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SENATE BILL 5130

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State of Washington

58th Legislature

2003 Regular Session

By Senators Swecker, Jacobsen, Hewitt, Oke, Carlson, Morton, Haugen, Winsley, Eide, Horn, Honeyford, Fairley, Esser, Prentice, Roach, Deccio, T. Sheldon, Parlette, Rossi, Fraser, Mulliken and Rasmussen

Read first time 01/15/2003. Referred to Committee on Parks, Fish & Wildlife.

1 AN ACT Relating to expanding the private sponsorship of state  
2 parks, recreation areas, and other natural resource facilities;  
3 amending RCW 77.04.055; reenacting and amending RCW 79A.05.030; adding  
4 a new section to chapter 43.30 RCW; and creating a new section.

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

6 NEW SECTION. **Sec. 1.** The legislature finds that state parks and  
7 state recreation areas are a valuable asset of the state of Washington,  
8 contributing to the health and well-being of the people of the state,  
9 and contributing to the economies of surrounding communities.  
10 Increasing use of state parks and other recreation areas coupled with  
11 limited resources is creating a crisis for the parks and recreation  
12 system. Maintenance of state facilities is being deferred, and  
13 selected parks are being closed.

14 The legislature further finds that sponsorship of selected parks or  
15 other natural resource facilities by a private entity could decrease  
16 costs and contribute to the improvement of services and facilities.

17 Therefore, the legislature encourages state agencies that manage  
18 recreation lands and natural resource facilities to enter into  
19 agreements with private entities as appropriate to improve the

1 operation of our parks, recreation areas, or other natural resource  
2 facilities. Further, the legislature strongly encourages the state  
3 natural resource agencies to use all available means to avoid closure  
4 of state-owned or leased parks and facilities.

5 **Sec. 2.** RCW 79A.05.030 and 1999 c 249 s 302, 1999 c 155 s 1, and  
6 1999 c 59 s 1 are each reenacted and amended to 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 policies, and adopt, issue, and enforce rules pertaining  
12 to the 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.

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

23 (5) Grant concessions or leases in state parks and parkways, upon  
24 such rentals, fees, or percentage of income or profits and for such  
25 terms, in no event longer than fifty years, and upon such conditions as  
26 shall be approved by the commission: PROVIDED, That leases exceeding  
27 a twenty-year term shall require a unanimous vote of the commission:  
28 PROVIDED FURTHER, That if, during the term of any concession or lease,  
29 it is the opinion of the commission that it would be in the best  
30 interest of the state, the commission may, with the consent of the  
31 concessionaire or lessee, alter and amend the terms and conditions of  
32 such concession or lease: PROVIDED FURTHER, That television station  
33 leases shall be subject to the provisions of RCW 79A.05.085, only:  
34 PROVIDED FURTHER, That the rates of such concessions or leases shall be  
35 renegotiated at five-year intervals. No concession shall be granted  
36 which will prevent the public from having free access to the scenic  
37 attractions of any park or parkway.

1       (6) Contract with private sponsors for individual parks when the  
2 commission determines that sponsorship would decrease costs, improve  
3 service, avoid park closures, or otherwise be in the best interest of  
4 the park system. Sponsors may assume responsibility for any aspect of  
5 park management, including routine building and grounds maintenance,  
6 security, parks operations, park renovations, or development of new  
7 facilities. Sponsorship should augment but not replace the functions  
8 of current commission employees. The commission shall recognize the  
9 efforts of any participating sponsor by erecting and maintaining signs  
10 with the sponsor's name at the park entry, information kiosk, or other  
11 appropriate location.

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

24       (~~(7)~~) (8) By majority vote of its authorized membership select  
25 and purchase or obtain options upon, lease, or otherwise acquire for  
26 and in the name of the state such tracts of land, including shore and  
27 tide lands, for park and parkway purposes as it deems proper. If the  
28 commission cannot acquire any tract at a price it deems reasonable, it  
29 may, by majority vote of its authorized membership, obtain title  
30 thereto, or any part thereof, by condemnation proceedings conducted by  
31 the attorney general as provided for the condemnation of rights of way  
32 for state highways. Option agreements executed under authority of this  
33 subsection shall be valid only if:

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

36       (b) Moneys used for the purchase of the option agreement are from  
37 (i) funds appropriated therefor, or (ii) funds appropriated for

1 undesignated land acquisitions, or (iii) funds deemed by the commission  
2 to be in excess of the amount necessary for the purposes for which they  
3 were appropriated; and

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

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

13 **Sec. 3.** RCW 77.04.055 and 2000 c 107 s 204 are each amended to  
14 read as follows:

15 (1) In establishing policies to preserve, protect, and perpetuate  
16 wildlife, fish, and wildlife and fish habitat, the commission shall  
17 meet annually with the governor to:

18 (a) Review and prescribe basic goals and objectives related to  
19 those policies; and

20 (b) Review the performance of the department in implementing fish  
21 and wildlife policies.

22 The commission shall maximize fishing, hunting, and outdoor  
23 recreational opportunities compatible with healthy and diverse fish and  
24 wildlife populations.

25 (2) The commission shall establish hunting, trapping, and fishing  
26 seasons and prescribe the time, place, manner, and methods that may be  
27 used to harvest or enjoy game fish and wildlife.

28 (3) The commission shall establish provisions regulating food fish  
29 and shellfish as provided in RCW 77.12.047.

30 (4) The commission shall have final approval authority for tribal,  
31 interstate, international, and any other department agreements relating  
32 to fish and wildlife.

33 (5) The commission shall adopt rules to implement the state's fish  
34 and wildlife laws.

35 (6) The commission shall have final approval authority for the  
36 department's budget proposals.

1 (7) The commission shall select its own staff and shall appoint the  
2 director of the department. The director and commission staff shall  
3 serve at the pleasure of the commission.

4 (8) The commission may contract with private sponsors for any  
5 commission access site or facility, including hatcheries, when the  
6 commission finds that sponsorship would decrease costs, improve  
7 service, avoid site or facility closure, or otherwise be in the best  
8 interest of the state. Sponsors may assume responsibility for any  
9 aspect of fish and wildlife facility management, including routine  
10 building and grounds maintenance, security, operations, renovations, or  
11 development of new facilities. Sponsorship should augment but not  
12 replace the functions of current employees. The commission shall  
13 recognize the efforts of any participating sponsor by erecting and  
14 maintaining signs with the sponsor's name at the facility entry,  
15 information kiosk, or other appropriate location.

16 NEW SECTION. Sec. 4. A new section is added to chapter 43.30 RCW  
17 to read as follows:

18 The department may contract with private sponsors for any  
19 recreation site managed by the department when the department  
20 determines that sponsorship would decrease costs, improve service,  
21 avoid recreation site closure, or otherwise be in the best interest of  
22 the state. Sponsors may assume responsibility for any aspect of  
23 recreation site management, including routine building and grounds  
24 maintenance, security, operations, renovations, or development of new  
25 facilities. Sponsorship should augment but not replace the functions  
26 of current employees. The department shall recognize the efforts of  
27 any participating sponsor by erecting and maintaining signs with the  
28 sponsor's name at the recreation site entry, information kiosk, or  
29 other appropriate location.

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