
SUBSTITUTE HOUSE BILL 1518

State of Washington

53rd Legislature

1993 Regular Session

By House Committee on Natural Resources & Parks (originally sponsored by Representatives Valle, Dunshee, Pruitt, Rust, J. Kohl, Holm, Jacobsen, Linville and Eide)

Read first time 02/25/93.

1 AN ACT Relating to the water trail recreation program; adding new
2 sections to chapter 43.51 RCW; and prescribing penalties.

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

4 NEW SECTION. **Sec. 1.** The legislature recognizes the increase in
5 water-oriented recreation by users of human and wind-powered, beachable
6 vessels such as kayaks, canoes, or day sailors on Washington's waters.
7 These recreationists frequently require overnight camping facilities
8 along the shores of public or private beaches. The legislature now
9 creates a water trail recreation program, to be administered by the
10 Washington state parks and recreation commission.

11 NEW SECTION. **Sec. 2.** In addition to its other powers, duties, and
12 functions, the commission may:

13 (1) Plan, construct, and maintain suitable facilities for water
14 trail activities on lands administered or acquired by the commission or
15 as authorized on lands administered by tribes or other public agencies
16 or private landowners by agreement.

17 (2) Provide and issue, upon payment of the proper fee, with the
18 assistance of those authorized agents as may be necessary for the

1 convenience of the public, water trail permits to utilize designated
2 water trail facilities. The commission may, after consultation with
3 the water trail advisory committee, adopt rules authorizing reciprocity
4 of water trail permits provided by another state or Canadian province,
5 but only to the extent that a similar exemption or provision for water
6 trail permits is issued by that state or province.

7 (3) Compile, publish, distribute, and charge a fee for maps or
8 other forms of public information indicating areas and facilities
9 suitable for water trail activities.

10 (4) Contract with a public agency, private entity, or person for
11 the actual conduct of these duties.

12 (5) Work with individuals or organizations who wish to volunteer
13 their time to support the water trail recreation program.

14
15 NEW SECTION. **Sec. 3.** The commission may make water trail program
16 grants to public agencies or tribal governments and may contract with
17 any public agency, tribal government, entity, or person to develop and
18 implement water trail programs.

19 NEW SECTION. **Sec. 4.** The commission is not liable for
20 unintentional injuries to users of facilities administered for water
21 trail purposes under this chapter, whether the facilities are
22 administered by the commission or by any other entity or person.
23 However, nothing in this section prevents the liability of the
24 commission for injuries sustained by a user by reason of a known
25 dangerous artificial latent condition for which warning signs have not
26 been conspicuously posted.

27 NEW SECTION. **Sec. 5.** A person may not participate as a user of
28 the water trail recreation program without first obtaining a water
29 trail permit. A person must renew this permit on an annual basis in
30 order to continue to participate as a user of the program. The fee for
31 the issuance of the state-wide water trail permit for each year shall
32 be determined by the commission after consultation with the water trail
33 advisory committee. All state-wide water trail permits shall expire on
34 the last day of December of the year for which the permit is issued.

35 NEW SECTION. **Sec. 6.** The water trail program account is created
36 in the state treasury. All receipts from sales of materials pursuant

1 to section 2 of this act, from state-wide water trail permit fees
2 collected pursuant to section 5 of this act, and all monetary civil
3 penalties collected pursuant to section 8 of this act shall be
4 deposited in the water trail program account. Any gifts, grants,
5 donations, or moneys from any source received by the commission for the
6 water trail program shall also be deposited in the water trail program
7 account. Moneys in the account may be spent only after appropriation
8 to the commission, and may be used solely for water trail program
9 purposes, including: (1) Administration, acquisition, development,
10 operation, planning, and maintenance of water trail lands and
11 facilities, and grants or contracts therefor; and (2) the development
12 and implementation of water trail informational, safety, enforcement,
13 and education programs, and grants or contracts therefor.

14 NEW SECTION. **Sec. 7.** The commission may, after consultation with
15 the water trail advisory committee, adopt rules to administer the water
16 trail program and facilities on areas owned or administered by the
17 commission. Where water trail facilities administered by other public
18 or private entities are incorporated into the water trail system, the
19 rules adopted by those entities shall prevail. The commission is not
20 responsible or liable for enforcement of these alternative rules.

21 NEW SECTION. **Sec. 8.** Violation of the provisions of the
22 commission's rules governing the use of water trail facilities and
23 property shall constitute a civil infraction, punishable as provided
24 under chapter 7.84 RCW.

25 NEW SECTION. **Sec. 9.** (1) There is created a water trail advisory
26 committee to advise the parks and recreation commission in the
27 administration of sections 1 through 8 of this act and to assist and
28 advise the commission in the development of water trail facilities and
29 programs.

30 (2) The advisory committee shall consist of twelve members, who
31 shall be appointed as follows:

32 (a) Five public members representing recreational water trail
33 users, to be appointed by the commission;

34 (b) Two public members representing commercial sectors with an
35 interest in the water trail system, to be appointed by the commission;

1 (c) One representative each from the department of natural
2 resources, the department of wildlife, the Washington state association
3 of counties, and the association of Washington cities, to be appointed
4 by the director of the agency or association. The director of the
5 Washington state parks and recreation commission or the director's
6 designee shall serve as secretary to the committee and shall be a
7 nonvoting member.

8 (3) Except as provided in this section, the terms of the public
9 members appointed by the commission shall begin on January 1st of the
10 year of appointment and shall be for three years or until a successor
11 is appointed, except in the case of appointments to fill vacancies for
12 the remainder of an unexpired term. In making the initial appointments
13 to the advisory committee, the commission shall appoint two public
14 members to serve one year, two public members to serve for two years,
15 and three public members to serve for three years. Public members of
16 the advisory committee may be reimbursed from the water trail program
17 account for travel expenses as provided in RCW 43.03.050 and 43.03.060.

18 (4) The committee shall select a chair and adopt rules necessary to
19 govern its proceedings. The committee shall meet at the times and
20 places it determines, not less than twice a year, and additionally as
21 required by the committee chair or by majority vote of the committee.

22 NEW SECTION. **Sec. 10.** Sections 1 through 9 of this act are each
23 added to chapter 43.51 RCW.

--- END ---