

---

**SUBSTITUTE SENATE BILL 5897**

---

**State of Washington                      63rd Legislature                      2013 Regular Session**

**By Senate Ways & Means (originally sponsored by Senator Pearson)**

READ FIRST TIME 04/15/13.

1            AN ACT Relating to state parks; amending RCW 79A.05.335,  
2 79A.05.340, 79A.05.345, 79A.70.005, 79A.70.010, 79A.70.020, 79A.70.030,  
3 79A.70.040, 79A.80.020, 79A.80.030, 79A.80.080, 79A.05.025, 79A.05.175,  
4 79A.05.178, 82.19.040, 70.93.180, and 79A.05.215; reenacting and  
5 amending RCW 79A.05.030; adding a new section to chapter 79A.80 RCW;  
6 adding new sections to chapter 79A.05 RCW; creating a new section;  
7 repealing RCW 79A.70.050; providing an effective date; providing  
8 expiration dates; and declaring an emergency.

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, enjoyment, and stewardship of ~~((the~~  
19 ~~environment and its multiple uses))~~ their natural, cultural, ethnic,  
20 and artistic heritage; and

21 (5) Explain the need for natural, cultural, and historical resource  
22 protection and preservation as well as the methods by which these goals  
23 can be achieved.

24 **Sec. 3.** RCW 79A.05.345 and 1991 c 107 s 3 are each amended to read  
25 as follows:

26 The ~~((state parks and recreation))~~ commission may consult and enter  
27 into agreements with and solicit assistance from ~~((private sector~~  
28 ~~organizations and other governmental agencies that are interested in~~  
29 ~~conserving and interpreting Washington's environment. The commission~~  
30 ~~shall not permit commercial advertising in state park lands or~~  
31 ~~interpretive centers as a condition of such agreements. Logos or~~  
32 ~~credit lines for sponsoring organizations may be permitted. The~~  
33 ~~commission shall maintain an accounting of all monetary gifts provided,~~  
34 ~~and expenditures of monetary gifts shall not be used to increase~~  
35 ~~personnel))~~ the state parks foundation, private sector individuals,

1 organizations, businesses, employee business units, other public  
2 agencies, and tribes that are interested in stewarding and interpreting  
3 state parks natural, cultural, scenic, and recreational resources.

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

6 The legislature finds that:

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

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

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

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

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

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

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

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

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

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

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

5       (1) "Foundation" means the Washington state parks (~~gift~~)  
6 foundation(~~( $\tau$ )~~) created in RCW 79A.70.030.

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

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

13       (4) "Eligible projects" means any project, action, program, or part  
14 of any project (~~( $\text{or}$ )~~), action, or program that serves to preserve,  
15 restore, improve, (~~( $\text{or}$ )~~) enhance (~~(the)~~), or otherwise contribute to  
16 the operation of state parks.

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

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

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

32       ~~(3) Members of the board shall serve three year terms, except for~~  
33 ~~the initial terms, which shall be staggered by the governor to achieve~~  
34 ~~a balanced mix of terms on the board. Members of the board may serve~~  
35 ~~up to a maximum of three terms. At the end of a term, a member may~~  
36 ~~continue to serve until a successor has been elected)), whose terms,~~

1 method of appointment, and authority must be in accordance with the  
2 Washington nonprofit corporation act, chapter 24.03 RCW.

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

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

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

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

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

27 **Sec. 9.** RCW 79A.80.020 and 2012 c 261 s 2 are each amended to read  
28 as follows:

29 (1) Except as otherwise provided in ~~((RCW 79A.80.050, 79A.80.060,~~  
30 ~~and 79A.80.070))~~ this chapter, a discover pass is required for any  
31 motor vehicle to:

32 (a) Park ~~((or operate on))~~ at any recreation site or lands~~((~~  
33 ~~except for short term parking as may be authorized under RCW~~  
34 ~~79A.80.070))~~; or

35 (b) Operate on any recreation site or lands.

1 (2) Except as provided in section 12 of this act, the cost of a  
2 discover pass is thirty dollars. Every four years the office of  
3 financial management must review the cost of the discover pass and, if  
4 necessary, recommend to the legislature an adjustment to the cost of  
5 the discover pass to account for inflation.

6 (3) A discover pass is valid for one year beginning from the date  
7 that the discover pass is marked for activation. The activation date  
8 may differ from the purchase date pursuant to any policies developed by  
9 the agencies.

10 (4) Sales of discover passes must be consistent with RCW  
11 79A.80.100.

12 (5) The discover pass must contain space for two motor vehicle  
13 license plate numbers. A discover pass is valid only for those vehicle  
14 license plate numbers written on the pass. However, the agencies may  
15 offer for sale a family discover pass that is fully transferable among  
16 vehicles and does not require the placement of a license plate number  
17 on the pass to be valid. The agencies must collectively set a price  
18 for the sale of a family discover pass that is no more than fifty  
19 dollars. A discover pass is valid only for use with one motor vehicle  
20 at any one time.

21 (6) One complimentary discover pass must be provided to a volunteer  
22 who performed twenty-four hours of service on agency-sanctioned  
23 volunteer projects in a year. The agency must provide vouchers to  
24 volunteers identifying the number of volunteer hours they have provided  
25 for each project. The vouchers may be brought to an agency to be  
26 redeemed for a discover pass.

27 **Sec. 10.** RCW 79A.80.030 and 2012 c 261 s 3 are each amended to  
28 read as follows:

29 (1) A person may purchase a day-use permit to meet the requirements  
30 of RCW 79A.80.080. Except as provided in section 12 of this act, a  
31 day-use permit is ten dollars per day and must be available for  
32 purchase from each agency. A day-use permit is valid for one calendar  
33 day.

34 (2) The agencies may provide short-term parking under RCW  
35 79A.80.070 where a day-use permit is not required.

36 (3) Every four years the office of financial management must review

1 the cost of the day-use permit and, if necessary, recommend to the  
2 legislature an adjustment to the cost of the day-use permit to account  
3 for inflation.

4 (4) Sales of day-use permits must be consistent with RCW  
5 79A.80.100.

6 **Sec. 11.** RCW 79A.80.080 and 2012 c 261 s 7 are each amended to  
7 read as follows:

8 (1) A discover pass, vehicle access pass, or day-use permit must be  
9 visibly displayed in the front windshield, or otherwise in a prominent  
10 location for motor vehicles without a windshield, of any motor vehicle  
11 (~~or otherwise in a prominent location for vehicles without a~~  
12 ~~windshield~~):

13 (a) Operating on ~~((a))~~ any recreation site or lands; or

14 (b) Parking at ~~((a))~~ any recreation site or lands.

15 (2) The discover pass, the vehicle access pass, or the day-use  
16 permit is not required:

17 (a) On private lands, state-owned aquatic lands other than water  
18 access areas, or at agency offices, hatcheries, or other facilities  
19 where public business is conducted~~((-~~

20 ~~(3) The discover pass, the vehicle access pass, or the day use~~  
21 ~~permit is not required for:~~

22 ~~(a))~~;

23 (b) For persons who use, possess, or enter lands owned or managed  
24 by the agencies for nonrecreational purposes consistent with a written  
25 authorization from the agency, including but not limited to leases,  
26 contracts, and easements; ~~((or~~

27 ~~(b))~~ (c) On department of fish and wildlife lands only, for  
28 persons possessing a current vehicle access pass pursuant to RCW  
29 79A.80.040; or

30 (d) When operating on a road managed by the department of natural  
31 resources or the department of fish and wildlife, including a forest or  
32 land management road, that is not blocked by a gate.

33 ~~((4))~~ (3)(a) An agency may waive the requirements of this section  
34 for any person who has secured the ability to access specific  
35 recreational land through the provision of monetary consideration to  
36 the agency or for any person attending an event or function that  
37 required the provision of monetary compensation to the agency.

1 (b) Special events and group activities are core recreational  
2 activities and major public service opportunities within state parks.  
3 When waiving the requirements of this section for special events, the  
4 state parks and recreation commission must consider the direct and  
5 indirect costs and benefits to the state, local market rental rates,  
6 the public service functions of the event sponsor, and other public  
7 interest factors when setting appropriate fees for each event or  
8 activity.

9 ~~((+5))~~ (4) Failure to comply with subsection (1) of this section  
10 is a natural resource infraction under chapter 7.84 RCW. An agency is  
11 authorized to issue a notice of infraction to any person who fails to  
12 comply with subsection (1)(a) of this section or to any motor vehicle  
13 that fails to comply with subsection (1)(b) of this section.

14 ~~((+6))~~ (5) The penalty for failure to comply with the requirements  
15 of this section is ninety-nine dollars. This penalty must be reduced  
16 to fifty-nine dollars if an individual provides proof of purchase of a  
17 discover pass to the court within fifteen days after the issuance of  
18 the notice of violation.

19 NEW SECTION. **Sec. 12.** A new section is added to chapter 79A.80  
20 RCW to read as follows:

21 (1) By mutual agreement, the agencies may sell discounted discover  
22 passes at a rate below that established under RCW 79A.80.020 or  
23 discounted day-use permits at a rate below that established under RCW  
24 79A.80.030 for purposes of bulk sales to retailers, agency license and  
25 permit product bundling, and partnership opportunities to expand  
26 accessibility and visibility of the discover pass and recreational  
27 opportunities on agency-managed lands.

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

30 **Sec. 13.** RCW 79A.05.025 and 1999 c 249 s 202 are each amended to  
31 read as follows:

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



1       **Sec. 14.** RCW 79A.05.030 and 2005 c 373 s 1 and 2005 c 360 s 5 are  
2 each reenacted and amended to read as follows:

3       The commission shall:

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

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

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

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

19       (5) Grant concessions or leases in state parks and parkways, upon  
20 such rentals, fees, or percentage of income or profits and for such  
21 terms, in no event longer than fifty years, and upon such conditions as  
22 shall be approved by the commission: PROVIDED, That (~~leases exceeding~~  
23 ~~a twenty-year term shall require a unanimous vote of the commission:~~  
24 ~~PROVIDED FURTHER, That~~) if, during the term of any concession or  
25 lease, it is the opinion of the commission that it would be in the best  
26 interest of the state, the commission may, with the consent of the  
27 concessionaire or lessee, alter and amend the terms and conditions of  
28 such concession or lease: PROVIDED FURTHER, That television station  
29 leases shall be subject to the provisions of RCW 79A.05.085, only:  
30 PROVIDED FURTHER, That the rates of such concessions or leases, other  
31 than concessions or leases to a public agency as defined in RCW  
32 39.34.020, shall be renegotiated at five-year intervals. No concession  
33 shall be granted which will prevent the public from having free access  
34 to the scenic attractions of any park or parkway.

35       (6) Employ such assistance as it deems necessary. Commission  
36 expenses relating to its use of volunteer assistance shall be limited  
37 to premiums or assessments for the insurance of volunteers by the  
38 department of labor and industries, compensation of staff who assist

1 volunteers, materials and equipment used in authorized volunteer  
2 projects, training, reimbursement of volunteer travel as provided in  
3 RCW 43.03.050 and 43.03.060, and other reasonable expenses relating to  
4 volunteer recognition. The commission, at its discretion, may waive  
5 commission fees otherwise applicable to volunteers. The commission  
6 shall not use volunteers to replace or supplant classified positions.  
7 The use of volunteers may not lead to the elimination of any employees  
8 or permanent positions in the bargaining unit.

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

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

21 (b) Moneys used for the purchase of the option agreement are from  
22 (i) funds appropriated therefor, or (ii) funds appropriated for  
23 undesignated land acquisitions, or (iii) funds deemed by the commission  
24 to be in excess of the amount necessary for the purposes for which they  
25 were appropriated; and

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

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

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

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

12 **Sec. 15.** RCW 79A.05.175 and 2007 c 145 s 1 are each amended to  
13 read as follows:

14 Whenever the commission finds that any land under its control  
15 cannot advantageously be used for park purposes, it is authorized to  
16 dispose of such land by the method provided in this section or by the  
17 method provided in RCW 79A.05.170. If such lands are school or other  
18 grant lands, control thereof shall be relinquished by resolution of the  
19 commission to the proper state officials. If such lands were acquired  
20 under restrictive conveyances by which the state may hold them only so  
21 long as they are used for park purposes, they may be returned to the  
22 donor or grantors by the commission. All other such lands may be  
23 either sold by the commission to the highest bidder or exchanged for  
24 other lands of equal value by the commission, and all conveyance  
25 documents shall be executed by the governor. All such exchanges shall  
26 be accompanied by a transfer fee, to be set by the commission and paid  
27 by the other party to the transfer; such fee shall be paid into the  
28 parkland acquisition account established under RCW 79A.05.170. The  
29 commission may accept sealed bids, electronic bids, or oral bids at  
30 auction. Bids on all sales shall be solicited at least twenty days in  
31 advance of the sale date by an advertisement appearing at least once a  
32 week for two consecutive weeks in a newspaper of general circulation in  
33 the county in which the land to be sold is located. If the commission  
34 feels that no bid received adequately reflects the fair value of the  
35 land to be sold, it may reject all bids, and may call for new bids.  
36 All proceeds derived from the sale of such park property shall be paid  
37 into the park land acquisition account. All land considered for

1 exchange shall be evaluated by the commission to determine its  
2 adaptability to park usage. The equal value of all lands exchanged  
3 shall first be determined by the appraisals to the satisfaction of the  
4 commission. (~~No sale or exchange of state park lands shall be made~~  
5 ~~without the unanimous consent of the commission.~~)

6 **Sec. 16.** RCW 79A.05.178 and 2000 c 42 s 1 are each amended to read  
7 as follows:

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

24 (2) Prior to the disposal of any real property under subsection (1)  
25 of this section, the commission shall hold a public hearing on the  
26 proposal in the county where the real property, or the greatest portion  
27 of the real property, is located. At least ten days, but not more than  
28 twenty-five days, prior to the hearing, the commission shall publish a  
29 paid public notice of reasonable size in display advertising form,  
30 setting forth the date, time, and place of the hearing, at least once  
31 in one or more daily newspapers of general circulation in the county  
32 and at least once in one or more weekly newspapers circulated in the  
33 area where the real property is located. A news release concerning the  
34 public hearing must be disseminated among print and electronic media in  
35 the area where the real property is located. The public notice and  
36 news release shall also identify the real property involved in the  
37 proposed disposal and describe the purpose of the proposed disposal.

1 A summary of the testimony presented at the public hearing shall be  
2 prepared for the commission's consideration when reviewing the proposed  
3 disposal of real property.

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

9 NEW SECTION. **Sec. 17.** A new section is added to chapter 79A.05  
10 RCW to read as follows:

11 (1) When entering into any agreement under RCW 79A.05.345 or  
12 otherwise involving the management of state park lands or facilities by  
13 a public or private partner, the commission shall consider, when  
14 appropriate:

15 (a) If the entity has an adequate source of available funding to  
16 assume the financial responsibilities of the agreement;

17 (b) If the entity has sufficient expertise to assume the scope of  
18 responsibilities of the agreement;

19 (c) If the agreement results in net financial benefits to the  
20 state; and

21 (d) If the agreement results in advancement of the commission's  
22 public purpose.

23 (2) Any agreement subject to this section must include specific  
24 performance measures. These measures must cover, but are not limited  
25 to, the entity's ability to manage financial operating costs, to  
26 adequately perform management responsibilities, and to address and  
27 respond to public concerns. The agreement must provide that failure to  
28 meet any performance measure may lead to the termination of the  
29 contract or requirements for remedial action to be taken before the  
30 agreement may be extended.

31 NEW SECTION. **Sec. 18.** A new section is added to chapter 79A.05  
32 RCW to read as follows:

33 (1) The commission shall continue its ongoing efforts to evaluate  
34 the agency's mission and options to improve the efficiency and  
35 effectiveness of the agency, which may include the evaluation of

1 options relating to organizational structure, administrative processes,  
2 land and facility ownership and management, and provision of services.

3 (2) The evaluation must include development of specific performance  
4 measures relating to the efficiency and effectiveness of the agency,  
5 which may include measures relating to data collection necessary for  
6 future analysis consistent with the purposes of this section.

7 (3) By September 1st of each even-numbered year, the commission  
8 shall, consistent with RCW 43.01.036, provide the office of financial  
9 management and appropriate committees of the senate and house of  
10 representatives with an analysis of the commission's progress in  
11 achieving the performance measures during the current biennium and  
12 performance measures for the next biennium that are informed by, and  
13 build on, the commission's previous efforts under this section.

14 NEW SECTION. **Sec. 19.** (1) In developing the initial performance  
15 measures required by section 18 of this act that are due by September  
16 1, 2014, the state parks and recreation commission shall produce and  
17 consider the following:

18 (a) An inventory of land and facilities owned and managed by state  
19 parks and a process to upgrade the inventory to one capable of  
20 describing primary land and facility uses;

21 (b) An evaluation of the lands and facilities identified under (a)  
22 of this subsection for lands and facilities surplus to state park needs  
23 and actions taken or planned to dispose of or more advantageously  
24 position these assets;

25 (c) Current annual visitation categorized by state park and a  
26 process to upgrade the system for collecting parks visitation data to  
27 better understand existing and potential markets for park services;

28 (d) A process to systematically assess and prioritize the state  
29 park and recreation commission's capital needs, including a financial  
30 analysis;

31 (e) An inventory of and progress developing ongoing partnerships  
32 with entities including the state parks foundation, state park friends  
33 groups, and other appropriate public and nonprofit entities;

34 (f) An inventory of existing enterprise activities and agreements  
35 at state parks, including those relating to product sales, concessions,  
36 sponsorships, and advertising, and a process for identifying and

1 evaluating additional potential enterprise opportunities for generating  
2 revenue or cost savings;

3 (g) A summary of actions taken and planned for application of lean  
4 management philosophies and tools throughout the agency; and

5 (h) A summary of actions taken and planned towards continued  
6 development of a sustained, strategic approach to marketing state  
7 parks.

8 (2) The information to be produced and considered under subsection  
9 (1) of this section must be provided to the office of financial  
10 management and appropriate committees of the senate and house of  
11 representatives, concurrently with the performance measures required  
12 under section 18 of this act, by September 1, 2014.

13 (3) This section expires June 30, 2015.

14 **Sec. 20.** RCW 82.19.040 and 2001 c 118 s 6 are each amended to read  
15 as follows:

16 (1) To the extent applicable, all of the definitions of chapter  
17 82.04 RCW and all of the provisions of chapter 82.32 RCW apply to the  
18 tax imposed in this chapter.

19 (2) Taxes collected under this chapter shall be (~~deposited in~~)  
20 distributed as follows: (a) Five million dollars per fiscal year must  
21 be deposited in equal monthly amounts to the state parks renewal and  
22 stewardship account under RCW 79A.05.215; and (b) the remainder to the  
23 waste reduction, recycling, and litter control account under RCW  
24 70.93.180.

25 **Sec. 21.** RCW 70.93.180 and 2011 1st sp.s. c 50 s 963 are each  
26 amended to read as follows:

27 (1) There is hereby created an account within the state treasury to  
28 be known as the "waste reduction, recycling, and litter control  
29 account". Moneys in the account may be spent only after appropriation.  
30 Expenditures from the waste reduction, recycling, and litter control  
31 account shall be used as follows:

32 (a) Fifty percent to the department of ecology, for use by the  
33 departments of ecology, natural resources, revenue, transportation, and  
34 corrections, and the parks and recreation commission, for use in litter  
35 collection programs, to be distributed under RCW 70.93.220. The amount  
36 to the department of ecology shall also be used for a central

1 coordination function for litter control efforts statewide, for the  
2 biennial litter survey under RCW 70.93.200(8), and for statewide public  
3 awareness programs under RCW 70.93.200(7). The amount to the  
4 department shall also be used to defray the costs of administering the  
5 funding, coordination, and oversight of local government programs for  
6 waste reduction, litter control, and recycling, so that local  
7 governments can apply one hundred percent of their funding to achieving  
8 program goals. The amount to the department of revenue shall be used  
9 to enforce compliance with the litter tax imposed in chapter 82.19 RCW;

10 (b) Twenty percent to the department for local government funding  
11 programs for waste reduction, litter control, and recycling activities  
12 by cities and counties under RCW 70.93.250, to be administered by the  
13 department of ecology; and

14 (c) Thirty percent to the department of ecology for waste reduction  
15 and recycling efforts.

16 (2) All (~~taxes imposed in RCW 82.19.010~~) moneys directed to the  
17 waste reduction, recycling, and litter control account under RCW  
18 82.19.040 and fines and bail forfeitures collected or received pursuant  
19 to this chapter shall be deposited in the (~~waste reduction, recycling,~~  
20 ~~and litter control~~) account and used for the programs under subsection  
21 (1) of this section.

22 (3) Not less than five percent and no more than ten percent of the  
23 amount appropriated into the waste reduction, recycling, and litter  
24 control account every biennium shall be reserved for capital needs,  
25 including the purchase of vehicles for transporting crews and for  
26 collecting litter and solid waste. Capital funds shall be distributed  
27 among state agencies and local governments according to the same  
28 criteria provided in RCW 70.93.220 for the remainder of the funds, so  
29 that the most effective waste reduction, litter control, and recycling  
30 programs receive the most funding. The intent of this subsection is to  
31 provide funds for the purchase of equipment that will enable the  
32 department to account for the greatest return on investment in terms of  
33 reaching a zero litter goal.

34 (~~(4) During the 2009-2011 fiscal biennium, the legislature may~~  
35 ~~transfer from the waste reduction, recycling, and litter control~~  
36 ~~account to the state general fund such amounts as reflect the excess~~  
37 ~~fund balance of the account. Additionally, during the 2009-2011 fiscal~~  
38 ~~biennium, subsection (1)(a), (b), and (c) of this section is suspended.~~



