
SENATE BILL 5257

State of Washington

60th Legislature

2007 Regular Session

By Senators Jacobsen, Swecker, Parlette, Rockefeller and Fraser; by request of Interagency Committee for Outdoor Recreation

Read first time 01/15/2007. Referred to Committee on Natural Resources, Ocean & Recreation.

1 AN ACT Relating to changing the name of the interagency committee
2 for outdoor recreation; making technical, nonsubstantive changes in
3 order to facilitate the name change; amending RCW 42.17.2401,
4 43.03.028, 43.21J.030, 43.41.270, 43.60A.150, 43.83C.040, 43.99A.070,
5 43.99B.016, 43.99B.032, 43.99N.060, 43.99N.120, 46.09.020, 46.09.110,
6 46.09.165, 46.09.170, 46.09.240, 46.09.250, 46.09.280, 77.85.110,
7 77.85.120, 77.85.140, 79.10.140, 79.70.070, 79A.05.785, 79A.15.010,
8 79A.15.020, 79A.15.030, 79A.15.040, 79A.15.050, 79A.15.060, 79A.15.065,
9 79A.15.070, 79A.15.080, 79A.15.100, 79A.15.110, 79A.15.120, 79A.15.130,
10 79A.25.005, 79A.25.010, 79A.25.020, 79A.25.030, 79A.25.060, 79A.25.080,
11 79A.25.090, 79A.25.100, 79A.25.110, 79A.25.120, 79A.25.130, 79A.25.140,
12 79A.25.150, 79A.25.190, 79A.25.200, 79A.25.210, 79A.25.220, 79A.25.230,
13 79A.25.240, 79A.25.250, 79A.25.820, 79A.25.830, 79A.25.310, 79A.25.370,
14 79A.35.010, 79A.35.030, 79A.35.050, 79A.35.060, 79A.35.070, 79A.35.090,
15 79A.35.100, 79A.35.110, 79A.35.120, 79A.60.590, 84.34.055, and
16 90.71.020; creating a new section; providing an effective date;
17 providing an expiration date; and declaring an emergency.

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

1 NEW SECTION. **Sec. 1.** The legislature intends to change the name
2 of the interagency committee for outdoor recreation to the recreation
3 and conservation funding board. Similarly, the office of the
4 interagency committee is renamed the recreation and conservation
5 office.

6 The legislature does not intend this act to make any substantive
7 policy changes other than to change or clarify the names of the
8 relevant entities.

9 The name changes in this act have no impact on the powers, duties,
10 or responsibilities previously delegated to the interagency committee
11 for outdoor recreation or the office of the interagency committee by
12 statute, budget proviso, or executive order.

13 The name changes in this act have no impact on the validity of the
14 documents, contracts, agreements, policies, and written decisions made,
15 entered into, recorded, issued, or established before this name change
16 by the interagency committee for outdoor recreation, its office, or
17 director. Documents, contracts, agreements, policies, publications,
18 and written decisions are not required to be changed to conform to the
19 name changes, and the continued use of former names on documents made,
20 recorded, issued, or established prior to the changes in this act does
21 not affect the document's validity after the change.

22 **Sec. 2.** RCW 42.17.2401 and 2006 c 265 s 113 are each amended to
23 read as follows:

24 For the purposes of RCW 42.17.240, the term "executive state
25 officer" includes:

26 (1) The chief administrative law judge, the director of
27 agriculture, the administrator of the Washington basic health plan, the
28 director of the department of services for the blind, the director of
29 the state system of community and technical colleges, the director of
30 community, trade, and economic development, the secretary of
31 corrections, the director of early learning, the director of ecology,
32 the commissioner of employment security, the chair of the energy
33 facility site evaluation council, the secretary of the state finance
34 committee, the director of financial management, the director of fish
35 and wildlife, the executive secretary of the forest practices appeals
36 board, the director of the gambling commission, the director of general
37 administration, the secretary of health, the administrator of the

1 Washington state health care authority, the executive secretary of the
2 health care facilities authority, the executive secretary of the higher
3 education facilities authority, the executive secretary of the horse
4 racing commission, the executive secretary of the human rights
5 commission, the executive secretary of the indeterminate sentence
6 review board, the director of the department of information services,
7 (~~the director of the interagency committee for outdoor recreation,~~)
8 the executive director of the state investment board, the director of
9 labor and industries, the director of licensing, the director of the
10 lottery commission, the director of the office of minority and women's
11 business enterprises, the director of parks and recreation, the
12 director of personnel, the executive director of the public disclosure
13 commission, the director of the recreation and conservation office, the
14 director of retirement systems, the director of revenue, the secretary
15 of social and health services, the chief of the Washington state
16 patrol, the executive secretary of the board of tax appeals, the
17 secretary of transportation, the secretary of the utilities and
18 transportation commission, the director of veterans affairs, the
19 president of each of the regional and state universities and the
20 president of The Evergreen State College, each district and each campus
21 president of each state community college;

22 (2) Each professional staff member of the office of the governor;

23 (3) Each professional staff member of the legislature; and

24 (4) Central Washington University board of trustees, board of
25 trustees of each community college, each member of the state board for
26 community and technical colleges, state convention and trade center
27 board of directors, committee for deferred compensation, Eastern
28 Washington University board of trustees, Washington economic
29 development finance authority, The Evergreen State College board of
30 trustees, executive ethics board, forest practices appeals board,
31 forest practices board, gambling commission, life sciences discovery
32 fund authority board of trustees, Washington health care facilities
33 authority, each member of the Washington health services commission,
34 higher education coordinating board, higher education facilities
35 authority, horse racing commission, state housing finance commission,
36 human rights commission, indeterminate sentence review board, board of
37 industrial insurance appeals, information services board, (~~interagency
38 committee for outdoor recreation~~) recreation and conservation funding

1 board, state investment board, commission on judicial conduct,
2 legislative ethics board, liquor control board, lottery commission,
3 marine oversight board, Pacific Northwest electric power and
4 conservation planning council, parks and recreation commission,
5 personnel appeals board, board of pilotage commissioners, pollution
6 control hearings board, public disclosure commission, public pension
7 commission, shorelines hearing board, public employees' benefits board,
8 salmon recovery funding board, board of tax appeals, transportation
9 commission, University of Washington board of regents, utilities and
10 transportation commission, Washington state maritime commission,
11 Washington personnel resources board, Washington public power supply
12 system executive board, Washington State University board of regents,
13 Western Washington University board of trustees, and fish and wildlife
14 commission.

15 **Sec. 3.** RCW 43.03.028 and 2001 c 302 s 2 are each amended to read
16 as follows:

17 (1) There is hereby created a state committee on agency officials'
18 salaries to consist of seven members, or their designees, as follows:
19 The president of the University of Puget Sound; the chairperson of the
20 council of presidents of the state's four-year institutions of higher
21 education; the chairperson of the Washington personnel resources board;
22 the president of the Association of Washington Business; the president
23 of the Pacific Northwest Personnel Managers' Association; the president
24 of the Washington State Bar Association; and the president of the
25 Washington State Labor Council. If any of the titles or positions
26 mentioned in this subsection are changed or abolished, any person
27 occupying an equivalent or like position shall be qualified for
28 appointment by the governor to membership upon the committee.

29 (2) The committee shall study the duties and salaries of the
30 directors of the several departments and the members of the several
31 boards and commissions of state government, who are subject to
32 appointment by the governor or whose salaries are fixed by the
33 governor, and of the chief executive officers of the following agencies
34 of state government:

35 The arts commission; the human rights commission; the board of
36 accountancy; the board of pharmacy; the eastern Washington historical
37 society; the Washington state historical society; the (~~interagency~~

1 ~~committee for outdoor recreation~~) recreation and conservation office;
2 the criminal justice training commission; the department of personnel;
3 the state library; the traffic safety commission; the horse racing
4 commission; the advisory council on vocational education; the public
5 disclosure commission; the state conservation commission; the
6 commission on Hispanic affairs; the commission on Asian Pacific
7 American affairs; the state board for volunteer fire fighters and
8 reserve officers; the transportation improvement board; the public
9 employment relations commission; the forest practices appeals board;
10 and the energy facilities site evaluation council.

11 The committee shall report to the governor or the chairperson of
12 the appropriate salary fixing authority at least once in each fiscal
13 biennium on such date as the governor may designate, but not later than
14 seventy-five days prior to the convening of each regular session of the
15 legislature during an odd-numbered year, its recommendations for the
16 salaries to be fixed for each position.

17 (3) Committee members shall be reimbursed by the department of
18 personnel for travel expenses under RCW 43.03.050 and 43.03.060.

19 **Sec. 4.** RCW 43.21J.030 and 1998 c 245 s 60 are each amended to
20 read as follows:

21 (1) There is created the environmental enhancement and job creation
22 task force within the office of the governor. The purpose of the task
23 force is to provide a coordinated and comprehensive approach to
24 implementation of chapter 516, Laws of 1993. The task force shall
25 consist of the commissioner of public lands, the director of the
26 department of fish and wildlife, the director of the department of
27 ecology, the director of the parks and recreation commission, the
28 timber team coordinator, the executive director of the work force
29 training and education coordinating board, and the executive director
30 of the Puget Sound water quality authority, or their designees. The
31 task force may seek the advice of the following agencies and
32 organizations: The department of community, trade, and economic
33 development, the conservation commission, the employment security
34 department, the ~~((interagency committee for outdoor recreation))~~
35 recreation and conservation office, appropriate federal agencies,
36 appropriate special districts, the Washington state association of
37 counties, the association of Washington cities, labor organizations,

1 business organizations, timber-dependent communities, environmental
2 organizations, and Indian tribes. The governor shall appoint the task
3 force chair. Members of the task force shall serve without additional
4 pay. Participation in the work of the committee by agency members
5 shall be considered in performance of their employment. The governor
6 shall designate staff and administrative support to the task force and
7 shall solicit the participation of agency personnel to assist the task
8 force.

9 (2) The task force shall have the following responsibilities:

10 (a) Soliciting and evaluating, in accordance with the criteria set
11 forth in RCW 43.21J.040, requests for funds from the environmental and
12 forest restoration account and making distributions from the account.
13 The task force shall award funds for projects and training programs it
14 approves and may allocate the funds to state agencies for disbursement
15 and contract administration;

16 (b) Coordinating a process to assist state agencies and local
17 governments to implement effective environmental and forest restoration
18 projects funded under this chapter;

19 (c) Considering unemployment profile data provided by the
20 employment security department.

21 (3) Beginning July 1, 1994, the task force shall have the following
22 responsibilities:

23 (a) To solicit and evaluate proposals from state and local
24 agencies, private nonprofit organizations, and tribes for environmental
25 and forest restoration projects;

26 (b) To rank the proposals based on criteria developed by the task
27 force in accordance with RCW 43.21J.040; and

28 (c) To determine funding allocations for projects to be funded from
29 the account created in RCW 43.21J.020 and for projects or programs as
30 designated in the omnibus operating and capital appropriations acts.

31 **Sec. 5.** RCW 43.41.270 and 2001 c 227 s 2 are each amended to read
32 as follows:

33 (1) The office of financial management shall assist natural
34 resource-related agencies in developing outcome-focused performance
35 measures for administering natural resource-related and environmentally
36 based grant and loan programs. These performance measures are to be

1 used in determining grant eligibility, for program management and
2 performance assessment.

3 (2) The office of financial management and the governor's salmon
4 recovery office shall assist natural resource-related agencies in
5 developing recommendations for a monitoring program to measure outcome-
6 focused performance measures required by this section. The
7 recommendations must be consistent with the framework and coordinated
8 monitoring strategy developed by the monitoring oversight committee
9 established in RCW 77.85.210.

10 (3) Natural resource agencies shall consult with grant or loan
11 recipients including local governments, tribes, nongovernmental
12 organizations, and other interested parties, and report to the office
13 of financial management on the implementation of this section. The
14 office of financial management shall report to the appropriate
15 legislative committees of the legislature on the agencies'
16 implementation of this section, including any necessary changes in
17 current law, and funding requirements by July 31, 2002. Natural
18 resource agencies shall assist the office of financial management in
19 preparing the report, including complying with time frames for
20 submitting information established by the office of financial
21 management.

22 (4) For purposes of this section, "natural resource-related
23 agencies" include the department of ecology, the department of natural
24 resources, the department of fish and wildlife, the state conservation
25 commission, the ~~((interagency committee for outdoor recreation))~~
26 recreation and conservation funding board, the salmon recovery funding
27 board, and the public works board within the department of community,
28 trade, and economic development.

29 (5) For purposes of this section, "natural resource-related
30 environmentally based grant and loan programs" includes the
31 conservation reserve enhancement program; dairy nutrient management
32 grants under chapter 90.64 RCW; state conservation commission water
33 quality grants under chapter 89.08 RCW; coordinated prevention grants,
34 public participation grants, and remedial action grants under RCW
35 70.105D.070; water pollution control facilities financing under chapter
36 70.146 RCW; aquatic lands enhancement grants under RCW ~~((79.24.580))~~
37 79.105.150; habitat grants under the Washington wildlife and recreation
38 program under RCW 79A.15.040; salmon recovery grants under chapter

1 77.85 RCW; and the public (~~work[s]~~) works trust fund program under
2 chapter 43.155 RCW. The term also includes programs administered by
3 the department of fish and wildlife related to protection or recovery
4 of fish stocks which are funded with moneys from the capital budget.

5 **Sec. 6.** RCW 43.60A.150 and 2005 c 257 s 2 are each amended to read
6 as follows:

7 The department shall create a list of veterans with posttraumatic
8 stress disorder and related conditions who are interested in working on
9 projects that restore Washington's natural habitat. The list shall be
10 referred to as the veterans conservation corps. The department shall
11 promote the opportunity to volunteer for the veterans conservation
12 corps through its local counselors and representative. Only veterans
13 who grant their approval may be included on the list. The department
14 shall consult with the salmon recovery board, the (~~interagency~~
15 ~~committee for outdoor recreation~~) recreation and conservation funding
16 board, the department of natural resources, the department of fish and
17 wildlife, and the state parks and recreation commission to determine
18 the most effective ways to market the veterans conservation corps to
19 agencies and local sponsors of habitat restoration projects.

20 The department shall submit a report to the appropriate committees
21 of the legislature by December 1, 2009, on the use of veterans
22 conservation corps members by state agencies and local sponsors of
23 habitat restoration projects.

24 **Sec. 7.** RCW 43.83C.040 and 1972 ex.s. c 129 s 4 are each amended
25 to read as follows:

26 The proceeds from the sale of the bonds deposited in the state and
27 local improvements revolving account of the general fund under the
28 terms of this chapter shall be divided into three shares as follows:

29 (1) Thirty-five percent of such proceeds shall be administered,
30 subject to legislative appropriation, by the (~~interagency committee~~
31 ~~for outdoor recreation~~) recreation and conservation funding board
32 through the outdoor recreation account and allocated to the state of
33 Washington, or any agency or department thereof, for the acquisition,
34 preservation, and development of recreation areas and facilities by the
35 state. The (~~committee~~) recreation and conservation funding board may

1 use or permit the use of any portion of such share as matching funds in
2 any case where federal, local, or other funds are made available on a
3 matching basis for improvements within the purposes of this chapter.

4 (2) Thirty-five percent of such proceeds shall be administered,
5 subject to legislative appropriation, by the (~~interagency committee~~
6 ~~for outdoor recreation~~) recreation and conservation funding board
7 through the outdoor recreation account and allocated to public bodies
8 for the acquisition, preservation, development, and improvement of
9 recreational areas and facilities within the jurisdiction of such
10 bodies. The (~~committee~~) recreation and conservation funding board
11 may use or permit the use of any portion of such share for loans or
12 grants to public bodies including use as matching funds in any case
13 where federal, local, or other funds are made available on a matching
14 basis for improvements within the purposes of this chapter.

15 (3) Thirty percent of such proceeds shall be allocated to the state
16 parks and recreation commission, subject to legislative appropriation,
17 for improvement of existing state parks and the acquisition and
18 preservation of historic sites and buildings. The commission may use
19 or permit the use of any portion of such share as matching funds in any
20 case where federal, local, or other funds are made available on a
21 matching basis for improvements within the purposes of this chapter.

22 In the event that the bonds authorized by this chapter are sold in
23 more than one series the above division into shares shall apply to the
24 total proceeds of the bonds authorized by this chapter and not to the
25 proceeds of each separate series.

26 **Sec. 8.** RCW 43.99A.070 and 1967 ex.s. c 126 s 7 are each amended
27 to read as follows:

28 The proceeds from the sale of bonds deposited in the outdoor
29 recreation account of the general fund under the terms of RCW
30 43.99A.050 shall be administered by the (~~interagency committee for~~
31 ~~outdoor recreation~~) recreation and conservation funding board. All
32 such proceeds shall be divided into two equal shares. One share shall
33 be allocated for the acquisition and development of outdoor recreation
34 areas and facilities on behalf of the state as the legislature may
35 direct by appropriation. The other share shall be allocated to public
36 bodies as defined in RCW (~~43.99.020~~) 79A.25.010 for the acquisition
37 and development of outdoor recreational areas and facilities within the

1 jurisdiction of such public bodies. The (~~interagency committee for~~
2 ~~outdoor recreation~~) recreation and conservation funding board is
3 authorized to use or permit the use of any funds derived from the sale
4 of bonds authorized under this chapter as matching funds in any case
5 where federal or other funds are made available on a matching basis for
6 projects within the purposes of this chapter.

7 **Sec. 9.** RCW 43.99B.016 and 1979 ex.s. c 229 s 4 are each amended
8 to read as follows:

9 The proceeds from the sale of the bonds deposited in the outdoor
10 recreation account of the general fund shall be administered by the
11 (~~interagency committee for outdoor recreation~~) recreation and
12 conservation funding board, subject to legislative appropriation, and
13 allocated to any agency or department of the state of Washington and,
14 as grants, to public bodies for the acquisition and development of
15 outdoor recreational areas and facilities within the jurisdiction of
16 the agencies, departments, or public bodies. The (~~interagency~~
17 ~~committee for outdoor recreation~~) recreation and conservation funding
18 board may use or permit the use of any funds derived from the sale of
19 the bonds authorized under RCW 43.99B.010 through 43.99B.026 as
20 matching funds in any case where federal, local, or other funds are
21 made available on a matching basis for projects within the purposes of
22 RCW 43.99B.010 through 43.99B.026.

23 **Sec. 10.** RCW 43.99B.032 and 1981 c 236 s 3 are each amended to
24 read as follows:

25 The proceeds from the sale of the bonds deposited in the outdoor
26 recreation account of the general fund shall be allocated to the
27 (~~interagency committee for outdoor recreation~~) recreation and
28 conservation funding board as grants to public bodies for the
29 acquisition and development of outdoor recreational areas and
30 facilities within the jurisdiction of the agencies, departments, or
31 public bodies or to any agency or department of the state of
32 Washington, subject to legislative appropriation. The (~~interagency~~
33 ~~committee for outdoor recreation~~) recreation and conservation funding
34 board may use or permit the use of any funds derived from the sale of
35 the bonds authorized under RCW 43.99B.028 through 43.99B.040 as

1 matching funds in any case where federal, local, or other funds are
2 made available on a matching basis for projects within the purposes of
3 RCW 43.99B.028 through 43.99B.040.

4 **Sec. 11.** RCW 43.99N.060 and 2006 c 371 s 227 are each amended to
5 read as follows:

6 (1) The stadium and exhibition center account is created in the
7 custody of the state treasurer. All receipts from the taxes imposed
8 under RCW 82.14.0494 and distributions under RCW 67.70.240(5) shall be
9 deposited into the account. Only the director of the office of
10 financial management or the director's designee may authorize
11 expenditures from the account. The account is subject to allotment
12 procedures under chapter 43.88 RCW. An appropriation is not required
13 for expenditures from this account.

14 (2) Until bonds are issued under RCW 43.99N.020, up to five million
15 dollars per year beginning January 1, 1999, shall be used for the
16 purposes of subsection (3)(b) of this section, all remaining moneys in
17 the account shall be transferred to the public stadium authority,
18 created under RCW 36.102.020, to be used for public stadium authority
19 operations and development of the stadium and exhibition center.

20 (3) After bonds are issued under RCW 43.99N.020, all moneys in the
21 stadium and exhibition center account shall be used exclusively for the
22 following purposes in the following priority:

23 (a) On or before June 30th of each year, the office of financial
24 management shall accumulate in the stadium and exhibition center
25 account an amount at least equal to the amount required in the next
26 succeeding twelve months for the payment of principal of and interest
27 on the bonds issued under RCW 43.99N.020;

28 (b) An additional reserve amount not in excess of the expected
29 average annual principal and interest requirements of bonds issued
30 under RCW 43.99N.020 shall be accumulated and maintained in the
31 account, subject to withdrawal by the state treasurer at any time if
32 necessary to meet the requirements of (a) of this subsection, and,
33 following any withdrawal, reaccumulated from the first tax revenues and
34 other amounts deposited in the account after meeting the requirements
35 of (a) of this subsection; and

36 (c) The balance, if any, shall be transferred to the youth athletic
37 facility account under subsection (4) of this section.

1 Any revenues derived from the taxes authorized by RCW 36.38.010(5)
2 and 36.38.040 or other amounts that if used as provided under (a) and
3 (b) of this subsection would cause the loss of any tax exemption under
4 federal law for interest on bonds issued under RCW 43.99N.020 shall be
5 deposited in and used exclusively for the purposes of the youth
6 athletic facility account and shall not be used, directly or
7 indirectly, as a source of payment of principal of or interest on bonds
8 issued under RCW 43.99N.020, or to replace or reimburse other funds
9 used for that purpose.

10 (4) Any moneys in the stadium and exhibition center account not
11 required or permitted to be used for the purposes described in
12 subsection (3)(a) and (b) of this section shall be deposited in the
13 youth athletic facility account hereby created in the state treasury.
14 Expenditures from the account may be used only for purposes of grants
15 or loans to cities, counties, and qualified nonprofit organizations for
16 community outdoor athletic facilities. For the 2005-2007 biennium,
17 moneys in the account may also be used for a recreation level of
18 service study for local and regional active recreation facilities.
19 Only the director of the (~~interagency committee for outdoor~~
20 ~~recreation~~) recreation and conservation office or the director's
21 designee may authorize expenditures from the account. The account is
22 subject to allotment procedures under chapter 43.88 RCW, but an
23 appropriation is not required for expenditures. The athletic facility
24 grants or loans may be used for acquiring, developing, equipping,
25 maintaining, and improving community outdoor athletic facilities.
26 Funds shall be divided equally between the development of new community
27 outdoor athletic facilities, the improvement of existing community
28 outdoor athletic facilities, and the maintenance of existing community
29 outdoor athletic facilities. Cities, counties, and qualified nonprofit
30 organizations must submit proposals for grants or loans from the
31 account. To the extent that funds are available, cities, counties, and
32 qualified nonprofit organizations must meet eligibility criteria as
33 established by the director of the (~~interagency committee for outdoor~~
34 ~~recreation~~) recreation and conservation office. The grants and loans
35 shall be awarded on a competitive application process and the amount of
36 the grant or loan shall be in proportion to the population of the city
37 or county for where the community outdoor athletic facility is located.
38 Grants or loans awarded in any one year need not be distributed in that

1 year. The director of the (~~interagency committee for outdoor~~
2 ~~recreation~~) recreation and conservation office may expend up to one
3 and one-half percent of the moneys deposited in the account created in
4 this subsection for administrative purposes.

5 **Sec. 12.** RCW 43.99N.120 and 2000 c 137 s 2 are each amended to
6 read as follows:

7 The (~~Washington state interagency committee for outdoor~~
8 ~~recreation~~) recreation and conservation funding board, in consultation
9 with the community outdoor athletic fields advisory council, shall
10 establish the terms and conditions of repayment and interest, based on
11 financial considerations for any loans made under this section. Loans
12 made under this section shall be low or no interest.

13 **Sec. 13.** RCW 46.09.020 and 2004 c 105 s 1 are each amended to read
14 as follows:

15 The definitions in this section apply throughout this chapter
16 unless the context clearly requires otherwise.

17 (1) "Advisory committee" means the nonhighway and off-road vehicle
18 activities advisory committee established in RCW 46.09.280.

19 (2) (~~"Committee" means the interagency committee for outdoor~~
20 ~~recreation~~) "Board" means the recreation and conservation funding
21 board established in RCW 79A.25.110.

22 (3) "Dealer" means a person, partnership, association, or
23 corporation engaged in the business of selling off-road vehicles at
24 wholesale or retail in this state.

25 (4) "Department" means the department of licensing.

26 (5) "Highway," for the purpose of this chapter only, means the
27 entire width between the boundary lines of every roadway publicly
28 maintained by the state department of transportation or any county or
29 city with funding from the motor vehicle fund. A highway is generally
30 capable of travel by a conventional two-wheel drive passenger
31 automobile during most of the year and in use by such vehicles.

32 (6) "Motorized vehicle" means a vehicle that derives motive power
33 from an internal combustion engine.

34 (7) "Nonhighway road" means any road owned or managed by a public
35 agency or any private road for which the owner has granted an easement

1 for public use for which appropriations from the motor vehicle fund
2 were not used for (a) original construction or reconstruction in the
3 last twenty-five years; or (b) maintenance in the last four years.

4 (8) "Nonhighway road recreation facilities" means recreational
5 facilities that are adjacent to, or accessed by, a nonhighway road and
6 intended primarily for nonhighway road recreational users.

7 (9) "Nonhighway road recreational user" means a person whose
8 purpose for consuming fuel on a nonhighway road or off-road is
9 primarily for nonhighway road recreational purposes, including, but not
10 limited to, hunting, fishing, camping, sightseeing, wildlife viewing,
11 picnicking, driving for pleasure, kayaking/canoeing, and gathering
12 berries, firewood, mushrooms, and other natural products.

13 (10) "Nonhighway vehicle" means any motorized vehicle including an
14 ORV when used for recreational purposes on nonhighway roads, trails, or
15 a variety of other natural terrain.

16 Nonhighway vehicle does not include:

17 (a) Any vehicle designed primarily for travel on, over, or in the
18 water;

19 (b) Snowmobiles or any military vehicles; or

20 (c) Any vehicle eligible for a motor vehicle fuel tax exemption or
21 rebate under chapter 82.36 RCW while an exemption or rebate is claimed.
22 This exemption includes but is not limited to farm, construction, and
23 logging vehicles.

24 (11) "Nonmotorized recreational facilities" means recreational
25 trails and facilities that are adjacent to, or accessed by, a
26 nonhighway road and intended primarily for nonmotorized recreational
27 users.

28 (12) "Nonmotorized recreational user" means a person whose purpose
29 for consuming fuel on a nonhighway road or off-road is primarily for
30 nonmotorized recreational purposes including, but not limited to,
31 walking, hiking, backpacking, climbing, cross-country skiing,
32 snowshoeing, mountain biking, horseback riding, and pack animal
33 activities.

34 (13) "Off-road vehicle" or "ORV" means any nonstreet licensed
35 vehicle when used for recreational purposes on nonhighway roads,
36 trails, or a variety of other natural terrain. Such vehicles include,
37 but are not limited to, all-terrain vehicles, motorcycles, four-wheel
38 drive vehicles, and dune buggies.

1 (14) "Operator" means each person who operates, or is in physical
2 control of, any nonhighway vehicle.

3 (15) "Organized competitive event" means any competition,
4 advertised in advance through written notice to organized clubs or
5 published in local newspapers, sponsored by recognized clubs, and
6 conducted at a predetermined time and place.

7 (16) "ORV recreation facilities" include, but are not limited to,
8 ORV trails, trailheads, campgrounds, ORV sports parks, and ORV use
9 areas, designated for ORV use by the managing authority that are
10 intended primarily for ORV recreational users.

11 (17) "ORV recreational user" means a person whose purpose for
12 consuming fuel on nonhighway roads or off-road is primarily for ORV
13 recreational purposes, including but not limited to riding an all-
14 terrain vehicle, motorcycling, or driving a four-wheel drive vehicle or
15 dune buggy.

16 (18) "ORV (~~sport[s]~~) sports park" means a facility designed to
17 accommodate competitive ORV recreational uses including, but not
18 limited to, motocross racing, four-wheel drive competitions, and flat
19 track racing. Use of ORV sports parks can be competitive or
20 noncompetitive in nature.

21 (19) "ORV trail" means a multiple-use corridor designated by the
22 managing authority and maintained for recreational use by motorized
23 vehicles.

24 (20) "ORV use permit" means a permit issued for operation of an
25 off-road vehicle under this chapter.

26 (21) "Owner" means the person other than the lienholder, having an
27 interest in or title to a nonhighway vehicle, and entitled to the use
28 or possession thereof.

29 (22) "Person" means any individual, firm, partnership, association,
30 or corporation.

31 **Sec. 14.** RCW 46.09.110 and 2004 c 105 s 2 are each amended to read
32 as follows:

33 The moneys collected by the department under this chapter shall be
34 distributed from time to time but at least once a year in the following
35 manner:

36 The department shall retain enough money to cover expenses incurred

1 in the administration of this chapter: PROVIDED, That such retention
2 shall never exceed eighteen percent of fees collected.

3 The remaining moneys shall be distributed for ORV recreation
4 facilities by the (~~interagency committee for outdoor recreation~~)
5 board in accordance with RCW 46.09.170(2)(d)(ii)(A).

6 **Sec. 15.** RCW 46.09.165 and 1995 c 166 s 11 are each amended to
7 read as follows:

8 The nonhighway and off-road vehicle activities program account is
9 created in the state treasury. Moneys in this account are subject to
10 legislative appropriation. The (~~interagency committee for outdoor~~)
11 recreation and conservation funding board shall administer the account
12 for purposes specified in this chapter and shall hold it separate and
13 apart from all other money, funds, and accounts of the (~~interagency~~
14 ~~committee for outdoor recreation~~) board. Grants, gifts, or other
15 financial assistance, proceeds received from public bodies as
16 administrative cost contributions, and any moneys made available to the
17 state of Washington by the federal government for outdoor recreation
18 may be deposited into the account.

19 **Sec. 16.** RCW 46.09.170 and 2004 c 105 s 6 are each amended to read
20 as follows:

21 (1) From time to time, but at least once each year, the state
22 treasurer shall refund from the motor vehicle fund one percent of the
23 motor vehicle fuel tax revenues collected under chapter 82.36 RCW,
24 based on a tax rate of: (a) Nineteen cents per gallon of motor vehicle
25 fuel from July 1, 2003, through June 30, 2005; (b) twenty cents per
26 gallon of motor vehicle fuel from July 1, 2005, through June 30, 2007;
27 (c) twenty-one cents per gallon of motor vehicle fuel from July 1,
28 2007, through June 30, 2009; (d) twenty-two cents per gallon of motor
29 vehicle fuel from July 1, 2009, through June 30, 2011; and (e) twenty-
30 three cents per gallon of motor vehicle fuel beginning July 1, 2011,
31 and thereafter, less proper deductions for refunds and costs of
32 collection as provided in RCW 46.68.090.

33 (2) The treasurer shall place these funds in the general fund as
34 follows:

35 (a) Thirty-six percent shall be credited to the ORV and nonhighway
36 vehicle account and administered by the department of natural resources

1 solely for acquisition, planning, development, maintenance, and
2 management of ORV, nonmotorized, and nonhighway road recreation
3 facilities, and information programs and maintenance of nonhighway
4 roads;

5 (b) Three and one-half percent shall be credited to the ORV and
6 nonhighway vehicle account and administered by the department of fish
7 and wildlife solely for the acquisition, planning, development,
8 maintenance, and management of ORV, nonmotorized, and nonhighway road
9 recreation facilities and the maintenance of nonhighway roads;

10 (c) Two percent shall be credited to the ORV and nonhighway vehicle
11 account and administered by the parks and recreation commission solely
12 for the acquisition, planning, development, maintenance, and management
13 of ORV, nonmotorized, and nonhighway road recreation facilities; and

14 (d) Fifty-eight and one-half percent shall be credited to the
15 nonhighway and off-road vehicle activities program account to be
16 administered by the (~~committee~~) board for planning, acquisition,
17 development, maintenance, and management of ORV, nonmotorized, and
18 nonhighway road recreation facilities and for education, information,
19 and law enforcement programs. The funds under this subsection shall be
20 expended in accordance with the following limitations:

21 (i) Not more than thirty percent may be expended for education,
22 information, and law enforcement programs under this chapter;

23 (ii) Not less than seventy percent may be expended for ORV,
24 nonmotorized, and nonhighway road recreation facilities. Except as
25 provided in (d)(iii) of this subsection, of this amount:

26 (A) Not less than thirty percent, together with the funds the
27 (~~committee~~) board receives under RCW 46.09.110, may be expended for
28 ORV recreation facilities;

29 (B) Not less than thirty percent may be expended for nonmotorized
30 recreation facilities. Funds expended under this subsection
31 (2)(d)(ii)(B) shall be known as Ira Spring outdoor recreation
32 facilities funds; and

33 (C) Not less than thirty percent may be expended for nonhighway
34 road recreation facilities;

35 (iii) The (~~committee~~) board may waive the minimum percentage
36 cited in (d)(ii) of this subsection due to insufficient requests for
37 funds or projects that score low in the (~~committee's~~) board's project

1 evaluation. Funds remaining after such a waiver must be allocated in
2 accordance with (~~(committee)~~) board policy.

3 (3) On a yearly basis an agency may not, except as provided in RCW
4 46.09.110, expend more than ten percent of the funds it receives under
5 this chapter for general administration expenses incurred in carrying
6 out this chapter.

7 (4) During the 2003-05 fiscal biennium, the legislature may
8 appropriate such amounts as reflect the excess fund balance in the NOVA
9 account to the (~~(interagency committee for outdoor recreation)~~) board,
10 the department of natural resources, the department of fish and
11 wildlife, and the state parks and recreation commission. This
12 appropriation is not required to follow the specific distribution
13 specified in subsection (2) of this section.

14 **Sec. 17.** RCW 46.09.240 and 2004 c 105 s 7 are each amended to read
15 as follows:

16 (1) After deducting administrative expenses and the expense of any
17 programs conducted under this chapter, the (~~(interagency committee for~~
18 ~~outdoor recreation)~~) board shall, at least once each year, distribute
19 the funds it receives under RCW 46.09.110 and 46.09.170 to state
20 agencies, counties, municipalities, federal agencies, nonprofit ORV
21 organizations, and Indian tribes. Funds distributed under this section
22 to nonprofit ORV organizations may be spent only on projects or
23 activities that benefit ORV recreation on lands once publicly owned
24 that come into private ownership in a federally approved land exchange
25 completed between January 1, 1998, and January 1, 2005.

26 (2) The (~~(committee)~~) board shall adopt rules governing
27 applications for funds administered by the (~~(agency)~~) recreation and
28 conservation office under this chapter and shall determine the amount
29 of money distributed to each applicant. Agencies receiving funds under
30 this chapter for capital purposes shall consider the possibility of
31 contracting with the state parks and recreation commission, the
32 department of natural resources, or other federal, state, and local
33 agencies to employ the youth development and conservation corps or
34 other youth crews in completing the project.

35 (3) The (~~(interagency committee for outdoor recreation)~~) board
36 shall require each applicant for acquisition or development funds under

1 this section to comply with the requirements of either the state
2 environmental policy act, chapter 43.21C RCW, or the national
3 environmental policy act (42 U.S.C. Sec. 4321 et seq.).

4 **Sec. 18.** RCW 46.09.250 and 1986 c 206 s 11 are each amended to
5 read as follows:

6 The (~~interagency committee for outdoor recreation~~) board shall
7 maintain a statewide plan which shall be updated at least once every
8 third biennium and shall be used by all participating agencies to guide
9 distribution and expenditure of funds under this chapter.

10 **Sec. 19.** RCW 46.09.280 and 2004 c 105 s 8 are each amended to read
11 as follows:

12 (1) The (~~interagency committee for outdoor recreation~~) board
13 shall establish the nonhighway and off-road vehicle activities advisory
14 committee to provide advice regarding the administration of this
15 chapter. The committee consists of governmental representatives, land
16 managers, and a proportional representation of persons with
17 recreational experience in areas identified in the most recent fuel use
18 study, including but not limited to people with ORV, hiking,
19 equestrian, mountain biking, hunting, fishing, and wildlife viewing
20 experience.

21 (2) After the advisory committee has made recommendations regarding
22 the expenditure of the fuel tax revenue portion of the nonhighway and
23 off-road vehicle account moneys, the advisory committee's ORV and
24 mountain biking recreationists, governmental representatives, and land
25 managers will make recommendations regarding the expenditure of funds
26 received under RCW 46.09.110.

27 (3) At least once a year, the (~~interagency committee for outdoor
28 recreation~~) board, the department of natural resources, the department
29 of fish and wildlife, and the state parks and recreation commission
30 shall report to the nonhighway and off-road vehicle activities advisory
31 committee on the expenditures of funds received under RCW 46.09.110 and
32 46.09.170 and must proactively seek the advisory committee's advice
33 regarding proposed expenditures.

34 (4) The advisory committee shall advise these agencies regarding
35 the allocation of funds received under RCW 46.09.170 to ensure that

1 overall expenditures reflect consideration of the results of the most
2 recent fuel use study.

3 **Sec. 20.** RCW 77.85.110 and 1999 sp.s. c 13 s 3 are each amended to
4 read as follows:

5 (1) The salmon recovery funding board is created consisting of ten
6 members.

7 (2) Five members of the board shall be voting members who are
8 appointed by the governor, subject to confirmation by the senate. One
9 of these voting members shall be a cabinet-level appointment as the
10 governor's representative to the board. Board members who represent
11 the general public shall not have a financial or regulatory interest in
12 salmon recovery. The governor shall appoint one of the general public
13 members of the board as the chair. The voting members of the board
14 shall be appointed for terms of four years, except that two members
15 initially shall be appointed for terms of two years and three members
16 shall initially be appointed for terms of three years. In making the
17 appointments, the governor shall seek a board membership that
18 collectively provide the expertise necessary to provide strong fiscal
19 oversight of salmon recovery expenditures, and that provide extensive
20 knowledge of local government processes and functions and an
21 understanding of issues relevant to salmon recovery in Washington
22 state. The governor shall appoint at least three of the voting members
23 of the board no later than ninety days after July 1, 1999. Vacant
24 positions on the board shall be filled in the same manner as the
25 original appointments. The governor may remove members of the board
26 for good cause.

27 In addition to the five voting members of the board, the following
28 five state officials shall serve as ex officio nonvoting members of the
29 board: The director of the department of fish and wildlife, the
30 executive director of the conservation commission, the secretary of
31 transportation, the director of the department of ecology, and the
32 commissioner of public lands. The state officials serving in an ex
33 officio capacity may designate a representative of their respective
34 agencies to serve on the board in their behalf. Such designations
35 shall be made in writing and in such manner as is specified by the
36 board.

1 (3) Staff support to the board shall be provided by the
2 (~~interagency committee for outdoor recreation~~) recreation and
3 conservation office. For administrative purposes, the board shall be
4 located with the (~~interagency committee for outdoor recreation~~)
5 recreation and conservation office.

6 (4) Members of the board who do not represent state agencies shall
7 be compensated as provided by RCW 43.03.250. Members of the board
8 shall be reimbursed for travel expenses as provided by RCW 43.03.050
9 and 43.03.060.

10 **Sec. 21.** RCW 77.85.120 and 2000 c 107 s 101 are each amended to
11 read as follows:

12 (1) The salmon recovery funding board is responsible for making
13 grants and loans for salmon habitat projects and salmon recovery
14 activities from the amounts appropriated to the board for this purpose.
15 To accomplish this purpose the board may:

16 (a) Provide assistance to grant applicants regarding the procedures
17 and criteria for grant and loan awards;

18 (b) Make and execute all manner of contracts and agreements with
19 public and private parties as the board deems necessary, consistent
20 with the purposes of this chapter;

21 (c) Accept any gifts, grants, or loans of funds, property, or
22 financial or other aid in any form from any other source on any terms
23 that are not in conflict with this chapter;

24 (d) Adopt rules under chapter 34.05 RCW as necessary to carry out
25 the purposes of this chapter; and

26 (e) Do all acts and things necessary or convenient to carry out the
27 powers expressly granted or implied under this chapter.

28 (2) The (~~interagency committee for outdoor recreation~~) recreation
29 and conservation office shall provide all necessary grants and loans
30 administration assistance to the board, and shall distribute funds as
31 provided by the board in RCW 77.85.130.

32 **Sec. 22.** RCW 77.85.140 and 2001 c 303 s 1 are each amended to read
33 as follows:

34 (1) Habitat project lists shall be submitted to the salmon recovery
35 funding board for funding at least once a year on a schedule
36 established by the board. The board shall provide the legislature with

1 a list of the proposed projects and a list of the projects funded by
2 October 1st of each year for informational purposes. Project sponsors
3 who complete salmon habitat projects approved for funding from habitat
4 project lists and have met grant application deadlines will be paid by
5 the salmon recovery funding board within thirty days of project
6 completion.

7 (2) The (~~interagency committee for outdoor recreation~~) recreation
8 and conservation office shall track all funds allocated for salmon
9 habitat projects and salmon recovery activities on behalf of the board,
10 including both funds allocated by the board and funds allocated by
11 other state or federal agencies for salmon recovery or water quality
12 improvement.

13 (3) Beginning in December 2000, the board shall provide a biennial
14 report to the governor and the legislature on salmon recovery
15 expenditures. This report shall be coordinated with the state of the
16 salmon report required under RCW 77.85.020.

17 **Sec. 23.** RCW 79.10.140 and 2003 c 334 s 122 are each amended to
18 read as follows:

19 The department is authorized:

20 (1) To construct, operate, and maintain primitive outdoor
21 recreation and conservation facilities on lands under its jurisdiction
22 which are of primitive character when deemed necessary by the
23 department to achieve maximum effective development of such lands and
24 resources consistent with the purposes for which the lands are held.
25 This authority shall be exercised only after review by the
26 (~~interagency committee for outdoor recreation~~) recreation and
27 conservation funding board and determination by the (~~committee~~)
28 recreation and conservation funding board that the department is the
29 most appropriate agency to undertake such construction, operation, and
30 maintenance. Such review is not required for campgrounds designated
31 and prepared or approved by the department;

32 (2) To acquire right of way and develop public access to lands
33 under the jurisdiction of the department and suitable for public
34 outdoor recreation and conservation purposes;

35 (3) To receive and expend funds from federal and state outdoor
36 recreation funding measures for the purposes of this section and RCW
37 79A.50.110.

1 **Sec. 24.** RCW 79.70.070 and 1998 c 50 s 1 are each amended to read
2 as follows:

3 (1) The natural heritage advisory council is hereby established.
4 The council shall consist of fifteen members, ten of whom shall be
5 chosen as follows and who shall elect from the council's membership a
6 chairperson:

7 (a) Five individuals, appointed by the commissioner, who shall be
8 recognized experts in the ecology of natural areas and represent the
9 public, academic, and private sectors. Desirable fields of expertise
10 are biological and geological sciences; and

11 (b) Five individuals, appointed by the commissioner, who shall be
12 selected from the various regions of the state. At least one member
13 shall be or represent a private forest landowner and at least one
14 member shall be or represent a private agricultural landowner.

15 (2) Members appointed under subsection (1) of this section shall
16 serve for terms of four years.

17 (3) In addition to the members appointed by the commissioner, the
18 director of the department of fish and wildlife, the director of the
19 department of ecology, the supervisor of the department of natural
20 resources, the director of the state parks and recreation commission,
21 and the ((~~administrator~~)) director of the ((~~interagency committee for~~
22 ~~outdoor recreation~~)) recreation and conservation office, or an
23 authorized representative of each agency officer, shall serve as ex
24 officio, nonvoting members of the council.

25 (4) Any vacancy on the council shall be filled by appointment for
26 the unexpired term by the commissioner.

27 (5) In order to provide for staggered terms, of the initial members
28 of the council:

29 (a) Three shall serve for a term of two years;

30 (b) Three shall serve for a term of three years; and

31 (c) Three shall serve for a term of four years.

32 (6) Members of the natural preserves advisory committee serving on
33 July 26, 1981, shall serve as members of the council until the
34 commissioner appoints a successor to each. The successor appointment
35 shall be specifically designated to replace a member of the natural
36 preserves advisory committee until all members of that committee have
37 been replaced. A member of the natural preserves advisory committee is
38 eligible for appointment to the council if otherwise qualified.

1 (7) Members of the council shall serve without compensation.
2 Members shall be reimbursed for travel expenses as provided in RCW
3 43.03.050 and 43.03.060 as now or hereafter amended.

4 **Sec. 25.** RCW 79A.05.785 and 1977 ex.s. c 75 s 8 are each amended
5 to read as follows:

6 The (~~(interagency committee for outdoor recreation)~~) recreation and
7 conservation funding board is directed to assist the Yakima county
8 commissioners in obtaining state, federal, and private funding for the
9 acquisition, development, and operation of the Yakima river
10 conservation area.

11 **Sec. 26.** RCW 79A.15.010 and 2005 c 303 s 1 are each amended to
12 read as follows:

13 The definitions (~~(set forth)~~) in this section apply throughout this
14 chapter unless the context clearly requires otherwise.

15 (1) "Acquisition" means the purchase on a willing seller basis of
16 fee or less than fee interests in real property. These interests
17 include, but are not limited to, options, rights of first refusal,
18 conservation easements, leases, and mineral rights.

19 (2) (~~("Committee")~~) "Board" means the (~~(interagency committee for~~
20 ~~outdoor recreation)~~) recreation and conservation funding board.

21 (3) "Critical habitat" means lands important for the protection,
22 management, or public enjoyment of certain wildlife species or groups
23 of species, including, but not limited to, wintering range for deer,
24 elk, and other species, waterfowl and upland bird habitat, fish
25 habitat, and habitat for endangered, threatened, or sensitive species.

26 (4) "Farmlands" means any land defined as "farm and agricultural
27 land" in RCW 84.34.020(2).

28 (5) "Local agencies" means a city, county, town, federally
29 recognized Indian tribe, special purpose district, port district, or
30 other political subdivision of the state providing services to less
31 than the entire state.

32 (6) "Natural areas" means areas that have, to a significant degree,
33 retained their natural character and are important in preserving rare
34 or vanishing flora, fauna, geological, natural historical, or similar
35 features of scientific or educational value.

1 (7) "Riparian habitat" means land adjacent to water bodies, as well
2 as submerged land such as streambeds, which can provide functional
3 habitat for salmonids and other fish and wildlife species. Riparian
4 habitat includes, but is not limited to, shorelines and near-shore
5 marine habitat, estuaries, lakes, wetlands, streams, and rivers.

6 (8) "Special needs populations" means physically restricted people
7 or people of limited means.

8 (9) "State agencies" means the state parks and recreation
9 commission, the department of natural resources, the department of
10 general administration, and the department of fish and wildlife.

11 (10) "Trails" means public ways constructed for and open to
12 pedestrians, equestrians, or bicyclists, or any combination thereof,
13 other than a sidewalk constructed as a part of a city street or county
14 road for exclusive use of pedestrians.

15 (11) "Urban wildlife habitat" means lands that provide habitat
16 important to wildlife in proximity to a metropolitan area.

17 (12) "Water access" means boat or foot access to marine waters,
18 lakes, rivers, or streams.

19 **Sec. 27.** RCW 79A.15.020 and 2000 c 11 s 65 are each amended to
20 read as follows:

21 The habitat conservation account is established in the state
22 treasury. The ((committee)) board shall administer the account in
23 accordance with chapter 79A.25 RCW and this chapter, and shall hold it
24 separate and apart from all other money, funds, and accounts of the
25 ((committee)) board.

26 **Sec. 28.** RCW 79A.15.030 and 2005 c 303 s 2 are each amended to
27 read as follows:

28 (1) Moneys appropriated for this chapter shall be divided as
29 follows:

30 (a) Appropriations for a biennium of forty million dollars or less
31 must be allocated equally between the habitat conservation account and
32 the outdoor recreation account.

33 (b) If appropriations for a biennium total more than forty million
34 dollars, the money must be allocated as follows: (i) Twenty million
35 dollars to the habitat conservation account and twenty million dollars
36 to the outdoor recreation account; (ii) any amount over forty million

1 dollars up to fifty million dollars shall be allocated as follows: (A)
2 Ten percent to the habitat conservation account; (B) ten percent to the
3 outdoor recreation account; (C) forty percent to the riparian
4 protection account; and (D) forty percent to the farmlands preservation
5 account; and (iii) any amounts over fifty million dollars must be
6 allocated as follows: (A) Thirty percent to the habitat conservation
7 account; (B) thirty percent to the outdoor recreation account; (C)
8 thirty percent to the riparian protection account; and (D) ten percent
9 to the farmlands preservation account.

10 (2) Except as otherwise provided in chapter 303, Laws of 2005,
11 moneys deposited in these accounts shall be invested as authorized for
12 other state funds, and any earnings on them shall be credited to the
13 respective account.

14 (3) All moneys deposited in the habitat conservation, outdoor
15 recreation, riparian protection, and farmlands preservation accounts
16 shall be allocated as provided under RCW 79A.15.040, 79A.15.050,
17 79A.15.120, and 79A.15.130 as grants to state or local agencies for
18 acquisition, development, and renovation within the jurisdiction of
19 those agencies, subject to legislative appropriation. The
20 ((committee)) board may use or permit the use of any funds appropriated
21 for this chapter as matching funds where federal, local, or other funds
22 are made available for projects within the purposes of this chapter.
23 Moneys appropriated to these accounts that are not obligated to a
24 specific project may be used to fund projects from lists of alternate
25 projects from the same account in biennia succeeding the biennium in
26 which the moneys were originally appropriated.

27 (4) Projects receiving grants under this chapter that are developed
28 or otherwise accessible for public recreational uses shall be available
29 to the public.

30 (5) The ((committee)) board may make grants to an eligible project
31 from the habitat conservation, outdoor recreation, riparian protection,
32 and farmlands preservation accounts and any one or more of the
33 applicable categories under such accounts described in RCW 79A.15.040,
34 79A.15.050, 79A.15.120, and 79A.15.130.

35 (6) The ((committee)) board may accept private donations to the
36 habitat conservation account, the outdoor recreation account, the
37 riparian protection account, and the farmlands preservation account for
38 the purposes specified in this chapter.

1 (7) The ((~~committee~~)) board may apply up to three percent of the
2 funds appropriated for this chapter for its office for the
3 administration of the programs and purposes specified in this chapter.

4 (8) Habitat and recreation land and facilities acquired or
5 developed with moneys appropriated for this chapter may not, without
6 prior approval of the ((~~committee~~)) board, be converted to a use other
7 than that for which funds were originally approved. The ((~~committee~~))
8 board shall adopt rules and procedures governing the approval of such
9 a conversion.

10 **Sec. 29.** RCW 79A.15.040 and 2005 c 303 s 3 are each amended to
11 read as follows:

12 (1) Moneys appropriated for this chapter to the habitat
13 conservation account shall be distributed in the following way:

14 (a) Not less than forty percent through June 30, 2011, at which
15 time the amount shall become forty-five percent, for the acquisition
16 and development of critical habitat;

17 (b) Not less than thirty percent for the acquisition and
18 development of natural areas;

19 (c) Not less than twenty percent for the acquisition and
20 development of urban wildlife habitat; and

21 (d) Not less than ten percent through June 30, 2011, at which time
22 the amount shall become five percent, shall be used by the
23 ((~~committee~~)) board to fund restoration and enhancement projects on
24 state lands. Only the department of natural resources and the
25 department of fish and wildlife may apply for these funds to be used on
26 existing habitat and natural area lands.

27 (2)(a) In distributing these funds, the ((~~committee~~)) board retains
28 discretion to meet the most pressing needs for critical habitat,
29 natural areas, and urban wildlife habitat, and is not required to meet
30 the percentages described in subsection (1) of this section in any one
31 biennium.

32 (b) If not enough project applications are submitted in a category
33 within the habitat conservation account to meet the percentages
34 described in subsection (1) of this section in any biennium, the
35 ((~~committee~~)) board retains discretion to distribute any remaining
36 funds to the other categories within the account.

1 (3) Only state agencies may apply for acquisition and development
2 funds for natural areas projects under subsection (1) (b) of this
3 section.

4 (4) State and local agencies may apply for acquisition and
5 development funds for critical habitat and urban wildlife habitat
6 projects under subsection (1)(a) and (c) of this section.

7 (5)(a) Any lands that have been acquired with grants under this
8 section by the department of fish and wildlife are subject to an amount
9 in lieu of real property taxes and an additional amount for control of
10 noxious weeds as determined by RCW 77.12.203.

11 (b) Any lands that have been acquired with grants under this
12 section by the department of natural resources are subject to payments
13 in the amounts required under the provisions of RCW 79.70.130 and
14 79.71.130.

15 **Sec. 30.** RCW 79A.15.050 and 2005 c 303 s 4 are each amended to
16 read as follows:

17 (1) Moneys appropriated for this chapter to the outdoor recreation
18 account shall be distributed in the following way:

19 (a) Not less than thirty percent to the state parks and recreation
20 commission for the acquisition and development of state parks, with at
21 least fifty percent of the money for acquisition costs;

22 (b) Not less than thirty percent for the acquisition, development,
23 and renovation of local parks, with at least fifty percent of this
24 money for acquisition costs;

25 (c) Not less than twenty percent for the acquisition, renovation,
26 or development of trails;

27 (d) Not less than fifteen percent for the acquisition, renovation,
28 or development of water access sites, with at least seventy-five
29 percent of this money for acquisition costs; and

30 (e) Not less than five percent for development and renovation
31 projects on state recreation lands. Only the department of natural
32 resources and the department of fish and wildlife may apply for these
33 funds to be used on their existing recreation lands.

34 (2)(a) In distributing these funds, the (~~committee~~) board retains
35 discretion to meet the most pressing needs for state and local parks,
36 trails, and water access sites, and is not required to meet the

1 percentages described in subsection (1) of this section in any one
2 biennium.

3 (b) If not enough project applications are submitted in a category
4 within the outdoor recreation account to meet the percentages described
5 in subsection (1) of this section in any biennium, the ((committee))
6 board retains discretion to distribute any remaining funds to the other
7 categories within the account.

8 (3) Only local agencies may apply for acquisition, development, or
9 renovation funds for local parks under subsection (1)(b) of this
10 section.

11 (4) Only state and local agencies may apply for funds for trails
12 under subsection (1)(c) of this section.

13 (5) Only state and local agencies may apply for funds for water
14 access sites under subsection (1)(d) of this section.

15 **Sec. 31.** RCW 79A.15.060 and 2005 c 303 s 8 are each amended to
16 read as follows:

17 (1) The ((committee)) board may adopt rules establishing
18 acquisition policies and priorities for distributions from the habitat
19 conservation account.

20 (2) Except as provided in RCW 79A.15.030(7), moneys appropriated
21 for this chapter may not be used by the ((committee)) board to fund
22 staff positions or other overhead expenses, or by a state, regional, or
23 local agency to fund operation or maintenance of areas acquired under
24 this chapter.

25 (3) Moneys appropriated for this chapter may be used by grant
26 recipients for costs incidental to acquisition, including, but not
27 limited to, surveying expenses, fencing, and signing.

28 (4) Moneys appropriated for this section may be used to fund
29 mitigation banking projects involving the restoration, creation,
30 enhancement, or preservation of critical habitat and urban wildlife
31 habitat, provided that the parties seeking to use the mitigation bank
32 meet the matching requirements of subsection (5) of this section. The
33 moneys from this section may not be used to supplant an obligation of
34 a state or local agency to provide mitigation. For the purposes of
35 this section, a mitigation bank means a site or sites where critical
36 habitat or urban wildlife habitat is restored, created, enhanced, or in

1 exceptional circumstances, preserved expressly for the purpose of
2 providing compensatory mitigation in advance of authorized project
3 impacts to similar resources.

4 (5) The (~~committee~~) board may not approve a local project where
5 the local agency share is less than the amount to be awarded from the
6 habitat conservation account.

7 (6) In determining acquisition priorities with respect to the
8 habitat conservation account, the (~~committee~~) board shall consider,
9 at a minimum, the following criteria:

10 (a) For critical habitat and natural areas proposals:

11 (i) Community support for the project;

12 (ii) The project proposal's ongoing stewardship program that
13 includes control of noxious weeds, detrimental invasive species, and
14 that identifies the source of the funds from which the stewardship
15 program will be funded;

16 (iii) Recommendations as part of a watershed plan or habitat
17 conservation plan, or a coordinated regionwide prioritization effort,
18 and for projects primarily intended to benefit salmon, limiting
19 factors, or critical pathways analysis;

20 (iv) Immediacy of threat to the site;

21 (v) Uniqueness of the site;

22 (vi) Diversity of species using the site;

23 (vii) Quality of the habitat;

24 (viii) Long-term viability of the site;

25 (ix) Presence of endangered, threatened, or sensitive species;

26 (x) Enhancement of existing public property;

27 (xi) Consistency with a local land use plan, or a regional or
28 statewide recreational or resource plan, including projects that assist
29 in the implementation of local shoreline master plans updated according
30 to RCW 90.58.080 or local comprehensive plans updated according to RCW
31 36.70A.130;

32 (xii) Educational and scientific value of the site;

33 (xiii) Integration with recovery efforts for endangered,
34 threatened, or sensitive species;

35 (xiv) For critical habitat proposals by local agencies, the
36 statewide significance of the site.

37 (b) For urban wildlife habitat proposals, in addition to the
38 criteria of (a) of this subsection:

- 1 (i) Population of, and distance from, the nearest urban area;
- 2 (ii) Proximity to other wildlife habitat;
- 3 (iii) Potential for public use; and
- 4 (iv) Potential for use by special needs populations.

5 (7) Before November 1st of each even-numbered year, the
6 ((committee)) board shall recommend to the governor a prioritized list
7 of all state agency and local projects to be funded under RCW
8 79A.15.040(1) (a), (b), and (c). The governor may remove projects from
9 the list recommended by the ((committee)) board and shall submit this
10 amended list in the capital budget request to the legislature. The
11 list shall include, but not be limited to, a description of each
12 project and any particular match requirement, and describe for each
13 project any anticipated restrictions upon recreational activities
14 allowed prior to the project.

15 **Sec. 32.** RCW 79A.15.065 and 2001 c 227 s 8 are each amended to
16 read as follows:

17 In providing grants through the habitat conservation account, the
18 ((committee)) board shall require grant applicants to incorporate the
19 environmental benefits of the project into their grant applications,
20 and the ((committee)) board shall utilize the statement of
21 environmental benefits in the grant application and review process.
22 The ((committee)) board shall also develop appropriate outcome-focused
23 performance measures to be used both for management and performance
24 assessment of the grant program. To the extent possible, the
25 ((committee)) board should coordinate its performance measure system
26 with other natural resource-related agencies as defined in RCW
27 43.41.270. The ((committee)) board shall consult with affected
28 interest groups in implementing this section.

29 **Sec. 33.** RCW 79A.15.070 and 2005 c 303 s 9 are each amended to
30 read as follows:

31 (1) In determining which state parks proposals and local parks
32 proposals to fund, the ((committee)) board shall use existing policies
33 and priorities.

34 (2) Except as provided in RCW 79A.15.030(7), moneys appropriated
35 for this chapter may not be used by the ((committee)) board to fund

1 staff or other overhead expenses, or by a state, regional, or local
2 agency to fund operation or maintenance of areas acquired under this
3 chapter.

4 (3) Moneys appropriated for this chapter may be used by grant
5 recipients for costs incidental to acquisition and development,
6 including, but not limited to, surveying expenses, fencing, and
7 signing.

8 (4) The (~~committee~~) board may not approve a project of a local
9 agency where the share contributed by the local agency is less than the
10 amount to be awarded from the outdoor recreation account.

11 (5) The (~~committee~~) board may adopt rules establishing
12 acquisition policies and priorities for the acquisition and development
13 of trails and water access sites to be financed from moneys in the
14 outdoor recreation account.

15 (6) In determining the acquisition and development priorities, the
16 (~~committee~~) board shall consider, at a minimum, the following
17 criteria:

- 18 (a) For trails proposals:
 - 19 (i) Community support for the project;
 - 20 (ii) Immediacy of threat to the site;
 - 21 (iii) Linkage between communities;
 - 22 (iv) Linkage between trails;
 - 23 (v) Existing or potential usage;
 - 24 (vi) Consistency with a local land use plan, or a regional or
25 statewide recreational or resource plan, including projects that assist
26 in the implementation of local shoreline master plans updated according
27 to RCW 90.58.080 or local comprehensive plans updated according to RCW
28 36.70A.130;
 - 29 (vii) Availability of water access or views;
 - 30 (viii) Enhancement of wildlife habitat; and
 - 31 (ix) Scenic values of the site.
- 32 (b) For water access proposals:
 - 33 (i) Community support for the project;
 - 34 (ii) Distance from similar water access opportunities;
 - 35 (iii) Immediacy of threat to the site;
 - 36 (iv) Diversity of possible recreational uses;
 - 37 (v) Public demand in the area; and

1 (vi) Consistency with a local land use plan, or a regional or
2 statewide recreational or resource plan, including projects that assist
3 in the implementation of local shoreline master plans updated according
4 to RCW 90.58.080 or local comprehensive plans updated according to RCW
5 36.70A.130.

6 (7) Before November 1st of each even-numbered year, the
7 ((committee)) board shall recommend to the governor a prioritized list
8 of all state agency and local projects to be funded under RCW
9 79A.15.050(1) (a), (b), (c), and (d). The governor may remove projects
10 from the list recommended by the ((committee)) board and shall submit
11 this amended list in the capital budget request to the legislature.
12 The list shall include, but not be limited to, a description of each
13 project and any particular match requirement, and describe for each
14 project any anticipated restrictions upon recreational activities
15 allowed prior to the project.

16 **Sec. 34.** RCW 79A.15.080 and 2005 c 303 s 10 are each amended to
17 read as follows:

18 The ((committee)) board shall not sign contracts or otherwise
19 financially obligate funds from the habitat conservation account, the
20 outdoor recreation account, the riparian protection account, or the
21 farmlands preservation account as provided in this chapter before the
22 legislature has appropriated funds for a specific list of projects.
23 The legislature may remove projects from the list recommended by the
24 governor.

25 **Sec. 35.** RCW 79A.15.100 and 1990 1st ex.s. c 14 s 11 are each
26 amended to read as follows:

27 On or before November 1st of each odd-numbered year, the
28 ((committee)) board shall submit to the governor and the standing
29 committees of the legislature dealing with fiscal affairs, fish and
30 wildlife, and natural resources a report detailing the acquisitions and
31 development projects funded under this chapter during the immediately
32 preceding biennium.

33 **Sec. 36.** RCW 79A.15.110 and 2005 c 303 s 5 are each amended to
34 read as follows:

35 A state or local agency shall review the proposed project

1 application with the county or city with jurisdiction over the project
2 area prior to applying for funds for the acquisition of property under
3 this chapter. The appropriate county or city legislative authority
4 may, at its discretion, submit a letter to the ((committee)) board
5 identifying the authority's position with regard to the acquisition
6 project. The ((committee)) board shall make the letters received under
7 this section available to the governor and the legislature when the
8 prioritized project list is submitted under RCW 79A.15.120, 79A.15.060,
9 and 79A.15.070.

10 **Sec. 37.** RCW 79A.15.120 and 2005 c 303 s 6 are each amended to
11 read as follows:

12 (1) The riparian protection account is established in the state
13 treasury. The ((committee)) board must administer the account in
14 accordance with chapter 79A.25 RCW and this chapter, and hold it
15 separate and apart from all other money, funds, and accounts of the
16 ((committee)) board.

17 (2) Moneys appropriated for this chapter to the riparian protection
18 account must be distributed for the acquisition or enhancement or
19 restoration of riparian habitat. All enhancement or restoration
20 projects, except those qualifying under subsection (10)(a) of this
21 section, must include the acquisition of a real property interest in
22 order to be eligible.

23 (3) State and local agencies and lead entities under chapter 77.85
24 RCW may apply for acquisition and enhancement or restoration funds for
25 riparian habitat projects under subsection (1) of this section. Other
26 state agencies not defined in RCW 79A.15.010, such as the department of
27 transportation and the department of corrections, may enter into
28 interagency agreements with state agencies to apply in partnership for
29 funds under this section.

30 (4) The ((committee)) board may adopt rules establishing
31 acquisition policies and priorities for distributions from the riparian
32 protection account.

33 (5) Except as provided in RCW 79A.15.030(7), moneys appropriated
34 for this section may not be used by the ((committee)) board to fund
35 staff positions or other overhead expenses, or by a state, regional, or
36 local agency to fund operation or maintenance of areas acquired under
37 this chapter.

1 (6) Moneys appropriated for this section may be used by grant
2 recipients for costs incidental to restoration and acquisition,
3 including, but not limited to, surveying expenses, fencing, and
4 signing.

5 (7) Moneys appropriated for this section may be used to fund
6 mitigation banking projects involving the restoration, creation,
7 enhancement, or preservation of riparian habitat, provided that the
8 parties seeking to use the mitigation bank meet the matching
9 requirements of subsection (8) of this section. The moneys from this
10 section may not be used to supplant an obligation of a state or local
11 agency to provide mitigation. For the purposes of this section, a
12 mitigation bank means a site or sites where riparian habitat is
13 restored, created, enhanced, or in exceptional circumstances, preserved
14 expressly for the purpose of providing compensatory mitigation in
15 advance of authorized project impacts to similar resources.

16 (8) The (~~committee~~) board may not approve a local project where
17 the local agency share is less than the amount to be awarded from the
18 riparian protection account. In-kind contributions, including
19 contributions of a real property interest in land may be used to
20 satisfy the local agency's share.

21 (9) State agencies receiving grants for acquisition of land under
22 this section must pay an amount in lieu of real property taxes equal to
23 the amount of tax that would be due if the land were taxable as open
24 space land under chapter 84.34 RCW except taxes levied for any state
25 purpose, plus an additional amount for control of noxious weeds equal
26 to that which would be paid if such lands were privately owned. The
27 county assessor and county legislative authority shall assist in
28 determining the appropriate calculation of the amount of tax that would
29 be due.

30 (10) In determining acquisition priorities with respect to the
31 riparian protection account, the (~~committee~~) board must consider, at
32 a minimum, the following criteria:

33 (a) Whether the project continues the conservation reserve
34 enhancement program. Applications that extend the duration of leases
35 of riparian areas that are currently enrolled in the conservation
36 reserve enhancement program shall be eligible. Such applications are
37 eligible for a conservation lease extension of at least twenty-five
38 years of duration;

1 (b) Whether the projects are identified or recommended in a
2 watershed planning process under chapter 247, Laws of 1998, salmon
3 recovery planning under chapter 77.85 RCW, or other local plans, such
4 as habitat conservation plans, and these must be highly considered in
5 the process;

6 (c) Whether there is community support for the project;

7 (d) Whether the proposal includes an ongoing stewardship program
8 that includes control of noxious weeds, detrimental invasive species,
9 and that identifies the source of the funds from which the stewardship
10 program will be funded;

11 (e) Whether there is an immediate threat to the site;

12 (f) Whether the quality of the habitat is improved or, for projects
13 including restoration or enhancement, the potential for restoring
14 quality habitat including linkage of the site to other high quality
15 habitat;

16 (g) Whether the project is consistent with a local land use plan,
17 or a regional or statewide recreational or resource plan. The projects
18 that assist in the implementation of local shoreline master plans
19 updated according to RCW 90.58.080 or local comprehensive plans updated
20 according to RCW 36.70A.130 must be highly considered in the process;

21 (h) Whether the site has educational or scientific value; and

22 (i) Whether the site has passive recreational values for walking
23 trails, wildlife viewing, or the observation of natural settings.

24 (11) Before November 1st of each even-numbered year, the
25 ((committee)) board will recommend to the governor a prioritized list
26 of projects to be funded under this section. The governor may remove
27 projects from the list recommended by the ((committee)) board and will
28 submit this amended list in the capital budget request to the
29 legislature. The list must include, but not be limited to, a
30 description of each project and any particular match requirement.

31 **Sec. 38.** RCW 79A.15.130 and 2005 c 303 s 7 are each amended to
32 read as follows:

33 (1) The farmlands preservation account is established in the state
34 treasury. The ((committee)) board will administer the account in
35 accordance with chapter 79A.25 RCW and this chapter, and hold it
36 separate and apart from all other money, funds, and accounts of the
37 ((committee)) board. Moneys appropriated for this chapter to the

1 farmlands preservation account must be distributed for the acquisition
2 and preservation of farmlands in order to maintain the opportunity for
3 agricultural activity upon these lands.

4 (2)(a) Moneys appropriated for this chapter to the farmlands
5 preservation account may be distributed for (i) the fee simple or less
6 than fee simple acquisition of farmlands; (ii) the enhancement or
7 restoration of ecological functions on those properties; or (iii) both.
8 In order for a farmland preservation grant to provide for an
9 environmental enhancement or restoration project, the project must
10 include the acquisition of a real property interest.

11 (b) If a city or county acquires a property through this program in
12 fee simple, the city or county shall endeavor to secure preservation of
13 the property through placing a conservation easement, or other form of
14 deed restriction, on the property which dedicates the land to
15 agricultural use and retains one or more property rights in perpetuity.
16 Once an easement or other form of deed restriction is placed on the
17 property, the city or county shall seek to sell the property, at fair
18 market value, to a person or persons who will maintain the property in
19 agricultural production. Any moneys from the sale of the property
20 shall either be used to purchase interests in additional properties
21 which meet the criteria in subsection (9) of this section, or to repay
22 the grant from the state which was originally used to purchase the
23 property.

24 (3) Cities and counties may apply for acquisition and enhancement
25 or restoration funds for farmland preservation projects within their
26 jurisdictions under subsection (1) of this section.

27 (4) The ((committee)) board may adopt rules establishing
28 acquisition and enhancement or restoration policies and priorities for
29 distributions from the farmlands preservation account.

30 (5) The acquisition of a property right in a project under this
31 section by a county or city does not provide a right of access to the
32 property by the public unless explicitly provided for in a conservation
33 easement or other form of deed restriction.

34 (6) Except as provided in RCW 79A.15.030(7), moneys appropriated
35 for this section may not be used by the ((committee)) board to fund
36 staff positions or other overhead expenses, or by a city or county to
37 fund operation or maintenance of areas acquired under this chapter.

1 (7) Moneys appropriated for this section may be used by grant
2 recipients for costs incidental to restoration and acquisition,
3 including, but not limited to, surveying expenses, fencing, and
4 signing.

5 (8) The ((committee)) board may not approve a local project where
6 the local agency's share is less than the amount to be awarded from the
7 farmlands preservation account. In-kind contributions, including
8 contributions of a real property interest in land, may be used to
9 satisfy the local agency's share.

10 (9) In determining the acquisition priorities, the ((committee))
11 board must consider, at a minimum, the following criteria:

12 (a) Community support for the project;

13 (b) A recommendation as part of a limiting factors or critical
14 pathways analysis, a watershed plan or habitat conservation plan, or a
15 coordinated regionwide prioritization effort;

16 (c) The likelihood of the conversion of the site to nonagricultural
17 or more highly developed usage;

18 (d) Consistency with a local land use plan, or a regional or
19 statewide recreational or resource plan. The projects that assist in
20 the implementation of local shoreline master plans updated according to
21 RCW 90.58.080 or local comprehensive plans updated according to RCW
22 36.70A.130 must be highly considered in the process;

23 (e) Benefits to salmonids;

24 (f) Benefits to other fish and wildlife habitat;

25 (g) Integration with recovery efforts for endangered, threatened,
26 or sensitive species;

27 (h) The viability of the site for continued agricultural
28 production, including, but not limited to:

29 (i) Soil types;

30 (ii) On-site production and support facilities such as barns,
31 irrigation systems, crop processing and storage facilities, wells,
32 housing, livestock sheds, and other farming infrastructure;

33 (iii) Suitability for producing different types or varieties of
34 crops;

35 (iv) Farm-to-market access;

36 (v) Water availability; and

37 (i) Other community values provided by the property when used as
38 agricultural land, including, but not limited to:

- 1 (i) Viewshed;
- 2 (ii) Aquifer recharge;
- 3 (iii) Occasional or periodic collector for storm water runoff;
- 4 (iv) Agricultural sector job creation;
- 5 (v) Migratory bird habitat and forage area; and
- 6 (vi) Educational and curriculum potential.

7 (10) In allotting funds for environmental enhancement or
8 restoration projects, the ((committee)) board will require the projects
9 to meet the following criteria:

10 (a) Enhancement or restoration projects must further the ecological
11 functions of the farmlands;

12 (b) The projects, such as fencing, bridging watercourses,
13 replanting native vegetation, replacing culverts, clearing of
14 waterways, etc., must be less than fifty percent of the acquisition
15 cost of the project including any in-kind contribution by any party;

16 (c) The projects should be based on accepted methods of achieving
17 beneficial enhancement or restoration results; and

18 (d) The projects should enhance the viability of the preserved
19 farmland to provide agricultural production while conforming to any
20 legal requirements for habitat protection.

21 (11) Before November 1st of each even-numbered year, the
22 ((committee)) board will recommend to the governor a prioritized list
23 of all projects to be funded under this section. The governor may
24 remove projects from the list recommended by the ((committee)) board
25 and must submit this amended list in the capital budget request to the
26 legislature. The list must include, but not be limited to, a
27 description of each project and any particular match requirement.

28 **Sec. 39.** RCW 79A.25.005 and 1989 c 237 s 1 are each amended to
29 read as follows:

30 (1) As Washington begins its second century of statehood, the
31 legislature recognizes that renewed efforts are needed to preserve,
32 conserve, and enhance the state's recreational resources. Rapid
33 population growth and increased urbanization have caused a decline in
34 suitable land for recreation and resulted in overcrowding and
35 deterioration of existing facilities. Lack of adequate recreational
36 resources directly affects the health and well-being of all citizens of

1 the state, reduces the state's economic viability, and prevents
2 Washington from maintaining and achieving the quality of life that it
3 deserves.

4 It is therefore the policy of the state and its agencies to
5 preserve, conserve, and enhance recreational resources and open space.
6 In carrying out this policy, the mission of the (~~interagency committee~~
7 ~~for outdoor recreation~~) recreation and conservation funding board and
8 its (~~staff~~) office is to (a) create and work actively for the
9 implementation of a unified statewide strategy for meeting the
10 recreational needs of Washington's citizens, (b) represent and promote
11 the interests of the state on recreational issues in concert with other
12 state and local agencies and the governor, (c) encourage and provide
13 interagency and regional coordination, and interaction between public
14 and private organizations, (d) administer recreational grant-in-aid
15 programs and provide technical assistance, and (e) serve as a
16 repository for information, studies, research, and other data relating
17 to recreation.

18 (2) Washington is uniquely endowed with fresh and salt waters rich
19 in scenic and recreational value. This outdoor heritage enriches the
20 lives of citizens, attracts new residents and businesses to the state,
21 and is a major support of its expanding tourist industry. Rising
22 population, increased income and leisure time, and the rapid growth of
23 boating and other water sports have greatly increased the demand for
24 water related recreation, while waterfront land is rapidly rising in
25 value and disappearing from public use. There is consequently an
26 urgent need for the acquisition or improvement of waterfront land on
27 fresh and salt water suitable for marine recreational use by Washington
28 residents and visitors. To meet this need, it is necessary and proper
29 that the portion of motor vehicle fuel taxes paid by boat owners and
30 operators on fuel consumed in their watercraft and not reclaimed as
31 presently provided by law should be expended for the acquisition or
32 improvement of marine recreation land on the Pacific Ocean, Puget
33 Sound, bays, lakes, rivers, reservoirs and other fresh and salt waters
34 of the state.

35 **Sec. 40.** RCW 79A.25.010 and 2006 c 152 s 9 are each amended to
36 read as follows:

1 (~~Definitions: As used in this chapter:~~) The definitions in this
2 section apply throughout this chapter unless the context clearly
3 requires otherwise.

4 (1) "Marine recreation land" means any land with or without
5 improvements which (a) provides access to, or in whole or in part
6 borders on, fresh or salt water suitable for recreational use by
7 watercraft, or (b) may be used to create, add to, or make more usable,
8 bodies of water, waterways, or land, for recreational use by
9 watercraft.

10 (2) "Public body" means any county, city, town, port district, park
11 and recreation district, metropolitan park district, or other municipal
12 corporation which is authorized to acquire or improve public outdoor
13 recreation land, and shall also mean Indian tribes now or hereafter
14 recognized as such by the federal government for participation in the
15 land and water conservation program.

16 (3) "Tax on marine fuel" means motor vehicle fuel tax which is (a)
17 tax on fuel used in, or sold or distributed for use in, any watercraft,
18 (b) refundable pursuant to chapter 82.36 RCW, and (c) paid to the
19 director of licensing with respect to taxable sales, distributions, or
20 uses occurring on or after December 3, 1964.

21 (4) "Watercraft" means any boat, vessel, or other craft used for
22 navigation on or through water.

23 (5) (~~("Committee")~~) "Board" means the (~~(interagency committee for~~
24 ~~outdoor recreation)~~) recreation and conservation funding board.

25 (6) "Director" means the director of the (~~(interagency committee~~
26 ~~for outdoor recreation)~~) recreation and conservation office.

27 (7) "Office," "recreation and conservation office," or "the office
28 of recreation and conservation" means the state agency responsible for
29 administration of programs and activities of the recreation and
30 conservation funding board, the salmon recovery funding board, the
31 invasive species council, and such other duties or boards, councils, or
32 advisory groups as are or may be established or directed for
33 administrative placement in the agency.

34 (8) "Council" means the Washington invasive species council created
35 in RCW 79A.25.310.

36 **Sec. 41.** RCW 79A.25.020 and 2000 c 11 s 69 are each amended to
37 read as follows:

1 The director shall have the following powers and duties:

2 (1) To supervise the administrative operations of the ((committee))
3 boards, office, and ((its)) their staff;

4 (2) To administer recreation and conservation grant-in-aid programs
5 and contracts, and provide technical assistance to state and local
6 agencies;

7 (3) To prepare and update a strategic plan for the acquisition,
8 renovation, and development of recreational resources and the
9 preservation and conservation of open space. The plan shall be
10 prepared in coordination with the office of the governor and the office
11 of financial management, with participation of federal, state, and
12 local agencies having recreational responsibilities, user groups,
13 private sector interests, and the general public. The plan shall be
14 submitted to the ((committee)) recreation and conservation funding
15 board for review, and the ((committee)) board shall submit its
16 recommendations on the plan to the governor. The plan shall include,
17 but is not limited to: (a) an inventory of current resources; (b) a
18 forecast of recreational resource demand; (c) identification and
19 analysis of actual and potential funding sources; (d) a process for
20 broad scale information gathering; (e) an assessment of the
21 capabilities and constraints, both internal and external to state
22 government, that affect the ability of the state to achieve the goals
23 of the plan; (f) an analysis of strategic options and decisions
24 available to the state; (g) an implementation strategy that is
25 coordinated with executive policy and budget priorities; and (h)
26 elements necessary to qualify for participation in or the receipt of
27 aid from any federal program for outdoor recreation;

28 (4) To represent and promote the interests of the state on
29 recreational issues and further the mission of the ((committee)) board
30 and office;

31 (5) Upon approval of the ((committee)) relevant board, to enter
32 into contracts and agreements with private nonprofit corporations to
33 further state goals of preserving, conserving, and enhancing
34 recreational resources and open space for the public benefit and use;

35 (6) To appoint such technical and other committees as may be
36 necessary to carry out the purposes of this chapter;

37 (7) To create and maintain a repository for data, studies,

1 research, and other information relating to recreation and conservation
2 resources in the state, and to encourage the interchange of such
3 information;

4 (8) To encourage and provide opportunities for interagency and
5 regional coordination and cooperative efforts between public agencies
6 and between public and private entities involved in the development and
7 preservation of recreational and conservation resources; and

8 (9) To prepare the state trails plan, as required by RCW
9 79A.35.040.

10 **Sec. 42.** RCW 79A.25.030 and 2000 c 11 s 70 are each amended to
11 read as follows:

12 From time to time, but at least once each four years, the director
13 of licensing shall determine the amount or proportion of moneys paid to
14 him or her as motor vehicle fuel tax which is tax on marine fuel. The
15 director of licensing shall make or authorize the making of studies,
16 surveys, or investigations to assist him or her in making such
17 determination, and shall hold one or more public hearings on the
18 findings of such studies, surveys, or investigations prior to making
19 his or her determination. The studies, surveys, or investigations
20 conducted pursuant to this section shall encompass a period of twelve
21 consecutive months each time. The final determination by the director
22 of licensing shall be implemented as of the next biennium after the
23 period from which the study data were collected. The director of
24 licensing may delegate his or her duties and authority under this
25 section to one or more persons of the department of licensing if he or
26 she finds such delegation necessary and proper to the efficient
27 performance of these duties. Costs of carrying out the provisions of
28 this section shall be paid from the marine fuel tax refund account
29 created in RCW 79A.25.040, upon legislative appropriation.

30 **Sec. 43.** RCW 79A.25.060 and 2000 c 11 s 72 are each amended to
31 read as follows:

32 The outdoor recreation account is created in the state treasury.
33 Moneys in the account are subject to legislative appropriation. The
34 (~~committee~~) board shall administer the account in accordance with
35 chapter 79A.15 RCW and this chapter, and shall hold it separate and

1 apart from all other money, funds, and accounts of the ((committee))
2 board.

3 Grants, gifts, or other financial assistance, proceeds received
4 from public bodies as administrative cost contributions, and moneys
5 made available to the state of Washington by the federal government for
6 outdoor recreation, may be deposited into the account.

7 **Sec. 44.** RCW 79A.25.080 and 2000 c 11 s 74 are each amended to
8 read as follows:

9 Moneys transferred to the recreation resource account from the
10 marine fuel tax refund account may be used when appropriated by the
11 legislature, as well as any federal or other funds now or hereafter
12 available, to pay the office and necessary administrative and
13 coordinative costs of the ((interagency committee for outdoor
14 recreation)) recreation and conservation funding board established by
15 RCW 79A.25.110. All moneys so transferred, except those appropriated
16 as aforesaid, shall be divided into two equal shares and shall be used
17 to benefit watercraft recreation in this state as follows:

18 (1) One share as grants to state agencies for (a) acquisition of
19 title to, or any interests or rights in, marine recreation land, (b)
20 capital improvement and renovation of marine recreation land, including
21 periodic dredging in accordance with subsection (3) of this section, if
22 needed, to maintain or make the facility more useful, or (c) matching
23 funds in any case where federal or other funds are made available on a
24 matching basis for purposes described in (a) or (b) of this subsection;

25 (2) One share as grants to public bodies to help finance (a)
26 acquisition of title to, or any interests or rights in, marine
27 recreation land, or (b) capital improvement and renovation of marine
28 recreation land, including periodic dredging in accordance with
29 subsection (3) of this section, if needed, to maintain or make the
30 facility more useful. A public body is authorized to use a grant,
31 together with its own contribution, as matching funds in any case where
32 federal or other funds are made available for purposes described in (a)
33 or (b) of this subsection. The ((committee)) board may prescribe
34 further terms and conditions for the making of grants in order to carry
35 out the purposes of this chapter.

36 (3) For the purposes of this section "periodic dredging" is limited

1 to dredging of materials that have been deposited in a channel due to
2 unforeseen events. This dredging should extend the expected usefulness
3 of the facility for at least five years.

4 **Sec. 45.** RCW 79A.25.090 and 1995 c 166 s 6 are each amended to
5 read as follows:

6 Interest earned on funds granted or made available by the
7 ~~((committee))~~ board shall not be expended by the recipient but shall be
8 returned to the source account for disbursement by the ~~((committee))~~
9 board in accordance with general budget and accounting procedure.

10 **Sec. 46.** RCW 79A.25.100 and 2000 c 11 s 75 are each amended to
11 read as follows:

12 Marine recreation land with respect to which money has been
13 expended under RCW 79A.25.080 shall not, without the approval of the
14 ~~((committee))~~ board, be converted to uses other than those for which
15 such expenditure was originally approved. The ~~((committee))~~ board
16 shall only approve any such conversion upon conditions which will
17 assure the substitution of other marine recreation land of at least
18 equal fair market value at the time of conversion and of as nearly as
19 feasible equivalent usefulness and location.

20 **Sec. 47.** RCW 79A.25.110 and 1994 c 264 s 31 are each amended to
21 read as follows:

22 There is created the ~~((interagency committee for outdoor
23 recreation))~~ recreation and conservation funding board consisting of
24 the commissioner of public lands, the director of parks and recreation,
25 and the director of fish and wildlife, or their designees, and, by
26 appointment of the governor with the advice and consent of the senate,
27 five members from the public at large who have a demonstrated interest
28 in and a general knowledge of outdoor recreation and conservation in
29 the state. The terms of members appointed from the public at large
30 shall commence on January 1st of the year of appointment and shall be
31 for three years or until a successor is appointed, except in the case
32 of appointments to fill vacancies which shall be for the remainder of
33 the unexpired term(~~(; provided the first such members shall be
34 appointed for terms as follows: One member for one year, two members
35 for two years, and two members for three years))~~). The governor shall

1 appoint one of the members from the public at large to serve as
2 ((~~chairman~~)) chair of the ((~~committee~~)) board for the duration of the
3 member's term. Members employed by the state shall serve without
4 additional pay and participation in the work of the ((~~committee~~)) board
5 shall be deemed performance of their employment. Members from the
6 public at large shall be compensated in accordance with RCW 43.03.240
7 and shall be entitled to reimbursement individually for travel expenses
8 incurred in performance of their duties as members of the ((~~committee~~))
9 board in accordance with RCW 43.03.050 and 43.03.060.

10 **Sec. 48.** RCW 79A.25.120 and 1995 c 166 s 7 are each amended to
11 read as follows:

12 Any public body or any agency of state government authorized to
13 acquire or improve public outdoor recreation land which desires funds
14 from the outdoor recreation account, the recreation resource account,
15 or the nonhighway and off-road vehicle activities program account shall
16 submit to the ((~~committee~~)) board a long-range plan for developing
17 outdoor recreation facilities within its authority and detailed plans
18 for the projects sought to be financed from these accounts, including
19 estimated cost and such other information as the ((~~committee~~)) board
20 may require. The ((~~committee~~)) board shall analyze all proposed plans
21 and projects, and shall recommend to the governor for inclusion in the
22 budget such projects as it may approve and find to be consistent with
23 an orderly plan for the acquisition and improvement of outdoor
24 recreation lands in the state.

25 **Sec. 49.** RCW 79A.25.130 and 1967 ex.s. c 62 s 5 are each amended
26 to read as follows:

27 The ((~~committee~~)) board or director may apply to any appropriate
28 agency or officer of the United States for participation in or the
29 receipt of aid from any federal program respecting outdoor recreation
30 ((~~not specifically designated for another fund or agency~~)) or
31 conservation. ((~~It~~)) The board or director may enter into contracts
32 and agreements with the United States or any appropriate agency
33 thereof, keep financial and other records relating thereto, and furnish
34 to appropriate officials and agencies of the United States such reports
35 and information as may be reasonably necessary to enable such officials
36 and agencies to perform their duties under such programs.

1 **Sec. 50.** RCW 79A.25.140 and 1967 ex.s. c 62 s 6 are each amended
2 to read as follows:

3 The (~~committee for outdoor recreation~~) board or director shall
4 not make (~~no~~) any commitment (~~nor~~) or enter into any agreement
5 until it (~~has~~) is determined that sufficient funds are available to
6 meet project costs. It is the legislative intent that, to such extent
7 as may be necessary to assure the proper operation and maintenance of
8 areas and facilities acquired or developed pursuant to any program
9 participated in by this state under authority of this chapter, such
10 areas and facilities shall be publicly maintained for outdoor
11 recreation purposes. When requested by a state agency or public body,
12 the (~~committee~~) board or director may enter into and administer
13 agreements with the United States or any appropriate agency thereof for
14 planning, acquisition, and development projects involving participating
15 federal-aid funds on behalf of any state agency, public body, or
16 subdivision of this state: PROVIDED, That recipients of funds give
17 necessary assurances to the (~~committee~~) board or director that they
18 have available sufficient matching funds to meet their shares, if any,
19 of the cost of the project and that the acquired or developed areas
20 will be operated and maintained at the expense of such state agency,
21 public body, or subdivision for public outdoor recreation use.

22 **Sec. 51.** RCW 79A.25.150 and 1989 c 237 s 3 are each amended to
23 read as follows:

24 When requested by the (~~committee~~) board, members employed by the
25 state shall furnish assistance to the (~~committee~~) board from their
26 departments for the analysis and review of proposed plans and projects,
27 and such assistance shall be a proper charge against the appropriations
28 to the several agencies represented on the (~~committee~~) board.
29 Assistance may be in the form of money, personnel, or equipment and
30 supplies, whichever is most suitable to the needs of the (~~committee~~)
31 board.

32 The director of the recreation and conservation office shall be
33 appointed by, and serve at the pleasure of, the governor. The governor
34 shall select the director from a list of three candidates submitted by
35 the (~~committee~~) board. However, the governor may request and the
36 (~~committee~~) board shall provide an additional list or lists from
37 which the governor may select the director. The lists compiled by the

1 ((committee)) board shall not be subject to public disclosure. The
2 director shall have background and experience in the areas of
3 recreation and conservation management and policy. The director shall
4 be paid a salary to be fixed by the governor in accordance with the
5 provisions of RCW 43.03.040. The director shall appoint such personnel
6 as may be necessary to carry out the duties of the ((committee))
7 office. Not more than three employees appointed by the director shall
8 be exempt from the provisions of chapter 41.06 RCW.

9 **Sec. 52.** RCW 79A.25.190 and 1995 c 166 s 8 are each amended to
10 read as follows:

11 The 1967 and subsequent legislatures may appropriate funds
12 requested in the budget for grants to public bodies and state agencies
13 from the recreation resource account to the ((committee)) board for
14 allocation and disbursement. The ((committee)) board shall include a
15 list of prioritized state agency projects to be funded from the
16 recreation resource account with its biennial budget request.

17 **Sec. 53.** RCW 79A.25.200 and 2000 c 11 s 77 are each amended to
18 read as follows:

19 The recreation resource account is created in the state treasury.
20 Moneys in this account are subject to legislative appropriation. The
21 ((committee)) board shall administer the account in accordance with
22 this chapter and chapter 79A.35 RCW and shall hold it separate and
23 apart from all other money, funds, and accounts of the ((committee))
24 board. Moneys received from the marine fuel tax refund account under
25 RCW 79A.25.070 shall be deposited into the account. Grants, gifts, or
26 other financial assistance, proceeds received from public bodies as
27 administrative cost contributions, and moneys made available to the
28 state of Washington by the federal government for outdoor recreation
29 may be deposited into the account.

30 **Sec. 54.** RCW 79A.25.210 and 1996 c 96 s 1 are each amended to read
31 as follows:

32 The firearms range account is hereby created in the state general
33 fund. Moneys in the account shall be subject to legislative
34 appropriation and shall be used for purchase and development of land,
35 construction or improvement of range facilities, including fixed

1 structure construction or remodeling, equipment purchase, safety or
2 environmental improvements, noise abatement, and liability protection
3 for public and nonprofit firearm range training and practice
4 facilities.

5 Grant funds shall not be used for expendable shooting supplies, or
6 normal operating expenses. In making grants, the (~~interagency~~
7 ~~committee for outdoor recreation~~) board shall give priority to
8 projects for noise abatement or safety improvement. Grant funds shall
9 not supplant funds for other organization programs.

10 The funds will be available to nonprofit shooting organizations,
11 school districts, and state, county, or local governments on a match
12 basis. All entities receiving matching funds must be open on a regular
13 basis and usable by law enforcement personnel or the general public who
14 possess Washington concealed pistol licenses or Washington hunting
15 licenses or who are enrolled in a firearm safety class.

16 Applicants for a grant from the firearms range account shall
17 provide matching funds in either cash or in-kind contributions. The
18 match must represent one dollar in value for each one dollar of the
19 grant except that in the case of a grant for noise abatement or safety
20 improvements the match must represent one dollar in value for each two
21 dollars of the grant. In-kind contributions include but are not
22 limited to labor, materials, and new property. Existing assets and
23 existing development may not apply to the match.

24 Applicants other than school districts or local or state government
25 must be registered as a nonprofit or not-for-profit organization with
26 the Washington secretary of state. The organization's articles of
27 incorporation must contain provisions for the organization's structure,
28 officers, legal address, and registered agent.

29 Organizations requesting grants must provide the hours of range
30 availability for public and law enforcement use. The fee structure
31 will be submitted with the grant application.

32 Any nonprofit organization or agency accepting a grant under this
33 program will be required to pay back the entire grant amount to the
34 firearms range account if the use of the range facility is discontinued
35 less than ten years after the grant is accepted.

36 Entities receiving grants must make the facilities for which grant
37 funding is received open for hunter safety education classes and
38 firearm safety classes on a regular basis for no fee.

1 Government units or school districts applying for grants must open
2 their range facility on a regular basis for hunter safety education
3 classes and firearm safety classes.

4 The (~~interagency committee for outdoor recreation~~) board shall
5 adopt rules to implement chapter 195, Laws of 1990, pursuant to chapter
6 34.05 RCW.

7 **Sec. 55.** RCW 79A.25.220 and 1993 sp.s. c 2 s 71 are each amended
8 to read as follows:

9 (1) A ten-member firearms range advisory committee is hereby
10 created to provide advice and counsel to the (~~interagency committee
11 for outdoor recreation~~) board. The members shall be appointed by the
12 director of the (~~interagency committee for outdoor recreation~~)
13 recreation and conservation office from the following groups:

- 14 (a) Law enforcement;
- 15 (b) Washington military department;
- 16 (c) Black powder shooting sports;
- 17 (d) Rifle shooting sports;
- 18 (e) Pistol shooting sports;
- 19 (f) Shotgun shooting sports;
- 20 (g) Archery shooting sports;
- 21 (h) Hunter education;
- 22 (i) Hunters; and
- 23 (j) General public.

24 (2) The firearms range advisory committee members shall serve two-
25 year terms with five new members being selected each year beginning
26 with the third year of the committee's existence. The firearms range
27 advisory committee members shall not receive compensation from the
28 firearms range account. However, travel and per diem costs shall be
29 paid consistent with regulations for state employees.

30 (3) The (~~interagency committee for outdoor recreation~~) office
31 shall provide administrative, operational, and logistical support for
32 the firearms range advisory committee. Expenses directly incurred for
33 supporting this program may be charged by the (~~interagency committee
34 for outdoor recreation~~) office against the firearms range account.
35 Expenses shall not exceed ten percent of the yearly income for the
36 range account.

1 (4) The (~~interagency committee for outdoor recreation~~) board
2 shall in cooperation with the firearms range advisory committee:

- 3 (a) Develop an application process;
- 4 (b) Develop an audit and accountability program;
- 5 (c) Screen, prioritize, and approve grant applications; and
- 6 (d) Monitor compliance by grant recipients.

7 (5) The department of natural resources, the department of fish and
8 wildlife, and the Washington military department are encouraged to
9 provide land, facilitate land exchanges, and support the development of
10 shooting range facilities.

11 **Sec. 56.** RCW 79A.25.230 and 1990 c 195 s 4 are each amended to
12 read as follows:

13 The (~~interagency committee for outdoor recreation~~) board or
14 director may accept gifts and grants upon such terms as the
15 (~~committee~~) board shall deem proper. All monetary gifts and grants
16 shall be deposited in the firearms range account of the general fund.

17 **Sec. 57.** RCW 79A.25.240 and 2003 c 39 s 44 are each amended to
18 read as follows:

19 The (~~interagency committee for outdoor~~) recreation and
20 conservation office shall provide necessary grants and loan
21 administration support to the salmon recovery funding board as provided
22 in RCW 77.85.120. The (~~committee~~) office shall also be responsible
23 for tracking salmon recovery expenditures under RCW 77.85.140. The
24 (~~committee~~) office shall provide all necessary administrative support
25 to the salmon recovery funding board, and the salmon recovery funding
26 board shall be located with the (~~committee~~) office. The
27 (~~committee~~) office shall provide necessary (~~information to~~)
28 coordination with the salmon recovery office.

29 **Sec. 58.** RCW 79A.25.250 and 2000 c 11 s 79 are each amended to
30 read as follows:

31 Recognizing the fact that the demand for park services is greatest
32 in our urban areas, that parks should be accessible to all Washington
33 citizens, that the urban poor cannot afford to travel to remotely
34 located parks, that few state parks are located in or near urban areas,
35 that a need exists to conserve energy, and that local governments

1 having jurisdiction in urban areas cannot afford the costs of
2 maintaining and operating the extensive park systems needed to service
3 their large populations, the legislature hereby directs the
4 (~~interagency committee for outdoor~~) recreation and conservation
5 funding board to place a high priority on the acquisition, development,
6 redevelopment, and renovation of parks to be located in or near urban
7 areas and to be particularly accessible to and used by the populations
8 of those areas. For purposes of RCW 79A.25.250 and 79A.05.300, "urban
9 areas" means any incorporated city with a population of five thousand
10 persons or greater or any county with a population density of two
11 hundred fifty persons per square mile or greater. This section shall
12 be implemented by January 1, 1981.

13 **Sec. 59.** RCW 79A.25.820 and 2003 c 126 s 702 are each amended to
14 read as follows:

15 Subject to available resources, the (~~interagency committee for~~
16 ~~outdoor~~) recreation and conservation funding board may:

17 (1) Prepare and update a strategic plan for the development,
18 maintenance, and improvement of community outdoor athletic fields in
19 the state. In the preparation of such plan, the (~~interagency~~
20 ~~committee for outdoor recreation~~) board may use available data from
21 federal, state, and local agencies having community outdoor athletic
22 responsibilities, user groups, private sector interests, and the
23 general public. The plan may include, but is not limited to:

24 (a) An inventory of current community outdoor athletic fields;

25 (b) A forecast of demand for these fields;

26 (c) An identification and analysis of actual and potential funding
27 sources; and

28 (d) Other information the (~~interagency committee for outdoor~~
29 ~~recreation~~) board deems appropriate to carry out the purposes of RCW
30 79A.25.800 through 79A.25.830;

31 (2) Determine the eligibility requirements for cities, counties,
32 and qualified nonprofit organizations to access funding from the youth
33 athletic facility account created in RCW 43.99N.060(4);

34 (3) Encourage and provide opportunities for interagency and
35 regional coordination and cooperative efforts between public agencies
36 and between public entities and nonprofit organizations involved in the

1 maintenance, development, and improvement of community outdoor athletic
2 fields; and

3 (4) Create and maintain data, studies, research, and other
4 information relating to community outdoor athletic fields in the state,
5 and to encourage the exchange of this information.

6 **Sec. 60.** RCW 79A.25.830 and 2000 c 11 s 82 are each amended to
7 read as follows:

8 The ((interagency committee for outdoor)) recreation and
9 conservation funding board or office may receive gifts, grants, or
10 endowments from public and private sources that are made from time to
11 time, in trust or otherwise, for the use and benefit of the purposes of
12 RCW 79A.25.800 through 79A.25.830 and spend gifts, grants, or
13 endowments or income from the public or private sources according to
14 their terms, unless the receipt of the gifts, grants, or endowments
15 violates RCW 42.17.710.

16 **Sec. 61.** RCW 79A.25.310 and 2006 c 152 s 2 are each amended to
17 read as follows:

18 (1) There is created the Washington invasive species council to
19 exist until December 31, 2011. Staff support to the council shall be
20 provided by the ((committee)) recreation and conservation office and
21 from the agencies represented on the council. For administrative
22 purposes, the council shall be located within the ((committee)) office.

23 (2) The purpose of the council is to provide policy level
24 direction, planning, and coordination for combating harmful invasive
25 species throughout the state and preventing the introduction of others
26 that may be potentially harmful.

27 (3) The council is a joint effort between local, tribal, state, and
28 federal governments, as well as the private sector and nongovernmental
29 interests. The purpose of the council is to foster cooperation,
30 communication, and coordinated approaches that support local, state,
31 and regional initiatives for the prevention and control of invasive
32 species.

33 (4) For the purposes of this chapter, "invasive species" include
34 nonnative organisms that cause economic or environmental harm and are
35 capable of spreading to new areas of the state. "Invasive species"

1 does not include domestic livestock, intentionally planted agronomic
2 crops, or nonharmful exotic organisms.

3 **Sec. 62.** RCW 79A.25.370 and 2006 c 152 s 8 are each amended to
4 read as follows:

5 The invasive species council account is created in the custody of
6 the state treasurer. All receipts from appropriations, gifts, grants,
7 and donations must be deposited into the account. Expenditures from
8 the account may be used only to carry out the purposes of the council.
9 The account is subject to allotment procedures under chapter 43.88 RCW
10 and the approval of the director of the (~~committee~~) recreation and
11 conservation office is required for expenditures. All expenditures
12 must be directed by the council.

13 **Sec. 63.** RCW 79A.35.010 and 1970 ex.s. c 76 s 2 are each amended
14 to read as follows:

15 (~~As used in this chapter, "IAC" means the Washington state~~
16 ~~interagency committee for outdoor recreation, and~~) The definitions in
17 this section apply throughout this chapter unless the context clearly
18 requires otherwise.

19 (1) "Board" means the recreation and conservation funding board.

20 (2) "System" means the Washington state recreation trails system.

21 **Sec. 64.** RCW 79A.35.030 and 2000 c 11 s 86 are each amended to
22 read as follows:

23 (1) The system shall be composed of trails as designated by the
24 (~~IAC~~) board. Such trails shall meet the conditions established in
25 this chapter and such supplementary criteria as the (~~IAC~~) board may
26 prescribe.

27 (2) The (~~IAC~~) board shall establish a procedure whereby federal,
28 state, and local governmental agencies and/or public and private
29 organizations may propose trails for inclusion within the system. Such
30 proposals will comply with the proposal requirements contained in RCW
31 79A.35.050.

32 (3) In consultation with appropriate federal, state, and local
33 governmental agencies and public and private organizations, the (~~IAC~~)
34 board shall establish a procedure for public review of the proposals
35 considered appropriate for inclusion in the statewide trails system.

1 **Sec. 65.** RCW 79A.35.050 and 1970 ex.s. c 76 s 6 are each amended
2 to read as follows:

3 Before any specific existing or proposed trail is considered for
4 designation as a state recreational trail, a proposal must be submitted
5 to the (~~IAC~~) board showing the following:

6 (1) For existing trails:

7 (a) The route of such trail, including maps and illustrations, and
8 the recommended mode or modes of travel to be permitted thereon;

9 (b) The characteristics that, in the judgment of the agency or
10 organization proposing the trail, make it worthy of designation as a
11 component of a state recreation trail or trail system;

12 (c) A map showing the current status of land ownership and use
13 along the designated route;

14 (d) The name of the agency or combination of agencies that would be
15 responsible for acquiring additional trail rights-of-way or easements,
16 trail improvement, operation and maintenance, and a statement from
17 those agencies indicating the conditions under which they would be
18 willing to accept those responsibilities;

19 (e) Any anticipated problems of maintaining and supervising the use
20 of such trail and any anticipated hazards to the use of any land or
21 resource adjacent to such trail;

22 (f) And such others as deemed necessary by the (~~IAC~~) board.

23 (2) In addition, for proposed trails or for existing trails which
24 require additional right-of-way acquisition, easements, and/or
25 development:

26 (a) The method of acquiring trail rights-of-way or easements;

27 (b) The estimated cost of acquisition of lands, or interest in
28 land, if any is required;

29 (c) The plans for developing the trail and the estimated cost
30 thereof;

31 (d) Proposed sources of funds to accomplish (~~(2)~~)(a) and
32 (~~(2)~~)(b) of this subsection.

33 **Sec. 66.** RCW 79A.35.060 and 1970 ex.s. c 76 s 7 are each amended
34 to read as follows:

35 Following designation of a state recreation trail, the (~~IAC~~)
36 recreation and conservation funding board may coordinate:

- 1 (1) The agency or agencies that will acquire (where appropriate),
- 2 develop and/or maintain the trail;
- 3 (2) The most appropriate location for the trail;
- 4 (3) Modes of travel to be permitted;
- 5 (4) And other functions as appropriate.

6 **Sec. 67.** RCW 79A.35.070 and 1977 ex.s. c 220 s 21 are each amended
7 to read as follows:

8 The following seven categories of trails or areas are hereby
9 established for purposes of this chapter:

10 (1) Cross-state trails which connect scenic, historical,
11 geological, geographical, or other significant features which are
12 characteristic of the state;

13 (2) Water-oriented trails which provide a designated path to, on,
14 or along fresh and/or salt water in which the water is the primary
15 point of interest;

16 (3) Scenic-access trails which give access to quality recreation,
17 scenic, historic or cultural areas of statewide or national
18 significance;

19 (4) Urban trails which provide opportunities within an urban
20 setting for walking, bicycling, horseback riding, or other compatible
21 activities. Where appropriate, they will connect parks, scenic areas,
22 historical points, and neighboring communities;

23 (5) Historical trails which identify and interpret routes which
24 were significant in the historical settlement and development of the
25 state;

26 (6) ORV vehicle trails which are suitable for use by both four-
27 wheel drive vehicles and two-wheel vehicles. Such trails may be
28 included as a part of the trail systems enumerated in subsections (1),
29 (2), (3) and (5) of this section or may be separately designated;

30 (7) Off-road and off-trail areas which are suitable for use by both
31 four-wheel drive vehicles and two-wheel vehicles. ~~((IAC))~~ The board
32 shall coordinate an inventory and classification of such areas giving
33 consideration to the type of use such areas will receive from persons
34 operating four-wheel drive vehicles and two-wheel vehicles.

35 The planning and designation of trails shall take into account and
36 give due regard to the interests of federal agencies, state agencies
37 and bodies, counties, municipalities, private landowners and

1 individuals, and interested recreation organizations. It is not
2 required that the above categories be used to designate specific
3 trails, but the ((IAC)) board will assure that full consideration is
4 given to including trails from all categories within the system. As it
5 relates to all classes of trails and to all types of trail users, it is
6 herein declared as state policy to increase recreational trail access
7 to and within state and federally owned lands and private lands where
8 access may be obtained. It is the intent of the legislature that
9 public recreation facilities be developed as fully as possible to
10 provide greater recreation opportunities for the citizens of the state.
11 The purpose of chapter 153, Laws of 1972 ex. sess. is to increase the
12 availability of trails and areas for off-road vehicles by granting
13 authority to state and local governments to maintain a system of ORV
14 trails and areas, and to fund the program to provide for such
15 development. State lands should be used as fully as possible for all
16 public recreation which is compatible with the income-producing
17 requirements of the various trusts.

18 **Sec. 68.** RCW 79A.35.090 and 1971 ex.s. c 47 s 3 are each amended
19 to read as follows:

20 With the concurrence of any federal or state agency administering
21 lands through which a state recreation trail may pass, and after
22 consultation with local governments, private organizations and
23 landowners which the ((IAC)) board knows or believes to be concerned,
24 the ((IAC)) board may issue guidelines including, but not limited to:
25 Encouraging the permissive use of volunteer organizations for planning,
26 maintenance, or trail construction assistance; trail construction and
27 maintenance standards, a trail use reporting procedure, and a uniform
28 trail mapping system.

29 **Sec. 69.** RCW 79A.35.100 and 1993 c 258 s 1 are each amended to
30 read as follows:

31 The ((IAC)) board is authorized and encouraged to consult and to
32 cooperate with any state, federal, or local governmental agency or body
33 including special districts subject to the provisions of chapter 85.38
34 RCW, with private landowners, and with any privately owned utility
35 having jurisdiction or control over or information concerning the use,
36 abandonment, or disposition of roadways, utility rights-of-way, dikes

1 or levees, or other properties suitable for the purpose of improving or
2 expanding the system in order to assure, to the extent practicable,
3 that any such properties having value for state recreation trail
4 purposes may be made available for such use.

5 **Sec. 70.** RCW 79A.35.110 and 1971 ex.s. c 47 s 4 are each amended
6 to read as follows:

7 Volunteer organizations may assist public agencies, with the
8 agency's approval, in the construction and maintenance of recreational
9 trails in accordance with the guidelines issued by the (~~interagency~~
10 ~~committee~~) board. In carrying out such volunteer activities the
11 members of the organizations shall not be considered employees or
12 agents of the public agency administering the trails, and such public
13 agencies shall not be subject to any liability whatsoever arising out
14 of volunteer activities. The liability of public agencies to members
15 of such volunteer organizations shall be limited in the same manner as
16 provided for in RCW 4.24.210.

17 **Sec. 71.** RCW 79A.35.120 and 1984 c 7 s 368 are each amended to
18 read as follows:

19 The department of transportation shall consider plans for trails
20 along and across all new construction projects, improvement projects,
21 and along or across any existing highways in the state system as deemed
22 desirable by the (~~IAC~~) board.

23 **Sec. 72.** RCW 79A.60.590 and 2000 c 11 s 113 are each amended to
24 read as follows:

25 The amounts allocated in accordance with RCW 82.49.030(3) shall be
26 expended upon appropriation in accordance with the following
27 limitations:

28 (1) Thirty percent of the funds shall be appropriated to the
29 (~~interagency committee for outdoor recreation~~) recreation and
30 conservation funding board and be expended for use by state and local
31 government for public recreational waterway boater access and boater
32 destination sites. Priority shall be given to critical site
33 acquisition. The (~~interagency committee for outdoor recreation~~)
34 recreation and conservation funding board shall administer such funds

1 as a competitive grants program. The amounts provided for in this
2 subsection shall be evenly divided between state and local governments.

3 (2) Thirty percent of the funds shall be expended by the commission
4 exclusively for sewage pumpout or dump units at publicly and privately
5 owned marinas as provided for in RCW 79A.60.530 and 79A.60.540.

6 (3) Twenty-five percent of the funds shall be expended for grants
7 to state agencies and other public entities to enforce boating safety
8 and registration laws and to carry out boating safety programs. The
9 commission shall administer such grant program.

10 (4) Fifteen percent shall be expended for instructional materials,
11 programs or grants to the public school system, public entities, or
12 other nonprofit community organizations to support boating safety and
13 boater environmental education or boat waste management planning. The
14 commission shall administer this program.

15 **Sec. 73.** RCW 84.34.055 and 2005 c 310 s 1 are each amended to read
16 as follows:

17 (1)(a) The county legislative authority may direct the county
18 planning commission to set open space priorities and adopt, after a
19 public hearing, an open space plan and public benefit rating system for
20 the county. The plan shall consist of criteria for determining
21 eligibility of lands, the process for establishing a public benefit
22 rating system, and an assessed valuation schedule. The assessed
23 valuation schedule shall be developed by the county assessor and shall
24 be a percentage of market value based upon the public benefit rating
25 system. The open space plan, the public benefit rating system, and the
26 assessed valuations schedule shall not be effective until approved by
27 the county legislative authority after at least one public hearing:
28 PROVIDED, That any county which has complied with the procedural
29 requisites of chapter 393, Laws of 1985, prior to July 28, 1985, need
30 not repeat those procedures in order to adopt an open space plan
31 pursuant to chapter 393, Laws of 1985.

32 (b) County legislative authorities, in open space plans, public
33 benefit rating systems, and assessed valuation schedules, shall give
34 priority consideration to lands used for buffers that are planted with
35 or primarily contain native vegetation.

36 (c) "Priority consideration" as used in this section may include,

1 but is not limited to, establishing classification eligibility and
2 maintenance criteria for buffers meeting the requirements of (b) of
3 this subsection.

4 (d) County legislative authorities shall meet the requirements of
5 (b) of this subsection no later than July 1, 2006, unless buffers
6 already receive priority consideration in the existing open space
7 plans, public benefit rating systems, and assessed valuation schedules.

8 (2) In adopting an open space plan, recognized sources shall be
9 used unless the county does its own survey of important open space
10 priorities or features, or both. Recognized sources include but are
11 not limited to the natural heritage data base; the state office of
12 historic preservation; the ~~((interagency committee for outdoor
13 recreation))~~ recreation and conservation office inventory of dry
14 accretion beach and shoreline features; state, national, county, or
15 city registers of historic places; the shoreline master program; or
16 studies by the parks and recreation commission and by the departments
17 of fish and wildlife and natural resources. Features and sites may be
18 verified by an outside expert in the field and approved by the
19 appropriate state or local agency to be sent to the county legislative
20 authority for final approval as open space.

21 (3) When the county open space plan is adopted, owners of open
22 space lands then classified under this chapter shall be notified in the
23 same manner as is provided in RCW 84.40.045 of their new assessed
24 value. These lands may be removed from classification, upon request of
25 owner, without penalty within thirty days of notification of value.

26 (4) The open space plan and public benefit rating system under this
27 section may be adopted for taxes payable in 1986 and thereafter.

28 **Sec. 74.** RCW 90.71.020 and 1998 c 246 s 14 are each amended to
29 read as follows:

30 (1) The Puget Sound action team is created. The action team shall
31 consist of: The directors of the departments of ecology; agriculture;
32 natural resources; fish and wildlife; and community, trade, and
33 economic development; the secretaries of the departments of health and
34 transportation; the director of the parks and recreation commission;
35 the director of the ~~((interagency committee for outdoor recreation))~~
36 recreation and conservation office; the administrative officer of the
37 conservation commission designated in RCW 89.08.050; one person

1 representing cities, appointed by the governor; one person representing
2 counties, appointed by the governor; one person representing federally
3 recognized tribes, appointed by the governor; and the chair of the
4 action team. The action team shall also include the following ex
5 officio nonvoting members: The regional director of the United States
6 environmental protection agency; the regional administrator of the
7 national marine fisheries service; and the regional supervisor of the
8 United States fish and wildlife service. The members representing
9 cities and counties shall each be reimbursed for travel expenses as
10 provided in RCW 43.03.050 and 43.03.060.

11 (2) The action team shall:

12 (a) Prepare a Puget Sound work plan and budget for inclusion in the
13 governor's biennial budget;

14 (b) Coordinate monitoring and research programs as provided in RCW
15 90.71.060;

16 (c) Work under the direction of the action team chair as provided
17 in RCW 90.71.040;

18 (d) Coordinate permitting requirements as necessary to expedite
19 permit issuance for any local watershed plan developed pursuant to
20 rules adopted under this chapter;

21 (e) Identify and resolve any policy or rule conflicts that may
22 exist between one or more agencies represented on the action team;

23 (f) Periodically amend the Puget Sound management plan;

24 (g) Enter into, amend, and terminate contracts with individuals,
25 corporations, or research institutions for the purposes of this
26 chapter;

27 (h) Receive such gifts, grants, and endowments, in trust or
28 otherwise, for the use and benefit of the purposes of the action team.
29 The action team may expend the same or any income therefrom according
30 to the terms of the gifts, grants, or endowments;

31 (i) Promote extensive public participation, and otherwise seek to
32 broadly disseminate information concerning Puget Sound;

33 (j) Receive and expend funding from other public agencies;

34 (k) To reduce costs and improve efficiency, review by December 1,
35 1996, all requirements for reports and documentation from state
36 agencies and local governments specified in the plan for the purpose of
37 eliminating and consolidating reporting requirements; and

1 (1) Beginning in December 1998, and every two years thereafter,
2 submit a report to the appropriate policy and fiscal committees of the
3 legislature that describes and evaluates the successes and shortcomings
4 of the current work plan relative to the priority problems identified
5 for each geographic area of Puget Sound.

6 (3) By July 1, 1996, the action team shall begin developing its
7 initial work plan, which shall include the coordination of necessary
8 support staff.

9 (4) The action team shall incorporate, to the maximum extent
10 possible, the recommendations of the council regarding amendments to
11 the Puget Sound management plan and the work plan.

12 (5) All proceedings of the action team are subject to the open
13 public meetings act under chapter 42.30 RCW.

14 NEW SECTION. **Sec. 75.** Section 62 of this act expires December 31,
15 2011.

16 NEW SECTION. **Sec. 76.** This act is necessary for the immediate
17 preservation of the public peace, health, or safety, or support of the
18 state government and its existing public institutions, and takes effect
19 July 1, 2007.

--- END ---