

CERTIFICATION OF ENROLLMENT

HOUSE BILL 1331

Chapter 59, Laws of 1999

56th Legislature
1999 Regular Session

PARKS AND RECREATION COMMISSION--USE OF VOLUNTEERS

EFFECTIVE DATE: 7/25/99

Passed by the House March 8, 1999
Yeas 94 Nays 0

CLYDE BALLARD
**Speaker of the House of
Representatives**

FRANK CHOPP
**Speaker of the House of
Representatives**

Passed by the Senate April 8, 1999
Yeas 46 Nays 0

BRAD OWEN
President of the Senate

Approved April 21, 1999

GARY LOCKE
Governor of the State of Washington

CERTIFICATE

We, Dean R. Foster and Timothy A. Martin, Co-Chief Clerks of the House of Representatives of the State of Washington, do hereby certify that the attached is **HOUSE BILL 1331** as passed by the House of Representatives and the Senate on the dates hereon set forth.

DEAN R. FOSTER
Chief Clerk

TIMOTHY A. MARTIN
Chief Clerk

FILED

April 21, 1999 - 3:07 p.m.

**Secretary of State
State of Washington**

HOUSE BILL 1331

Passed Legislature - 1999 Regular Session

State of Washington

56th Legislature

1999 Regular Session

By Representatives Buck, Sump, Regala, Anderson, Lantz, Doumit, G. Chandler, Pennington, Hatfield, Rockefeller, D. Sommers, Koster, Benson, Wolfe and Mulliken; by request of Parks and Recreation Commission

Read first time 01/21/1999. Referred to Committee on Natural Resources.

1 AN ACT Relating to the use of volunteers by the state parks and
2 recreation commission; and amending RCW 43.51.040, 43.51.130, and
3 43.51.140.

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

5 **Sec. 1.** RCW 43.51.040 and 1989 c 175 s 106 are each amended to
6 read as follows:

7 The commission shall:

8 (1) Have the care, charge, control, and supervision of all parks
9 and parkways acquired or set aside by the state for park or parkway
10 purposes.

11 (2) Adopt, promulgate, issue, and enforce rules pertaining to the
12 use, care, and administration of state parks and parkways. The
13 commission shall cause a copy of the rules to be kept posted in a
14 conspicuous place in every state park to which they are applicable, but
15 failure to post or keep any rule posted shall be no defense to any
16 prosecution for the violation thereof.

17 (3) Permit the use of state parks and parkways by the public under
18 such rules as shall be adopted.

1 (4) Clear, drain, grade, seed, and otherwise improve or beautify
2 parks and parkways, and erect structures, buildings, fireplaces, and
3 comfort stations and build and maintain paths, trails, and roadways
4 through or on parks and parkways.

5 (5) Grant concessions or leases in state parks and parkways, upon
6 such rentals, fees, or percentage of income or profits and for such
7 terms, in no event longer than forty years, and upon such conditions as
8 shall be approved by the commission: PROVIDED, That leases exceeding
9 a twenty-year term shall require a unanimous vote of the commission:
10 PROVIDED FURTHER, That if, during the term of any concession or lease,
11 it is the opinion of the commission that it would be in the best
12 interest of the state, the commission may, with the consent of the
13 concessionaire or lessee, alter and amend the terms and conditions of
14 such concession or lease: PROVIDED FURTHER, That television station
15 leases shall be subject to the provisions of RCW 43.51.063, only:
16 PROVIDED FURTHER, That the rates of such concessions or leases shall be
17 renegotiated at five-year intervals. No concession shall be granted
18 which will prevent the public from having free access to the scenic
19 attractions of any park or parkway.

20 (6) Employ such assistance as it deems necessary. Commission
21 expenses relating to its use of volunteer assistance shall be limited
22 to premiums or assessments for the insurance of volunteers by the
23 department of labor and industries, compensation of staff who assist
24 volunteers, materials and equipment used in authorized volunteer
25 projects, training, reimbursement of volunteer travel as provided in
26 RCW 43.03.050 and 43.03.060, and other reasonable expenses relating to
27 volunteer recognition. The commission, at its discretion, may waive
28 commission fees otherwise applicable to volunteers. The commission
29 shall not use volunteers to replace or supplant classified positions.
30 The use of volunteers may not lead to the elimination of any employees
31 or permanent positions in the bargaining unit.

32 (7) By majority vote of its authorized membership select and
33 purchase or obtain options upon, lease, or otherwise acquire for and in
34 the name of the state such tracts of land, including shore and tide
35 lands, for park and parkway purposes as it deems proper. If the
36 commission cannot acquire any tract at a price it deems reasonable, it
37 may, by majority vote of its authorized membership, obtain title
38 thereto, or any part thereof, by condemnation proceedings conducted by
39 the attorney general as provided for the condemnation of rights of way

1 for state highways. Option agreements executed under authority of this
2 subdivision shall be valid only if:

3 (a) The cost of the option agreement does not exceed one dollar;
4 and

5 (b) Moneys used for the purchase of the option agreement are from
6 (i) funds appropriated therefor, or (ii) funds appropriated for
7 undesignated land acquisitions, or (iii) funds deemed by the commission
8 to be in excess of the amount necessary for the purposes for which they
9 were appropriated; and

10 (c) The maximum amount payable for the property upon exercise of
11 the option does not exceed the appraised value of the property.

12 (8) Cooperate with the United States, or any county or city of this
13 state, in any matter pertaining to the acquisition, development,
14 redevelopment, renovation, care, control, or supervision of any park or
15 parkway, and enter into contracts in writing to that end. All parks or
16 parkways, to which the state contributed or in whose care, control, or
17 supervision the state participated pursuant to the provisions of this
18 section, shall be governed by the provisions hereof.

19 **Sec. 2.** RCW 43.51.130 and 1982 c 156 s 1 are each amended to read
20 as follows:

21 The state parks and recreation commission may grant permits to
22 individuals, groups, churches, charities, organizations, agencies,
23 clubs, or associations to improve any state park or parkway, or any
24 lands belonging to the state and withdrawn from sale under the
25 provisions of this chapter. (~~Any expenses borne by the state shall be
26 limited to premiums or assessments for the insurance of volunteers by
27 the department of labor and industries, compensation of staff who
28 assist volunteers, minimal use of natural resources contained within
29 such public lands, paint, incidental materials, and equipment used to
30 assist volunteers.~~) These improvements shall not interfere with
31 access to or use of such public lands or facilities by the general
32 public and shall benefit the public in terms of safety, recreation,
33 aesthetics, or wildlife or natural area preservation. These
34 improvements on public lands and facilities shall be for the use of all
35 members of the general public.

36 **Sec. 3.** RCW 43.51.140 and 1982 c 156 s 2 are each amended to read
37 as follows:

1 Any such individual, group, organization, agency, club, or
2 association desiring to obtain such permit shall make application
3 therefor in writing to the commission, describing the lands proposed to
4 be improved and stating the nature of the proposed improvement.
5 (~~Prior to granting a permit, the commission shall determine that the~~
6 ~~applicants are persons of good standing in the community in which they~~
7 ~~reside.~~)

Passed the House March 8, 1999.

Passed the Senate April 8, 1999.

Approved by the Governor April 21, 1999.

Filed in Office of Secretary of State April 21, 1999.