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SENATE BILL 5667

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State of Washington

53rd Legislature

1993 Regular Session

By Senators Talmadge, Fraser, Moore, Sutherland, Bluechel, A. Smith and Haugen

Read first time 02/08/93. Referred to Committee on Ecology & Parks.

1 AN ACT Relating to the water trail recreation program; adding new  
2 sections to chapter 43.51 RCW; and prescribing penalties.

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

4 NEW SECTION. **Sec. 1.** The legislature recognizes the increase in  
5 water-oriented recreation by users of human and wind-powered, beachable  
6 vessels such as kayaks, canoes, or day sailers on Washington's waters.  
7 These recreationists require overnight camping facilities along the  
8 shores of public or private beaches. The legislature now creates a  
9 water trail recreation program, administered by the Washington state  
10 parks and recreation commission, who shall manage a system of camping  
11 areas at state parks or assist in establishing these facilities at  
12 other public or private beaches. The water trail recreation program  
13 will be supported by a state-wide permit with proceeds from the permit  
14 accruing to the water trail program account.

15 NEW SECTION. **Sec. 2.** In addition to its other powers, duties, and  
16 functions the commission may:

17 (1) Plan, construct, and maintain suitable facilities for water  
18 trail activities on lands administered or acquired by the commission or

1 as authorized on lands administered by tribes or other public agencies  
2 or private landowners by agreement.

3 (2) Provide and issue upon payment of the proper fee, with the  
4 assistance of those authorized agents as may be necessary for the  
5 convenience of the public, water trail permits to utilize designated  
6 water trail facilities. The commission may, after consultation with  
7 the water trail advisory committee, adopt rules authorizing reciprocity  
8 of water trail permits provided by another state or Canadian province,  
9 but only to the extent that a similar exemption or provision for water  
10 trail permits is issued by that state or province.

11 (3) Compile, publish, distribute, and charge a fee for maps or  
12 other forms of public information indicating areas and facilities  
13 suitable for water trail activities. All funds collected as a result  
14 of the sale of the informational materials shall be deposited in the  
15 water trail program account, created in section 6 of this act, and  
16 appropriated only to the commission for water trail program purposes.

17 (4) The commission may contract with a public agency, private  
18 entity, or person for the actual conduct of these duties.

19 NEW SECTION. **Sec. 3.** A public agency in this state may develop  
20 and maintain water trail facilities. The commission may make grants to  
21 public agencies or tribal governments and may contract with a public or  
22 private agency or person to develop and implement water trail programs  
23 provided that the programs are not inconsistent with the rules adopted  
24 by the commission.

25 NEW SECTION. **Sec. 4.** The commission is not liable for  
26 unintentional injuries to users of facilities administered for water  
27 trail purposes under this chapter, whether the facilities are  
28 administered by the commission, by other public agencies, or by tribal  
29 governments. Nothing in this section prevents the liability of the  
30 commission for injuries sustained by a user by reason of a known  
31 dangerous artificial latent condition for which warning signs have not  
32 been conspicuously posted.

33 NEW SECTION. **Sec. 5.** The fee for the issuance of the state-wide  
34 water trail permit for each year shall be determined by the commission  
35 after consultation with the water trails advisory committee. All

1 state-wide water trail permits shall expire on the last day of December  
2 of the year for which the permit is issued.

3 NEW SECTION. **Sec. 6.** The water trail program account is created  
4 in the state treasury. All receipts from state-wide water trail permit  
5 fees and monetary civil penalties collected under this chapter shall be  
6 deposited in the account. Moneys in the account may be spent only  
7 after appropriation. Expenditures from the account may be used only by  
8 the commission for water trail purposes, including: The administration  
9 and acquisition, development, operation, planning, maintenance of water  
10 trail lands and facilities, grants or contracts therefor, and the  
11 development and implementation of water trail safety, enforcement, and  
12 education programs, and grants or contracts therefor. The commission  
13 may accept gifts, grants, donations, or moneys from any source for  
14 deposit in the water trail program account.

15 NEW SECTION. **Sec. 7.** The commission may, after consultation with  
16 the water trail advisory committee, adopt rules to administer the water  
17 trail program and facilities on areas owned or administered by the  
18 commission. Where water trail facilities administered by other public  
19 or private entities are incorporated into the water trail system, the  
20 rules adopted by those entities shall prevail. The commission is not  
21 responsible or liable for enforcement of these alternative rules.

22 NEW SECTION. **Sec. 8.** Violation of the provisions of sections 1  
23 through 8 of this act or the rules adopted pursuant thereto shall  
24 constitute a civil infraction. The fine for the violation shall be  
25 deposited in the water trail program account and shall be appropriated  
26 only to the commission for water trail purposes.

27 NEW SECTION. **Sec. 9.** (1) There is created a water trail advisory  
28 committee to advise the parks and recreation commission in the  
29 administration of sections 1 through 8 of this act and to assist and  
30 advise the commission in the development of water trail facilities and  
31 programs.

32 (2) The advisory committee shall be appointed by the commission and  
33 consist of:

34 (a) Five representatives of the recreational water trail-using  
35 public including the Washington water trails association; and

1 (b) Two representatives of the commercial sectors having an  
2 interest in the water trail system.

3 (3) The terms of the members appointed under subsection (2)(a) and  
4 (b) of this section shall begin on January 1st of the year of  
5 appointment and shall be for three years or until a successor is  
6 appointed, except in the case of appointments to fill vacancies for the  
7 remainder of the unexpired term. However, the first of these members  
8 shall be appointed for terms as follow: Two members shall be appointed  
9 for one year, two members shall be appointed for two years, and three  
10 members shall be appointed for three years.

11 (4) One representative of the department of natural resources, one  
12 representative of the department of wildlife, one representative of the  
13 Washington state association of counties, and one representative of the  
14 Washington association of cities; each of whom shall be appointed by  
15 the director of the department or association.

16 (5) Members of the committee may be reimbursed from the water trail  
17 program account created under section 6 of this act for travel expenses  
18 as provided in RCW 43.03.050 and 43.03.060.

19 (6) The committee shall meet at the times and places it determines,  
20 not less than twice each year, and additionally as required by the  
21 committee chair or by majority vote of the committee. The chair of the  
22 committee shall be selected by a method created under rules adopted by  
23 the committee. The committee shall adopt other rules necessary to  
24 govern its proceedings.

25 (7) The director of Washington parks and recreation commission or  
26 the director's designee shall serve as secretary to the committee and  
27 shall be a nonvoting member.

28 NEW SECTION. **Sec. 10.** Sections 1 through 9 of this act are each  
29 added to chapter 43.51 RCW.

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