
SUBSTITUTE SENATE BILL 5653

State of Washington

63rd Legislature

2013 Regular Session

By Senate Natural Resources & Parks (originally sponsored by Senators Pearson, Rolfes, Honeyford, Fraser, Smith, Hewitt, Kohl-Welles, and Parlette; by request of Parks and Recreation Commission)

READ FIRST TIME 02/22/13.

1 AN ACT Relating to promoting a balanced financing system for state
2 parks programs and services in order to facilitate resource
3 stewardship, interpretative activities, cultural events, and works of
4 art in state parks; amending RCW 79A.05.335, 79A.05.340, 79A.05.345,
5 79A.70.005, 79A.70.010, 79A.70.020, 79A.70.030, 79A.70.040, 79A.05.025,
6 79A.05.175, and 79A.05.178; reenacting and amending RCW 79A.05.030;
7 adding a new section to chapter 79A.80 RCW; repealing RCW 79A.70.050;
8 and making appropriations.

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

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

12 The legislature finds that the lands owned and managed by the
13 (~~state parks and recreation~~) commission are a significant collection
14 of valuable natural, cultural, and historical(~~(, and cultural)~~)
15 resources for the citizens of Washington state. The legislature
16 further finds that if citizens understand and appreciate the (~~state~~
17 ~~park ecological resources, they will come to appreciate and understand~~
18 ~~the ecosystems and natural resources throughout the state~~) natural,
19 cultural, and historical resources present in Washington's state parks,

1 they will be inspired to conserve this important legacy for future
2 generations. Therefore, the ~~((state parks and recreation))~~ commission
3 may ~~((increase the))~~ use ~~((of))~~ its facilities and resources to provide
4 ~~((environmental))~~ natural, cultural, or historical resource
5 interpretation throughout the state parks system.

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

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

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

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

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

17 (4) Offer experiences and information to increase citizen
18 understanding, appreciation, and stewardship of ~~((the environment and~~
19 ~~its multiple uses))~~ their natural and cultural 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))~~ the state parks foundation, private sector individuals,
35 organizations, businesses, employee business units, other public

1 agencies, and tribes that are interested in stewarding and interpreting
2 state parks natural, cultural, scenic, and recreational resources.

3 **Sec. 4.** RCW 79A.70.005 and 2000 c 25 s 1 are each amended to read
4 as follows:

5 The legislature finds that:

6 (1) State parks are a valuable asset to the people of the state of
7 Washington, contributing to their health, education, and well-being;

8 (2) Well maintained state parks are an attraction and contribute
9 significantly to the economic well-being of the state of Washington;

10 (3) Well maintained state parks encourage the appreciation of the
11 natural resources and natural beauty of the state of Washington;

12 (4) There is an increasing demand for more state parks and more
13 state parks services;

14 (5) There are individuals and groups who desire to contribute to
15 the continued vitality of the state parks system;

16 (6) Providing a tax-deductible method for individuals and groups to
17 contribute is an effective way of increasing available funds to improve
18 the state parks system; and

19 (7) It is in the public interest to create a nonprofit foundation
20 to provide such a method for individuals and groups to contribute to
21 the preservation, restoration, ~~((and))~~ enhancement, and operation of
22 the state parks system.

23 **Sec. 5.** RCW 79A.70.010 and 2000 c 25 s 2 are each amended to read
24 as follows:

25 The purpose of the Washington state parks ~~((gift))~~ foundation is to
26 solicit support ~~((for the state parks system, cooperate with other
27 organizations, and to encourage gifts to support and improve the state
28 parks)), build constituencies, engage in public outreach, cooperate
29 with other organizations, and encourage gifts and private sponsorship
30 activities to support operation, acquisition, and improvement of state
31 parks. The foundation shall take the lead role in soliciting,
32 recognizing, and cultivating enduring relationships with private donors
33 and sponsors.~~

34 **Sec. 6.** RCW 79A.70.020 and 2000 c 25 s 3 are each amended to read
35 as follows:

1 The definitions in this section apply throughout this chapter,
2 unless the context clearly requires otherwise.

3 (1) "Foundation" means the Washington state parks ((gift))
4 foundation((τ)) created in RCW 79A.70.030.

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

7 (3) "Eligible grant recipients" includes any and all of the
8 activities of the commission in carrying out the provisions of this
9 title and friends groups or other cooperating associations established
10 solely for the benefit of state parks.

11 (4) "Eligible projects" means any project, action, program, or part
12 of any project ((~~or~~)), action, or program that serves to preserve,
13 restore, improve, ((~~or~~)) enhance ((the)), or otherwise contribute to
14 the operation of state parks.

15 **Sec. 7.** RCW 79A.70.030 and 2000 c 25 s 4 are each amended to read
16 as follows:

17 (1) By September 1, 2000, the commission shall file articles of
18 incorporation in accordance with the Washington nonprofit corporation
19 act, chapter 24.03 RCW, to establish the Washington state parks
20 ((gift)) foundation. The foundation shall not be an agency,
21 instrumentality, or political subdivision of the state and shall not
22 disburse public funds.

23 (2) The foundation shall have a board of directors consisting of up
24 to fifteen members(~~(. Initial members of the board shall be appointed~~
25 ~~by the governor and collectively have experience in business,~~
26 ~~charitable giving, outdoor recreation, and parks administration.~~
27 ~~Initial appointments shall be made by September 30, 2000. Subsequent~~
28 ~~board members shall be elected by the general membership of the~~
29 ~~foundation.~~

30 ~~(3) Members of the board shall serve three year terms, except for~~
31 ~~the initial terms, which shall be staggered by the governor to achieve~~
32 ~~a balanced mix of terms on the board. Members of the board may serve~~
33 ~~up to a maximum of three terms. At the end of a term, a member may~~
34 ~~continue to serve until a successor has been elected)), whose terms,
35 method of appointment, and authority must be in accordance with the
36 Washington nonprofit corporation act, chapter 24.03 RCW.~~

1 **Sec. 8.** RCW 79A.70.040 and 2000 c 25 s 5 are each amended to read
2 as follows:

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

6 (2)) The foundation shall actively solicit contributions from
7 individuals and groups for the benefit of the state parks. The
8 foundation shall coordinate with the commission and take the lead role
9 in appropriately thanking, recognizing, and inviting donors to further
10 support operation, acquisition, and improvement of state parks and
11 other purposes of this chapter.

12 ((3)) (2) The foundation shall develop criteria jointly with the
13 agency director for guiding ((~~themselves~~)) the foundation in either the
14 creation of an endowment, or the making of grants to eligible grant
15 recipients and eligible projects in the state parks, or both.

16 ((4)) (3) A competitive grant process shall be conducted at least
17 annually by the foundation to award funds ((~~to the~~)) for the benefit of
18 state parks. Competitive grant applications shall only be submitted to
19 the foundation by the commission, friends groups, or other cooperating
20 associations established for the benefit of state parks. ((~~The process~~
21 ~~shall be started as soon as practicable.~~)) Grants shall be awarded to
22 eligible projects consistent with the criteria developed jointly by the
23 foundation and ((~~shall be available only for state parks use on~~
24 ~~eligible projects~~)) the agency director.

25 NEW SECTION. **Sec. 9.** A new section is added to chapter 79A.80 RCW
26 to read as follows:

27 (1) By mutual agreement, the agencies may sell discounted discover
28 passes at a rate below that established under RCW 79A.80.020 or
29 discounted day-use permits at a rate below that established under RCW
30 79A.80.030 for purposes of bulk sales to retailers, agency license and
31 permit product bundling, and partnership opportunities to expand
32 accessibility and visibility of the discover pass and recreational
33 opportunities on agency-managed lands.

34 (2) In exercising this authority, the agencies must prioritize
35 opportunities for discounted sales that result in a net revenue gain.

1 **Sec. 10.** RCW 79A.05.025 and 1999 c 249 s 202 are each amended to
2 read as follows:

3 The commission shall elect one of its members as chair. The
4 commission may be convened at such times as the chair deems necessary,
5 and a majority shall constitute a quorum for the transaction of
6 business. The votes of a majority of the commissioners present are
7 required to approve a measure or decision brought to a vote.

8 **Sec. 11.** RCW 79A.05.030 and 2005 c 373 s 1 and 2005 c 360 s 5 are
9 each reenacted and amended to read as follows:

10 The commission shall:

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

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

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

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

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

1 renegotiated at five-year intervals. No concession shall be granted
2 which will prevent the public from having free access to the scenic
3 attractions of any park or parkway.

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

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

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

28 (b) Moneys used for the purchase of the option agreement are from
29 (i) funds appropriated therefor, or (ii) funds appropriated for
30 undesignated land acquisitions, or (iii) funds deemed by the commission
31 to be in excess of the amount necessary for the purposes for which they
32 were appropriated; and

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

35 (8) Cooperate with the United States, or any county or city of this
36 state, in any matter pertaining to the acquisition, development,
37 redevelopment, renovation, care, control, or supervision of any park or
38 parkway, and enter into contracts in writing to that end. All parks or

1 parkways, to which the state contributed or in whose care, control, or
2 supervision the state participated pursuant to the provisions of this
3 section, shall be governed by the provisions hereof.

4 (9) Within allowable resources, maintain policies that increase the
5 number of people who have access to free or low-cost recreational
6 opportunities for physical activity, including noncompetitive physical
7 activity.

8 (10) Adopt rules establishing the requirements for a criminal
9 history record information search for the following: Job applicants,
10 volunteers, and independent contractors who have unsupervised access to
11 children or vulnerable adults, or who will be responsible for
12 collecting or disbursing cash or processing credit/debit card
13 transactions. These background checks will be done through the
14 Washington state patrol criminal identification section and may include
15 a national check from the federal bureau of investigation, which shall
16 be through the submission of fingerprints. A permanent employee of the
17 commission, employed as of July 24, 2005, is exempt from the provisions
18 of this subsection.

19 **Sec. 12.** RCW 79A.05.175 and 2007 c 145 s 1 are each amended to
20 read as follows:

21 Whenever the commission finds that any land under its control
22 cannot advantageously be used for park purposes, it is authorized to
23 dispose of such land by the method provided in this section or by the
24 method provided in RCW 79A.05.170. If such lands are school or other
25 grant lands, control thereof shall be relinquished by resolution of the
26 commission to the proper state officials. If such lands were acquired
27 under restrictive conveyances by which the state may hold them only so
28 long as they are used for park purposes, they may be returned to the
29 donor or grantors by the commission. All other such lands may be
30 either sold by the commission to the highest bidder or exchanged for
31 other lands of equal value by the commission, and all conveyance
32 documents shall be executed by the governor. All such exchanges shall
33 be accompanied by a transfer fee, to be set by the commission and paid
34 by the other party to the transfer; such fee shall be paid into the
35 parkland acquisition account established under RCW 79A.05.170. The
36 commission may accept sealed bids, electronic bids, or oral bids at
37 auction. Bids on all sales shall be solicited at least twenty days in

1 advance of the sale date by an advertisement appearing at least once a
2 week for two consecutive weeks in a newspaper of general circulation in
3 the county in which the land to be sold is located. If the commission
4 feels that no bid received adequately reflects the fair value of the
5 land to be sold, it may reject all bids, and may call for new bids.
6 All proceeds derived from the sale of such park property shall be paid
7 into the park land acquisition account. All land considered for
8 exchange shall be evaluated by the commission to determine its
9 adaptability to park usage. The equal value of all lands exchanged
10 shall first be determined by the appraisals to the satisfaction of the
11 commission. (~~No sale or exchange of state park lands shall be made
12 without the unanimous consent of the commission.~~)

13 **Sec. 13.** RCW 79A.05.178 and 2000 c 42 s 1 are each amended to read
14 as follows:

15 (1) Notwithstanding any other provision of this chapter, the
16 commission may directly dispose of up to ten contiguous acres of real
17 property, without public auction, to resolve trespass, property
18 ownership disputes, and boundary adjustments with adjacent private
19 property owners. Real property to be disposed of under this section
20 may be disposed of only after appraisal and for at least fair market
21 value, and only if the transaction is in the best interest of the
22 state. The commission shall cooperate with potential purchasers to
23 arrive at a mutually agreeable sales price. If necessary,
24 determination of fair market value may include the use of separate
25 independent appraisals by each party and the review of the appraisals,
26 as agreed upon by the parties. All conveyance documents shall be
27 executed by the governor. All proceeds from the disposal of the
28 property shall be paid into the park land acquisition account. (~~No
29 disposal of real property may be made without the unanimous consent of
30 the commission.~~)

31 (2) Prior to the disposal of any real property under subsection (1)
32 of this section, the commission shall hold a public hearing on the
33 proposal in the county where the real property, or the greatest portion
34 of the real property, is located. At least ten days, but not more than
35 twenty-five days, prior to the hearing, the commission shall publish a
36 paid public notice of reasonable size in display advertising form,
37 setting forth the date, time, and place of the hearing, at least once

1 in one or more daily newspapers of general circulation in the county
2 and at least once in one or more weekly newspapers circulated in the
3 area where the real property is located. A news release concerning the
4 public hearing must be disseminated among print and electronic media in
5 the area where the real property is located. The public notice and
6 news release shall also identify the real property involved in the
7 proposed disposal and describe the purpose of the proposed disposal.
8 A summary of the testimony presented at the public hearing shall be
9 prepared for the commission's consideration when reviewing the proposed
10 disposal of real property.

11 (3) If there is a failure to substantially comply with the
12 procedures set out under this section, then the agreement to dispose of
13 the real property is subject to being declared invalid by a court of
14 competent jurisdiction. Such a suit must be brought within one year of
15 the date of the real property disposal agreement.

16 NEW SECTION. **Sec. 14.** The sum of thirteen million five hundred
17 thousand dollars, or as much thereof as may be necessary, is
18 appropriated for the fiscal year ending June 30, 2014, from the general
19 fund to the state parks and recreation commission for the maintenance
20 and operation of the state parks system.

21 NEW SECTION. **Sec. 15.** The sum of thirteen million five hundred
22 thousand dollars, or as much thereof as may be necessary, is
23 appropriated for the fiscal year ending June 30, 2015, from the general
24 fund to the state parks and recreation commission for the maintenance
25 and operation of the state parks system.

26 NEW SECTION. **Sec. 16.** RCW 79A.70.050 (Foundation moneys not to
27 supplant preexisting funding) and 2000 c 25 s 6 are each repealed.

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