to the state's environment and causing economic hardships. The multitude of public and private organizations with an interest and authority in controlling and preventing the spread of harmful invasive species in Washington state need a mechanism for cooperation, communication, collaboration, and implementation of the statewide plan of action to combat these threats." [2011 c 154 § 1.]

Intent—Effective date—2007 c 241: See notes following RCW 79A.25.005.

RCW 79A.25.320 Washington invasive species council—Membership.

(1) Membership in the council includes a representative from the following entities:

(a) The department of agriculture, represented by the director or the director's designee;

(b) The department of fish and wildlife, represented by the director or the director's designee;

(c) The department of ecology, represented by the director or the director's designee;

(d) The department of natural resources, represented by the commissioner or the commissioner's designee;

(e) The department of transportation, represented by the secretary or the secretary's designee;

(f) The Washington state noxious weed control board, appointed by the board;

(g) A county located east of the crest of the Cascade mountains, appointed by the other members of the council; and

(h) A county located west of the crest of the Cascade mountains, appointed by the other members of the council.

(2) The councilmembers may add members to the council as the councilmembers deem appropriate to accomplish its goals.

(3) The council must invite one representative each from the United States department of agriculture, the United States fish and wildlife service, the United States environmental protection agency, and the United States coast guard to participate on the council in a nonvoting, ex officio capacity.

(4) A representative of the office of the governor must convene the first meeting of the council and serve as chair until the council selects a chair. At the first meeting of the council, the council shall address issues including, but not limited to, voting methods, meeting schedules, and the need for and use of advisory and technical committees. [2006 c 152 § 3.]

RCW 79A.25.330 Washington invasive species council—Goals. The council's goals are to:

(1) Minimize the effects of harmful invasive species on Washington's citizens and ensure the economic and environmental well-being of the state;

(2) Serve as a forum for identifying and understanding invasive species issues from all perspectives;

(3) Serve as a forum to facilitate the communication, cooperation, and coordination of local, tribal, state, federal, private, and nongovernmental entities for the prevention, control, and management of nonnative invasive species;

(4) Serve as an avenue for public outreach and for raising public awareness of invasive species issues;

(5) Develop and implement a statewide invasive species strategic plan as described in this chapter;

(6) Review the current funding mechanisms and levels for state agencies to manage noxious weeds on the lands under their authority;

(7) Make recommendations for legislation necessary to carry out the purposes of this chapter;

(8) Establish criteria for the prioritization of invasive species response actions and projects; and

(9) Utilizing the process described in subsection (8) of this section, select at least one project per year from the strategic plan for coordinated action by the Washington invasive species councilmember entities. [2006 c 152 § 4.]

RCW 79A.25.340 Washington invasive species council—Statewide strategic plan. (1) The council shall develop and periodically update a statewide strategic plan for addressing invasive species. The strategic plan should incorporate the reports and activities of the aquatic nuisance species committee, the state noxious weed control board, and other appropriate reports and activities. In addition, the council must coordinate with the biodiversity council created in Executive Order 04-02 to ensure that a statewide strategy for the control of invasive species is integrated into the thirty-year strategy for biodiversity conservation that the biodiversity council must submit to the legislature in 2007.

(2) The strategic plan must, at a minimum, address:

(a) Statewide coordination and intergovernmental cooperation;

- (b) Prevention of new biological invasions through deliberate or unintentional introduction;
 - (c) Inventory and monitoring of invasive species;
 - (d) Early detection of and rapid response to new invasions;
 - (e) Control, management, and eradication of established populations of invasive species;
 - (f) Projects that can be implemented during the period covered by the strategic plan for the control, management, and eradication of new or established populations of invasive species;
 - (g) Revegetation, reclamation, or restoration of native species following control or eradication of invasive species;
 - (h) Tools that can be made available to assist state agencies that are responsible for managing public land to control invasive noxious weeds and recommendations as to how the agencies should be held responsible for the failure to control invasive noxious weeds;
 - (i) Research and public education;
 - (j) Funding and resources available for invasive species prevention, control, and management; and
 - (k) Recommendations for legislation necessary to carry out the purposes of this chapter.
- (3) The strategic plan must be updated at least once every three years following its initial development. The strategic plan must be submitted to the governor and appropriate committees of the legislature by September 15th of each applicable year. The council shall complete the initial strategic plan within two years of June 7, 2006.
- (4) Each state department and agency named to the council shall, consistent with state law, make best efforts to implement elements of the completed plan that are applicable to the department or agency. [2006 c 152 § 5.]

RCW 79A.25.350 Washington invasive species council—Biennial report. (1) The council shall submit a biennial report of its activities to the governor and the relevant policy committees of the senate and house of representatives by December 15th of each even-numbered year. The report must include an evaluation of progress made in the preceding biennium to implement or carry out the strategic plan and an identification of projects from the strategic plan that will be a focus for the following biennium.

(2) Prior to the start of the 2011 legislative session, the council must prepare a report to the appropriate committees of the legislature that makes recommendations as to the extension or modification of the council. [2016 c 197 § 11; 2006 c 152 § 6.]

RCW 79A.25.360 Washington invasive species council—Advisory and technical committees authorized. The council may establish advisory and technical committees that it considers necessary to aid and advise the council in the performance of its functions. The committees may be continuing or temporary committees. The council shall determine the representation, membership, terms, and organization of the committees and appoint their members. [2006 c 152 § 7.]

YOUTH OR COMMUNITY ATHLETIC FACILITIES

RCW 79A.25.800 Intent.

(1) The legislature recognizes that coordinated funding efforts are needed to maintain, develop, and improve the state's community outdoor athletic fields. Rapid population growth and increased urbanization have caused a decline in suitable outdoor fields for community athletic activities and has resulted in overcrowding and deterioration of existing surfaces. Lack of adequate community outdoor athletic fields directly affects the health and well-being of all citizens of the state, reduces the state's economic viability, and prevents Washington from maintaining and achieving the quality of life that it deserves. Therefore, it is the policy of the state and its agencies to maintain, develop, fund, and improve youth or community athletic facilities, including but not limited to community outdoor athletic fields.

(2) In carrying out this policy, the legislature intends to promote the building of new community outdoor athletic fields, the upgrading of existing community outdoor athletic fields, and the maintenance of existing community outdoor athletic fields across the state of Washington. [2003 c 126 § 701; 2000 c 11 § 80; 1998 c 264 § 1. Formerly RCW 43.99.800.]

Reviser's note: RCW 82.14.0494 expired August 1, 2020. Therefore, this section expired August 1, 2021.

Contingent expiration date—2003 c 126 §§ 701 and 702: "Sections 701 and 702 of this act expire one year after *RCW 82.14.0494 expires." [2003 c 126 § 1002.]

***Reviser's note:** RCW 82.14.0494 has a contingent expiration date. See RCW 82.14.0494(5).

Part headings not law—Effective date—2003 c 126: See notes following RCW 79A.05.385.

Severability—1998 c 264: "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1998 c 264 § 5.]

Contingent expiration date—1998 c 264: "Sections 1 through 4 of this act expire one year after RCW 82.14.0494 expires." [1998 c 264 § 6.]

RCW 79A.25.820 Strategic plan—Funding eligibility—Regional coordination and cooperative efforts—Data collection and exchange.

Subject to available resources, the recreation and conservation funding board may:

(1) Prepare and update a strategic plan for the development, maintenance, and improvement of community outdoor athletic fields in the state. In the preparation of such plan, the board may use available data from federal, state, and local agencies having

community outdoor athletic responsibilities, user groups, private sector interests, and the general public. The plan may include, but is not limited to:

- (a) An inventory of current community outdoor athletic fields;
 - (b) A forecast of demand for these fields;
 - (c) An identification and analysis of actual and potential funding sources; and
 - (d) Other information the board deems appropriate to carry out the purposes of RCW 79A.25.800 through 79A.25.830;
- (2) Determine the eligibility requirements for cities, counties, and qualified nonprofit organizations to access funding from the youth athletic facility account created in RCW 43.99N.060(4);
- (3) Encourage and provide opportunities for interagency and regional coordination and cooperative efforts between public agencies and between public entities and nonprofit organizations involved in the maintenance, development, and improvement of community outdoor athletic fields; and
- (4) Create and maintain data, studies, research, and other information relating to community outdoor athletic fields in the state, and to encourage the exchange of this information. [2007 c 241 § 59; 2003 c 126 § 702; 2000 c 11 § 81; 1998 c 264 § 3. Formerly RCW 43.99.820.]

Reviser's note: RCW 82.14.0494 expired August 1, 2020. Therefore, this section expired August 1, 2021.

Intent—Effective date—2007 c 241: See notes following RCW 79A.25.005.

Contingent expiration date—2003 c 126 §§ 701 and 702: See note following RCW 79A.25.800.

Part headings not law—Effective date—2003 c 126: See notes following RCW 79A.05.385.

Severability—Contingent expiration date—1998 c 264: See notes following RCW 79A.25.800.

RCW 79A.25.830 Gifts, grants, or endowments. The recreation and conservation funding board or office may receive gifts, grants, or endowments from public and private sources that are made from time to time, in trust or otherwise, for the use and benefit of the purposes of RCW 79A.25.800 through 79A.25.830 and spend gifts, grants, or endowments or income from the public or private sources according to their terms, unless the receipt of the gifts, grants, or endowments violates RCW 42.17A.560. [2011 c 60 § 48; 2007 c 241 § 60; 2000 c 11 § 82; 1998 c 264 § 4. Formerly RCW 43.99.830.]

Reviser's note: RCW 82.14.0494 expired August 1, 2020. Therefore, this section expired August 1, 2021.

Contingent expiration date—2011 c 60 § 48: "Section 82, chapter 11, Laws of 2000; section 60, chapter 241, Laws of 2007; and section 48, chapter 60, Laws of 2011 expire one year after RCW 82.14.0494 expires." [2011 c 60 § 52.]

Effective date—2011 c 60: See RCW 42.17A.919.

Intent—Effective date—2007 c 241: See notes following RCW 79A.25.005.

Severability—Contingent expiration date—1998 c 264: See notes following RCW 79A.25.800.

CONSTRUCTION

RCW 79A.25.902 Short title. This chapter shall be known and may be cited as the Marine Recreation Land Act of 1964. [1965 c 5 § 18 (Initiative Measure No. 215, approved November 3, 1964). Formerly RCW 43.99.910.]