

CERTIFICATION OF ENROLLMENT

SUBSTITUTE SENATE BILL 5179

56th Legislature
1999 Regular Session

Passed by the Senate April 20, 1999
YEAS 44 NAYS 0

President of the Senate

Passed by the House April 6, 1999
YEAS 92 NAYS 0

**Speaker of the
House of Representatives**

**Speaker of the
House of Representatives**

Approved

Governor of the State of Washington

CERTIFICATE

I, Tony M. Cook, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SUBSTITUTE SENATE BILL 5179** as passed by the Senate and the House of Representatives on the dates hereon set forth.

Secretary

FILED

**Secretary of State
State of Washington**

SUBSTITUTE SENATE BILL 5179

AS AMENDED BY THE HOUSE

Passed Legislature - 1999 Regular Session

State of Washington 56th Legislature 1999 Regular Session

By Senate Committee on Natural Resources, Parks & Recreation
(originally sponsored by Senators Oke and Jacobsen)

Read first time 02/05/1999.

1 AN ACT Relating to the authority of the parks and recreation
2 commission; amending RCW 43.51.020, 43.51.030, 43.51.040, 43.51.045,
3 43.51.046, 43.51.055, 43.51.061, 43.51.060, 43.51.052, 46.61.587,
4 7.84.010, 7.84.020, 43.51.210, 43.220.160, 79.72.020, 79.72.030,
5 79.72.040, 79.72.050, 79.72.070, 43.51.070, 43.51.110, 43.51.140,
6 43.51.220, 43.51.237, 43.51.270, 43.51.948, 43.51.720, 43.51.730,
7 43.51.750, 43.51.510, 43.51.540, 43.51.432, 88.12.015, 88.12.165,
8 88.12.175, 88.12.195, 88.12.205, 88.12.295, 88.12.305, 88.12.365, and
9 88.12.385; reenacting and amending RCW 43.51.290; adding a new title to
10 the Revised Code of Washington to be codified as Title 79A RCW;
11 recodifying RCW 43.51.020, 43.51.030, 43.51.040, 43.51.045, 43.51.046,
12 43.51.048, 43.51.050, 43.51.052, 43.51.055, 43.51.060, 43.51.061,
13 43.51.062, 43.51.063, 43.51.065, 43.51.070, 43.51.090, 43.51.100,
14 43.51.110, 43.51.112, 43.51.1121, 43.51.113, 43.51.114, 43.51.120,
15 43.51.130, 43.51.140, 43.51.150, 43.51.160, 43.51.170, 43.51.180,
16 43.51.200, 43.51.210, 43.51.215, 43.51.220, 43.51.235, 43.51.237,
17 43.51.240, 43.51.250, 43.51.270, 43.51.275, 43.51.285, 43.51.290,
18 43.51.300, 43.51.310, 43.51.320, 43.51.321, 43.51.330, 43.51.340,
19 43.51.350, 43.51.360, 43.51.365, 43.51.370, 43.51.375, 43.51.380,
20 43.51.385, 43.51.395, 43.51.400, 43.51.405, 43.51.407, 43.51.409,
21 43.51.411, 43.51.415, 43.51.417, 43.51.419, 43.51.420, 43.51.430,

1 43.51.432, 43.51.434, 43.51.436, 43.51.438, 43.51.440, 43.51.442,
2 43.51.444, 43.51.446, 43.51.448, 43.51.450, 43.51.452, 43.51.454,
3 43.51.456, 43.51.500, 43.51.510, 43.51.530, 43.51.540, 43.51.550,
4 43.51.560, 43.51.570, 43.51.580, 43.51.590, 43.51.650, 43.51.655,
5 43.51.660, 43.51.665, 43.51.670, 43.51.675, 43.51.685, 43.51.695,
6 43.51.700, 43.51.705, 43.51.710, 43.51.715, 43.51.720, 43.51.725,
7 43.51.730, 43.51.735, 43.51.740, 43.51.745, 43.51.750, 43.51.755,
8 43.51.760, 43.51.765, 43.51.900, 43.51.910, 43.51.920, 43.51.930,
9 43.51.940, 43.51.942, 43.51.943, 43.51.944, 43.51.945, 43.51.946,
10 43.51.947, 43.51.948, 43.51.949, 43.51.950, 43.51.951, 43.51.952,
11 43.51.953, 43.51.954, 43.51.955, 43.51.956, 43.98.010, 43.98.020,
12 43.98.030, 43.98.040, 43.98.050, 43.98.060, 43.98.070, 43.98.080,
13 43.98.090, 43.98A.005, 43.98A.010, 43.98A.020, 43.98A.030, 43.98A.040,
14 43.98A.050, 43.98A.060, 43.98A.070, 43.98A.080, 43.98A.090, 43.98A.100,
15 43.98A.900, 43.98B.005, 43.98B.010, 43.98B.020, 43.98B.030, 43.98B.900,
16 43.98B.910, 43.98B.920, 43.99.010, 43.99.020, 43.99.025, 43.99.030,
17 43.99.040, 43.99.050, 43.99.060, 43.99.070, 43.99.080, 43.99.095,
18 43.99.100, 43.99.110, 43.99.120, 43.99.124, 43.99.126, 43.99.130,
19 43.99.135, 43.99.142, 43.99.146, 43.99.150, 43.99.170, 43.99.800,
20 43.99.810, 43.99.820, 43.99.830, 43.99.900, 43.99.910, 67.18.005,
21 67.18.010, 67.18.020, 67.18.030, 67.18.040, 67.18.050, 67.18.900,
22 67.32.010, 67.32.020, 67.32.030, 67.32.040, 67.32.050, 67.32.060,
23 67.32.070, 67.32.080, 67.32.090, 67.32.100, 67.32.110, 67.32.130,
24 67.32.140, 70.88.010, 70.88.020, 70.88.030, 70.88.040, 70.88.050,
25 70.88.060, 70.88.070, 70.88.080, 70.88.090, 70.88.100, 70.117.010,
26 70.117.015, 70.117.020, 70.117.025, 70.117.030, 70.117.040, 77.12.720,
27 77.12.730, 77.12.740, 79.08.102, 79.08.104, 79.08.106, 79.08.1062,
28 79.08.1064, 79.08.1066, 79.08.1069, 79.08.1072, 79.08.1074, 79.08.1078,
29 79.08.109, 79.72.010, 79.72.020, 79.72.030, 79.72.040, 79.72.050,
30 79.72.060, 79.72.070, 79.72.080, 79.72.090, 79.72.100, 79.72.900,
31 88.12.010, 88.12.015, 88.12.020, 88.12.025, 88.12.029, 88.12.032,
32 88.12.033, 88.12.035, 88.12.045, 88.12.055, 88.12.065, 88.12.075,
33 88.12.085, 88.12.095, 88.12.105, 88.12.115, 88.12.125, 88.12.135,
34 88.12.145, 88.12.155, 88.12.165, 88.12.175, 88.12.185, 88.12.195,
35 88.12.205, 88.12.215, 88.12.218, 88.12.222, 88.12.225, 88.12.227,
36 88.12.230, 88.12.232, 88.12.235, 88.12.245, 88.12.250, 88.12.255,
37 88.12.260, 88.12.265, 88.12.275, 88.12.276, 88.12.278, 88.12.279,
38 88.12.285, 88.12.295, 88.12.305, 88.12.315, 88.12.325, 88.12.335,
39 88.12.345, 88.12.355, 88.12.365, 88.12.375, 88.12.385, 88.12.500,

1 88.12.505, 88.27.010, 88.27.020, 88.27.030, 88.27.040, 88.27.050,
2 88.27.900, and 90.56.090; repealing RCW 43.51.010, 79.08.108,
3 43.51.047, 43.51.080, 43.51.545, 43.51.260, 43.51.355, 43.51.230, and
4 88.12.395; and prescribing penalties.

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

6 **PART I**
7 **DEFINITIONS**

8 NEW SECTION. **Sec. 101.** The definitions in this section apply
9 throughout this title unless the context clearly requires otherwise.

10 (1) "Commission" means the state parks and recreation commission.

11 (2) "Chair" means the member of the commission elected pursuant to
12 RCW 43.51.030 (as recodified by this act).

13 (3) "Director" and "director of the state parks and recreation
14 commission" mean the director of parks and recreation or the director's
15 designee.

16 (4) "Recreation" means those activities of a voluntary and leisure
17 time nature that aid in promoting entertainment, pleasure, play,
18 relaxation, or instruction.

19 (5) "Natural forest" means a forest that faithfully represents, or
20 is meant to become representative of, its unaltered state.

21 **PART II**
22 **GENERAL POLICIES**

23 **Sec. 201.** RCW 43.51.020 and 1984 c 287 s 82 are each amended to
24 read as follows:

25 There is hereby created a "state parks and recreation commission"
26 consisting of seven (~~electors~~) citizens of the state. The members of
27 the commission shall be appointed by the governor by and with the
28 advice and consent of the senate and shall serve for a term of six
29 years, expiring on December 31st of even-numbered years, and until
30 their successors are appointed. In case of a vacancy, the governor
31 shall fill the vacancy for the unexpired term of the commissioner whose
32 office has become vacant.

33 (~~The commissioners incumbent as of August 11, 1969, shall serve as~~
34 ~~follows: Those commissioners whose terms expire December 31, 1970,~~

1 shall serve until December 31, 1970; the elector appointed to succeed
2 to the office, the term for which expired December 31, 1968, shall
3 serve until December 31, 1974; the terms of three of the four remaining
4 commissioners shall each expire on December 31, 1972.

5 To assure that no more than the terms of three members will expire
6 simultaneously on December 31st in any one even numbered year, the term
7 of not more than one commissioner incumbent on August 11, 1969, as
8 designated by the governor, who was either appointed or reappointed to
9 serve until December 31, 1972, shall be increased by the governor by
10 two years, and said term shall expire December 31, 1974.))

11 In making the appointments to the commission, the governor shall
12 choose ((electors)) citizens who understand park and recreation needs
13 and interests. No person shall serve if he or she holds any elective
14 or full-time appointive state, county, or municipal office. Members of
15 the commission shall be compensated in accordance with RCW 43.03.240
16 and in addition shall be allowed their travel expenses incurred while
17 absent from their usual places of residence in accordance with RCW
18 43.03.050 and 43.03.060.

19 Payment of expenses pertaining to the operation of the commission
20 shall be made upon vouchers certified to by such persons as shall be
21 designated by the commission.

22 **Sec. 202.** RCW 43.51.030 and 1965 c 8 s 43.51.030 are each amended
23 to read as follows:

24 The commission shall elect one of its members as ((chairman))
25 chair. The commission may be convened at such times as the
26 ((chairman)) chair deems necessary, and a majority shall constitute a
27 quorum for the transaction of business.

28 PART III

29 DUTIES AND POWERS OF THE COMMISSION

30 NEW SECTION. **Sec. 301.** In addition to whatever other duties may
31 exist in law or be imposed in the future, it is the duty of the
32 commission to:

33 (1) Implement integrated pest management practices and regulate
34 pests as required by RCW 17.15.020;

35 (2) Take steps necessary to control spartina and purple loosestrife
36 as required by RCW 17.26.020;

1 (3) Participate in the implementation of chapter 19.02 RCW;

2 (4) Coordinate planning and provide staffing and administrative
3 assistance to the Lewis and Clark trail committee as required by RCW
4 27.34.340;

5 (5) Administer those portions of chapter 46.10 RCW not dealing with
6 registration and licensing of snowmobiles as required by RCW 46.10.210;

7 (6) Consult and participate in the scenic and recreational highway
8 system as required by chapter 47.39 RCW; and

9 (7) Develop, prepare, and distribute information relating to marine
10 oil recycling tanks and sewage holding tank pumping stations, in
11 cooperation with other departments, as required by chapter 88.02 RCW.

12 The commission has the power reasonably necessary to carry out
13 these duties.

14 **Sec. 302.** RCW 43.51.040 and 1989 c 175 s 106 are each amended to
15 read as follows:

16 The commission shall:

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

20 (2) Adopt policies, (~~promulgate~~) and adopt, issue, and enforce
21 rules pertaining to the use, care, and administration of state parks
22 and parkways. The commission shall cause a copy of the rules to be
23 kept posted in a conspicuous place in every state park to which they
24 are applicable, but failure to post or keep any rule posted shall be no
25 defense to any prosecution for the violation thereof.

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

28 (4) Clear, drain, grade, seed, and otherwise improve or beautify
29 parks and parkways, and erect structures, buildings, fireplaces, and
30 comfort stations and build and maintain paths, trails, and roadways
31 through or on parks and parkways.

32 (5) Grant concessions or leases in state parks and parkways, upon
33 such rentals, fees, or percentage of income or profits and for such
34 terms, in no event longer than forty years, and upon such conditions as
35 shall be approved by the commission: PROVIDED, That leases exceeding
36 a twenty-year term shall require a unanimous vote of the commission:
37 PROVIDED FURTHER, That if, during the term of any concession or lease,
38 it is the opinion of the commission that it would be in the best

1 interest of the state, the commission may, with the consent of the
2 concessionaire or lessee, alter and amend the terms and conditions of
3 such concession or lease: PROVIDED FURTHER, That television station
4 leases shall be subject to the provisions of RCW 43.51.063 (as
5 recodified by this act), only: PROVIDED FURTHER, That the rates of
6 such concessions or leases shall be renegotiated at five-year
7 intervals. No concession shall be granted which will prevent the
8 public from having free access to the scenic attractions of any park or
9 parkway.

10 (6) Employ such assistance as it deems necessary.

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

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

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

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

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

37 **Sec. 303.** RCW 43.51.045 and 1984 c 82 s 1 are each amended to read
38 as follows:

1 (1) The commission shall:

2 (a) Manage timber and land under its jurisdiction to maintain and
3 enhance aesthetic and recreational values;

4 (b) Apply modern conservation practices to maintain and enhance
5 aesthetic, recreational, and ecological resources; and

6 (c) Designate and preserve certain forest areas throughout the
7 state as natural forests or natural areas for interpretation, study,
8 and preservation purposes.

9 (2) Trees may be removed from state parks:

10 (a) When hazardous to persons, property, or facilities;

11 (b) As part of a park maintenance or development project, or
12 conservation practice;

13 (c) As part of a road or utility easement; or

14 (d) When damaged by a catastrophic forest event.

15 (3) Tree removal under subsection (2) of this section shall be done
16 by commission personnel, unless the personnel lack necessary expertise.
17 Except in emergencies and when feasible, significant trees shall be
18 removed only after they have been marked or appraised by a professional
19 forester. The removal of significant trees from a natural forest may
20 take place only after a public hearing has been held, except in
21 emergencies.

22 (4) When feasible, felled timber shall be left on the ground for
23 natural purposes or used for park purposes including, but not limited
24 to, building projects, trail mulching, and firewood. In natural forest
25 areas, first consideration shall be given to leaving timber on the
26 ground for natural purposes.

27 (5) The commission may issue permits to individuals under RCW
28 4.24.210 and 43.51.065 (as recodified by this act) for the removal of
29 wood debris from state parks for personal firewood use.

30 (6) Only timber that qualifies for cutting or removal under
31 subsection (2) of this section may be sold. Timber shall be sold only
32 when surplus to the needs of the park.

33 (7) Net revenue derived from timber sales shall be deposited in the
34 state parks renewal and stewardship account created in RCW 43.51.275
35 (as recodified by this act).

36 **Sec. 304.** RCW 43.51.046 and 1991 c 11 s 1 are each amended to read
37 as follows:

1 (1) (~~By July 1, 1992,~~) ~~The~~ (~~state parks and recreation~~)
2 commission shall provide waste reduction and recycling information in
3 each state park campground and day-use area.

4 (2) (~~By July 1, 1993,~~) ~~The~~ commission shall provide recycling
5 receptacles in the day-use and campground areas of at least (~~fifteen~~)
6 forty state parks. The receptacles shall be clearly marked for the
7 disposal of at least two of the following recyclable materials:
8 Aluminum, glass, newspaper, plastic, and tin. The commission shall
9 endeavor to provide recycling receptacles in parks that are near urban
10 centers or in heavily used parks.

11 (3) The commission shall provide daily maintenance of such
12 receptacles from April through September of each year.

13 (4) (~~Beginning July 1, 1993, the commission shall provide~~
14 ~~recycling receptacles in at least five additional state parks per~~
15 ~~biennium until the total number of state parks having recycling~~
16 ~~receptacles reaches forty.~~

17 (~~5~~)) The commission is authorized to enter into agreements with
18 any person, company, or nonprofit organization to provide for the
19 collection and transport of recyclable materials and related activities
20 under this section.

21 **Sec. 305.** RCW 43.51.055 and 1997 c 74 s 1 are each amended to read
22 as follows:

23 (1) The commission shall grant to any person who meets the
24 eligibility requirements specified in this section a senior citizen's
25 pass which shall (a) entitle such person, and members of his or her
26 camping unit, to a fifty percent reduction in the campsite rental fee
27 prescribed by the commission, and (b) entitle such person to free
28 admission to any state park.

29 (2) The commission shall grant a senior citizen's pass to any
30 person who applies for the same and who meets the following
31 requirements:

32 (a) The person is at least sixty-two years of age; and

33 (b) The person is a domiciliary of the state of Washington and
34 meets reasonable residency requirements prescribed by the commission;
35 and

36 (c) The person and his or her spouse have a combined income which
37 would qualify the person for a property tax exemption pursuant to RCW
38 84.36.381, as now law or hereafter amended. The financial eligibility

1 requirements of this subparagraph (c) shall apply regardless of whether
2 the applicant for a senior citizen's pass owns taxable property or has
3 obtained or applied for such property tax exemption.

4 (3) Each senior citizen's pass granted pursuant to this section is
5 valid so long as the senior citizen meets the requirements of
6 subsection (2)(b) of this section. Notwithstanding, any senior citizen
7 meeting the eligibility requirements of this section may make a
8 voluntary donation for the upkeep and maintenance of state parks.

9 (4) A holder of a senior citizen's pass shall surrender the pass
10 upon request of a commission employee when the employee has reason to
11 believe the holder fails to meet the criteria in subsection (2)(a),
12 (b), or (c) of this section. The holder shall have the pass returned
13 upon providing proof to the satisfaction of the director of the parks
14 and recreation commission that the holder does meet the eligibility
15 criteria for obtaining the senior citizen's pass.

16 (5) Any resident of Washington who is disabled as defined by the
17 social security administration and who receives social security
18 benefits for that disability, or any other benefits for that disability
19 from any other governmental or nongovernmental source, or who is
20 entitled to benefits for permanent disability under RCW
21 71A.10.020(~~(+2)~~) (3) due to unemployability full time at the minimum
22 wage, or who is legally blind or profoundly deaf, or who has been
23 issued a card, decal, or special license plate for a permanent
24 disability under RCW 46.16.381 shall be entitled to receive, regardless
25 of age and upon making application therefor, a disability pass at no
26 cost to the holder. The pass shall (a) entitle such person, and
27 members of his or her camping unit, to a fifty percent reduction in the
28 campsite rental fee prescribed by the commission, and (b) entitle such
29 person to free admission to any state park.

30 (6) A card, decal, or special license plate issued for a permanent
31 disability under RCW 46.16.381 may serve as a pass for the holder to
32 entitle that person and members of the person's camping unit to a fifty
33 percent reduction in the campsite rental fee prescribed by the
34 commission, and to allow the holder free admission to state parks.

35 (7) Any resident of Washington who is a veteran and has a service-
36 connected disability of at least thirty percent shall be entitled to
37 receive a lifetime veteran's disability pass at no cost to the holder.
38 The pass shall (a) entitle such person, and members of his or her
39 camping unit, to free use of any campsite within any state park; (b)

1 entitle such person to free admission to any state park; and (c)
2 entitle such person to an exemption from any reservation fees.

3 (8) All passes issued pursuant to this section shall be valid at
4 all parks any time during the year: PROVIDED, That the pass shall not
5 be valid for admission to concessionaire operated facilities.

6 (9) This section shall not affect or otherwise impair the power of
7 the commission to continue or discontinue any other programs it has
8 adopted for senior citizens.

9 (10) The commission shall adopt such rules (~~and regulations~~) as
10 it finds appropriate for the administration of this section. Among
11 other things, such rules (~~and regulations~~) shall prescribe a
12 definition of "camping unit" which will authorize a reasonable number
13 of persons traveling with the person having a pass to stay at the
14 campsite rented by such person, a minimum Washington residency
15 requirement for applicants for a senior citizen's pass and an
16 application form to be completed by applicants for a senior citizen's
17 pass.

18 **Sec. 306.** RCW 43.51.061 and 1969 ex.s. c 31 s 2 are each amended
19 to read as follows:

20 (~~Notwithstanding any other provisions of this chapter or of other~~
21 ~~laws~~) No provision of law relating to the commission(~~(7)~~) shall
22 prevent the commission (~~may delegate~~) from delegating to the director
23 (~~of parks and recreation~~) such powers and duties of the commission as
24 they may deem proper.

25 **Sec. 307.** RCW 43.51.060 and 1995 c 211 s 3 are each amended to
26 read as follows:

27 The commission may:

28 (1) Make rules and regulations for the proper administration of its
29 duties;

30 (2) Accept any grants of funds made with or without a matching
31 requirement by the United States, or any agency thereof, for purposes
32 in keeping with the purposes of this chapter; accept gifts, bequests,
33 devises and endowments for purposes in keeping with such purposes;
34 enter into cooperative agreements with and provide for private
35 nonprofit groups to use state park property and facilities to raise
36 money to contribute gifts, grants, and support to the commission for
37 the purposes of this chapter. The commission may assist the nonprofit

1 group in a cooperative effort by providing necessary agency personnel
2 and services, if available. However, none of the moneys raised may
3 inure to the benefit of the nonprofit group, except in furtherance of
4 its purposes to benefit the commission as provided in this chapter.
5 The agency and the private nonprofit group shall agree on the nature of
6 any project to be supported by such gift or grant prior to the use of
7 any agency property or facilities for raising money. Any such gifts
8 may be in the form of recreational facilities developed or built in
9 part or in whole for public use on agency property, provided that the
10 facility is consistent with the purposes of the agency;

11 (3) Require certification by the commission of all parks and
12 recreation workers employed in state aided or state controlled
13 programs;

14 (4) Act jointly, when advisable, with the United States, any other
15 state agencies, institutions, departments, boards, or commissions in
16 order to carry out the objectives and responsibilities of this chapter;

17 (5) Grant franchises and easements for any legitimate purpose on
18 parks or parkways, for such terms and subject to such conditions and
19 considerations as the commission shall specify;

20 (6) Charge such fees for services, utilities, and use of facilities
21 as the commission shall deem proper;

22 (7) Enter into agreements whereby individuals or companies may rent
23 undeveloped parks or parkway land for grazing, agricultural, or mineral
24 development purposes upon such terms and conditions as the commission
25 shall deem proper, for a term not to exceed ten years;

26 (8) Determine the qualifications of and employ a director of parks
27 and recreation who shall receive a salary as fixed by the governor in
28 accordance with the provisions of RCW 43.03.040(~~(, and upon his~~
29 ~~recommendation, a supervisor of recreation,~~) and determine the
30 qualifications and salary of and employ such other persons as may be
31 needed to carry out the provisions hereof; and

32 (9) Without being limited to the powers hereinbefore enumerated,
33 the commission shall have such other powers as in the judgment of a
34 majority of its members are deemed necessary to effectuate the purposes
35 of this chapter: PROVIDED, That the commission shall not have power to
36 supervise directly any local park or recreation district, and no funds
37 shall be made available for such purpose.

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PART IV

DUTIES OF THE DIRECTOR

NEW SECTION. **Sec. 401.** In addition to other duties the commission may from time to time impose, it is the duty of the director to:

(1) Ensure the control of weeds in parks to the extent required by RCW 17.04.160 and 17.10.205; and

(2) Participate in the operations of the environmental enhancement and job creation task force under chapter 43.21J RCW.

The director has the power reasonably necessary to carry out these duties.

Sec. 402. RCW 43.51.052 and 1997 c 137 s 2 are each amended to read as follows:

(1) The parks improvement account is hereby established in the state treasury.

(2) The (~~(parks and recreation)~~) commission shall deposit all moneys received from the sale of interpretive, recreational, and historical literature and materials in this account. Moneys in the account may be spent only for development, production, and distribution costs associated with literature and materials.

(3) Disbursements from the account shall be on the authority of the director (~~(of the parks and recreation commission)~~), or the director's designee. The account is subject to the allotment procedure provided under chapter 43.88 RCW. No appropriation is required for disbursement of moneys to be used for support of further production of materials provided for in RCW 43.51.050(2) (as recodified by this act). The director may transfer a portion of the moneys in this account to the state parks renewal and stewardship account and may expend moneys so transferred for any purpose provided for in RCW 43.51.275 (as recodified by this act).

PART V

PROHIBITED ACTS AND PENALTIES

Sec. 501. RCW 46.61.587 and 1984 c 258 s 329 are each amended to read as follows:

Any violation of RCW 43.51.320 (as recodified by this act) or 46.61.585 or any rule (~~(promulgated)~~) adopted by the parks and

1 recreation commission to enforce the provisions thereof (~~shall be~~
2 ~~punished by a fine of not more than twenty five dollars~~) is a civil
3 infraction as provided in chapter 7.84 RCW.

4 **Sec. 502.** RCW 7.84.010 and 1993 c 244 s 2 are each amended to read
5 as follows:

6 The legislature declares that decriminalizing certain offenses
7 contained in Titles 75, 76, 77, (~~and~~) 79, and 79A RCW and
8 chapter(~~s~~) 43.30(~~(, 43.51, and 88.12)~~) RCW and any rules adopted
9 pursuant to those titles and chapters would promote the more efficient
10 administration of those titles and chapters. The purpose of this
11 chapter is to provide a just, uniform, and efficient procedure for
12 adjudicating those violations which, in any of these titles and
13 chapters or rules adopted under these chapters or titles, are declared
14 not to be criminal offenses. The legislature respectfully requests the
15 supreme court to prescribe any rules of procedure necessary to
16 implement this chapter.

17 **Sec. 503.** RCW 7.84.020 and 1993 c 244 s 3 are each amended to read
18 as follows:

19 Unless the context clearly requires otherwise, the definition in
20 this section applies throughout this chapter.

21 "Infraction" means an offense which, by the terms of Title 75, 76,
22 77, (~~or~~) 79, or 79A RCW or chapter 43.30(~~(, 43.51, or 88.12)~~) RCW and
23 rules adopted under these titles and chapters, is declared not to be a
24 criminal offense and is subject to the provisions of this chapter.

25 **PART VI**

26 **PROCEDURES FOR DISPOSAL OF PARK LAND**

27 **Sec. 601.** RCW 43.51.210 and 1998 c 42 s 1 are each amended to read
28 as follows:

29 Whenever the (~~state parks and recreation~~) commission finds that
30 any land under its control cannot advantageously be used for park
31 purposes, it is authorized to dispose of such land by the method
32 provided in this section or by the method provided in RCW 43.51.200 (as
33 recodified by this act). If such lands are school or other grant
34 lands, control thereof shall be relinquished by resolution of the
35 commission to the proper state officials. If such lands were acquired

1 under restrictive conveyances by which the state may hold them only so
2 long as they are used for park purposes, they may be returned to the
3 donor or grantors by the commission. All other such lands may be
4 either sold by the commission to the highest bidder or exchanged for
5 other lands of equal value by the commission, and all conveyance
6 documents shall be executed by the governor. All such exchanges shall
7 be accompanied by a transfer fee, to be set by the commission and paid
8 by the other party to the transfer; such fee shall be paid into the
9 parkland acquisition account established under RCW 43.51.200 as
10 recodified by this act). Sealed bids on all sales shall be solicited
11 at least twenty days in advance of the sale date by an advertisement
12 appearing at least ~~((in three))~~ once a week for two consecutive
13 ~~((issues of))~~ weeks in a newspaper of general circulation in the county
14 in which the land to be sold is located. If the commission feels that
15 no bid received adequately reflects the fair value of the land to be
16 sold, it may reject all bids, and may call for new bids. All proceeds
17 derived from the sale of such park property shall be paid into the park
18 land acquisition account. All land considered for exchange shall be
19 evaluated by the commission to determine its adaptability to park
20 usage. The equal value of all lands exchanged shall first be
21 determined by the appraisals to the satisfaction of the commission(~~(+~~
22 ~~PROVIDED, That~~)). No sale or exchange of state park lands shall be
23 made without the unanimous consent of the commission.

24 **PART VII**
25 **VOLUNTEERS**

26 NEW SECTION. **Sec. 701.** The commission shall cooperate in
27 implementing and operating the conservation corps as required by
28 chapter 43.220 RCW.

29 **Sec. 702.** RCW 43.220.160 and 1983 1st ex.s. c 40 s 16 are each
30 amended to read as follows:

31 (1) There is established a conservation corps within the state
32 parks and recreation commission.

33 (2) Specific work project areas of the state parks and recreation
34 conservation corps may include the following:

35 (a) Restoration or development of park facilities;

36 (b) Trail construction and maintenance;

1 (c) Litter control;
2 (d) Park and land rehabilitation;
3 (e) Fire suppression;
4 (f) Road repair; and
5 (g) Other projects as the state parks and recreation commission may
6 determine. If ((~~appropriation~~)) appropriate facilities are available,
7 the state parks and recreation commission may authorize carrying out
8 projects which involve overnight stays.

9 **PART VIII**

10 **SCENIC RIVER SYSTEM**

11 **Sec. 801.** RCW 79.72.020 and 1994 c 264 s 64 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) ((~~"Department"~~)) "Commission" means the state parks and
16 recreation commission.

17 (2) "Committee of participating agencies" or "committee" means a
18 committee composed of the executive head, or the executive's designee,
19 of each of the state departments of ecology, fish and wildlife, natural
20 resources, and transportation, the state parks and recreation
21 commission, the interagency committee for outdoor recreation, the
22 Washington state association of counties, and the association of
23 Washington cities. In addition, the governor shall appoint two public
24 members of the committee. Public members of the committee shall be
25 compensated in accordance with RCW 43.03.220 and shall receive
26 reimbursement for their travel expenses as provided in RCW 43.03.050
27 and 43.03.060.

28 When a specific river or river segment of the state's scenic river
29 system is being considered by the committee, a representative of each
30 participating local government associated with that river or river
31 segment shall serve as a member of the committee.

32 (3) "Participating local government" means the legislative
33 authority of any city or county, a portion of whose territorial
34 jurisdiction is bounded by or includes a river or river segment of the
35 state's scenic river system.

36 (4) "River" means a flowing body of water or a section, segment, or
37 portion thereof.

1 (5) "River area" means a river and the land area in its immediate
2 environs as established by the participating agencies not exceeding a
3 width of one-quarter mile landward from the streamway on either side of
4 the river.

5 (6) "Scenic easement" means the negotiated right to control the use
6 of land, including the air space above the land, for the purpose of
7 protecting the scenic view throughout the visual corridor.

8 (7) "Streamway" means that stream-dependent corridor of single or
9 multiple, wet or dry, channel or channels within which the usual
10 seasonal or stormwater run-off peaks are contained, and within which
11 environment the flora, fauna, soil, and topography is dependent on or
12 influenced by the height and velocity of the fluctuating river
13 currents.

14 (8) "System" means all the rivers and river areas in the state
15 designated by the legislature for inclusion as scenic rivers but does
16 not include tributaries of a designated river unless specifically
17 included by the legislature. The inclusion of a river in the system
18 does not mean that other rivers or tributaries in a drainage basin
19 shall be required to be part of the management program developed for
20 the system unless the rivers and tributaries within the drainage basin
21 are specifically designated for inclusion by the legislature.

22 (9) "Visual corridor" means that area which can be seen in a normal
23 summer month by a person of normal vision walking either bank of a
24 river included in the system. The visual corridor shall not exceed the
25 river area.

26 **Sec. 802.** RCW 79.72.030 and 1977 ex.s. c 161 s 3 are each amended
27 to read as follows:

28 (1) The ~~((department))~~ commission shall develop and adopt
29 management policies for publicly owned or leased land on the rivers
30 designated by the legislature as being a part of the state's scenic
31 river system and within the associated river areas. The ~~((department))~~
32 commission may adopt ~~((regulations))~~ rules identifying river
33 classifications which reflect the characteristics common to various
34 segments of scenic rivers and may adopt management policies consistent
35 with local government's shoreline management master plans appropriate
36 for each such river classification. All such policies shall be subject
37 to review by the committee of participating agencies. Once such a
38 policy has been approved by a majority vote of the committee members,

1 it shall be adopted by the ((department)) commission in accordance with
2 the provisions of chapter 34.05 RCW, as now or hereafter amended. Any
3 variance with such a policy by any public agency shall be authorized
4 only by the approval of the committee of participating agencies by
5 majority vote, and shall be made only to alleviate unusual hardships
6 unique to a given segment of the system.

7 (2) Any policies developed pursuant to subsection (1) of this
8 section shall include management plans for protecting ecological,
9 economic, recreational, aesthetic, botanical, scenic, geological,
10 hydrological, fish and wildlife, historical, cultural, archaeological,
11 and scientific features of the rivers designated as being in the
12 system. Such policies shall also include management plans to encourage
13 any nonprofit group, organization, association, person, or corporation
14 to develop and adopt programs for the purpose of increasing fish
15 propagation.

16 (3) The committee of participating agencies shall, by two-thirds
17 majority vote, identify on a river by river basis any publicly owned or
18 leased lands which could be included in a river area of the system but
19 which are developed in a manner unsuitable for land to be managed as
20 part of the system. The ((department)) commission shall exclude lands
21 so identified from the provisions of any management policies
22 implementing the provisions of this chapter.

23 (4) The committee of participating agencies, by majority vote,
24 shall determine the boundaries which shall define the river area
25 associated with any included river. With respect to the rivers named
26 in RCW 79.72.080 (as recodified by this act), the committee shall make
27 such determination, and those determinations authorized by subsection
28 (3) of this section, within one year of September 21, 1977.

29 (5) Before making a decision regarding the river area to be
30 included in the system, a variance in policy, or the excluding of land
31 from the provisions of the management policies, the committee shall
32 hold hearings in accord with chapter 34.05 RCW, with at least one
33 public hearing to be held in the general locale of the river under
34 consideration. The ((department)) commission shall cause to be
35 published in a newspaper of general circulation in the area which
36 includes the river or rivers to be considered, a description, including
37 a map showing such river or rivers, of the material to be considered at
38 the public hearing. Such notice shall appear at least twice in the
39 time period between two and four weeks prior to the public hearing.

1 (6) Meetings of the committee shall be called by the ((department))
2 commission or by written petition signed by five or more of the
3 committee members. The ((chairman)) chair of the ((parks—and
4 recreation)) commission or the ((chairman's)) chair's designee shall
5 serve as the ((chairman)) chair of any meetings of the committee held
6 to implement the provisions of this chapter.

7 The committee shall seek and receive comments from the public
8 regarding potential additions to the system, shall initiate studies,
9 and may, through the ((department)) commission, submit to any session
10 of the legislature proposals for additions to the state scenic river
11 system. These proposals shall be accompanied by a detailed report on
12 the factors which, in the committee's judgment, make an area a worthy
13 addition to the system.

14 **Sec. 803.** RCW 79.72.040 and 1989 c 175 s 169 are each amended to
15 read as follows:

16 (1) The management program for the system shall be administered by
17 the ((department)) commission. The ((department)) commission shall
18 have the responsibility for coordinating the development of the program
19 between affected state agencies and participating local governments,
20 and shall develop and adopt rules, in accord with chapter 34.05 RCW,
21 the Administrative Procedure Act, for each portion of the system, which
22 shall implement the management policies. In developing rules for a
23 specific river in the system, the ((department)) commission shall hold
24 at least one public hearing in the general locale of the river under
25 consideration. The hearing may constitute the hearing required by
26 chapter 34.05 RCW. The ((department)) commission shall cause a brief
27 summary of the proposed rules to be published twice in a newspaper of
28 general circulation in the area that includes the river to be
29 considered in the period of time between two and four weeks prior to
30 the public hearing. In addition to the foregoing required publication,
31 the ((department)) commission shall also provide notice of the
32 hearings, rules, and decisions of the ((department)) commission to
33 radio and television stations and major local newspapers in the areas
34 that include the river to be considered.

35 (2) In addition to any other powers granted to carry out the intent
36 of this chapter, the ((department)) commission is authorized, subject
37 to approval by majority vote of the members of the committee, to: (a)
38 Purchase, within the river area, real property in fee or any lesser

1 right or interest in real property including, but not limited to scenic
2 easements and future development rights, visual corridors, wildlife
3 habitats, unique ecological areas, historical sites, camping and picnic
4 areas, boat launching sites, and/or easements abutting the river for
5 the purpose of preserving or enhancing the river or facilitating the
6 use of the river by the public for fishing, boating and other water
7 related activities; and (b) purchase, outside of a river area, public
8 access to the river area.

9 The right of eminent domain shall not be utilized in any purchase
10 made pursuant to this section.

11 (3) The (~~department~~) commission is further authorized to: (a)
12 Acquire by gift, devise, grant, or dedication the fee, an option to
13 purchase, a right of first refusal or any other lesser right or
14 interest in real property and upon acquisition such real property shall
15 be held and managed within the scenic river system; and (b) accept
16 grants, contributions, or funds from any agency, public or private, or
17 individual for the purposes of this chapter.

18 (4) The (~~department~~) commission is hereby vested with the power
19 to obtain injunctions and other appropriate relief against violations
20 of any provisions of this chapter and any rules adopted under this
21 section or agreements made under the provisions of this chapter.

22 **Sec. 804.** RCW 79.72.050 and 1977 ex.s. c 161 s 5 are each amended
23 to read as follows:

24 (1) All state government agencies and local governments are hereby
25 directed to pursue policies with regard to their respective activities,
26 functions, powers, and duties which are designed to conserve and
27 enhance the conditions of rivers which have been included in the
28 system, in accordance with the management policies and the rules (~~and~~
29 ~~regulations~~) adopted by the (~~department~~) commission for such rivers.
30 Local agencies are directed to pursue such policies with respect to all
31 lands in the river area owned or leased by such local agencies.
32 Nothing in this chapter shall authorize the modification of a shoreline
33 management plan adopted by a local government and approved by the state
34 pursuant to chapter 90.58 RCW without the approval of the department of
35 ecology and local government. The policies adopted pursuant to this
36 chapter shall be integrated, as fully as possible, with those of the
37 shoreline management act of 1971.

1 (2) Nothing in this chapter shall grant to the committee of
2 participating agencies or the (~~department~~) commission the power to
3 restrict the use of private land without either the specific written
4 consent of the owner thereof or the acquisition of rights in real
5 property authorized by RCW 79.72.040 (as recodified by this act).

6 (3) Nothing in this chapter shall prohibit the department of
7 natural resources from exercising its full responsibilities and
8 obligations for the management of state trust lands.

9 **Sec. 805.** RCW 79.72.070 and 1988 c 36 s 58 are each amended to
10 read as follows:

11 Nothing contained in this chapter shall affect the authority of the
12 department of (~~fisheries and the department of~~) fish and wildlife to
13 construct facilities or make improvements to facilitate the passage or
14 propagation of fish nor shall anything in this chapter be construed to
15 interfere with the powers, duties, and authority of the department of
16 (~~fisheries or the department of~~) fish and wildlife to regulate,
17 manage, conserve, and provide for the harvest of fish or wildlife
18 within any area designated as being in the state's scenic river
19 system(~~(:—PROVIDED, That)~~). No hunting shall be permitted in any
20 state park.

21 PART IX

22 ACQUIRING AND DEVELOPING PARK HOLDINGS

23 **Sec. 901.** RCW 43.51.070 and 1965 c 8 s 43.51.070 are each amended
24 to read as follows:

25 The commission may receive and accept donations of lands for state
26 park purposes, and shall (~~have~~) be responsible for the management and
27 control of all lands so acquired. It may from time to time recommend
28 to the legislature the acquisition of lands for park purposes by
29 purchase or condemnation.

30 **Sec. 902.** RCW 43.51.110 and 1965 c 8 s 43.51.110 are each amended
31 to read as follows:

32 The commissioner of public lands may, upon his or her own motion,
33 and shall, when directed so to do by the (~~state parks and recreation~~)
34 commission, withdraw from sale any land held by the state and not
35 acquired directly from the United States with reservations as to the

1 manner of sale thereof and the purposes for which it may be sold, and
2 certify to the commission that such land is withheld from sale pursuant
3 to the terms of this section.

4 All such land shall be under the care, charge, control, and
5 supervision of the (~~(state parks and recreation)~~) commission, and after
6 appraisal in such manner as the commission directs may be exchanged for
7 land of equal value (~~(abutting upon a public highway)~~), and to this end
8 the (~~(chairman)~~) chair and secretary of the commission may execute
9 deeds of conveyance in the name of the state.

10 **Sec. 903.** RCW 43.51.140 and 1982 c 156 s 2 are each amended to
11 read as follows:

12 Any such individual, group, organization, agency, club, or
13 association desiring to obtain such permit shall make application
14 therefor in writing to the commission, describing the lands proposed to
15 be improved and stating the nature of the proposed improvement. Prior
16 to granting a permit, the commission shall determine that the
17 applicants are (~~(persons of good standing in the community in which~~
18 ~~they reside)~~) likely to actually improve the park, parkway, or land
19 subject to the application.

20 **Sec. 904.** RCW 43.51.220 and 1965 c 8 s 43.51.220 are each amended
21 to read as follows:

22 To encourage the development of the Puget Sound country as a
23 recreational boating area, the commission is authorized to establish
24 landing, launch ramp, and other facilities for small pleasure boats at
25 places on Puget Sound frequented by such boats and where the commission
26 shall find such facilities will be of greatest advantage to the users
27 of pleasure boats. The commission is authorized to acquire land or to
28 make use of lands belonging to the state for such purposes, and to
29 construct the necessary floats, launch ramp, and other desirable
30 structures and to make such further development of any area used in
31 connection therewith as in the judgment of the commission is best
32 calculated to facilitate the public enjoyment thereof.

33 **Sec. 905.** RCW 43.51.237 and 1997 c 150 s 3 are each amended to
34 read as follows:

35 (1) The commission shall develop a cost-effective plan to identify
36 historic archaeological resources in at least one state park containing

1 a military fort located in Puget Sound. The plan shall include the use
2 of a professional archaeologist and volunteer citizens. ((By December
3 1, 1997, the commission shall submit a brief report to the appropriate
4 standing committees of the legislature on how the plan will be
5 implemented and the cost of the plan.))

6 (2) Any park land that is made available for use by recreational
7 metal detectors under this section shall count toward the requirements
8 established in RCW 43.51.235 (as recodified by this act).

9 **Sec. 906.** RCW 43.51.270 and 1995 c 211 s 4 are each amended to
10 read as follows:

11 (1) The department of natural resources and the ((state parks and
12 recreation)) commission shall have authority to negotiate ((a)) sales
13 to the ((state parks and recreation)) commission, for park and outdoor
14 recreation purposes, of trust lands at fair market value.

15 (2) The department of natural resources and the ((state parks and
16 recreation)) commission shall negotiate a sale to the ((state parks and
17 recreation)) commission of the lands and timber thereon identified in
18 the joint study under section 4, chapter 163, Laws of 1985, and
19 commonly referred to as the Point Lawrence trust property, San Juan
20 county « on the extreme east point of Orcas Island. Timber
21 conservation and management practices provided for in RCW 43.51.045 and
22 43.51.395 (as recodified by this act) shall govern the management of
23 land and timber transferred under this subsection as of the effective
24 date of the transfer, upon payment for the property, and nothing in
25 this chapter shall be construed as restricting or otherwise modifying
26 the department of natural resources' management, control, or use of
27 such land and timber until such date.

28 NEW SECTION. **Sec. 907.** The commission is authorized to evaluate
29 and acquire land under RCW 79.01.612 in cooperation with the department
30 of natural resources.

31 NEW SECTION. **Sec. 908.** The commission may select land held by the
32 department of natural resources for acquisition under RCW 79.08.102 (as
33 recodified by this act) et seq.

1 PART X

2 SPECIAL PARKS--YAKIMA RIVER CONSERVATION AREA

3 Sec. 1001. RCW 43.51.948 and 1977 ex.s. c 75 s 2 are each amended
4 to read as follows:

5 For the purposes of RCW 43.51.946 through 43.51.956 (as recodified
6 by this act), the Yakima river conservation area is to contain no more
7 than the area delineated in appendix D on pages D-3, D-4, D-6, D-7, D-
8 9, and D-10 of the report entitled "The Yakima River Regional Greenway"
9 which resulted from the Yakima river study authorized in section 170,
10 chapter 269, Laws of 1975, first extraordinary session. This area is
11 also defined as sections 12 and 17, township 13 north, range 18 east
12 totaling approximately 18.0 acres, sections 7, 17, 18, 20, 21, 28, 29,
13 32, 33, township 13 north, range 19 east totaling approximately 936.0
14 acres, and sections 4, 5, 8, 9, 17, township 12 north, range 19 east
15 totaling approximately 793.7 acres.

16 PART XI

17 SPECIAL PARKS--SEASHORE CONSERVATION AREA

18 Sec. 1101. RCW 43.51.720 and 1988 c 75 s 6 are each amended to
19 read as follows:

20 Recreation management plans shall not prohibit or restrict public
21 vehicles operated in the performance of official duties ~~((or))~~,
22 vehicles responding to an emergency, or vehicles specially authorized
23 by the director or the director's designee.

24 Sec. 1102. RCW 43.51.730 and 1988 c 75 s 8 are each amended to
25 read as follows:

26 In preparing, adopting, or approving a recreation management plan,
27 local jurisdictions and the commission shall consult with the
28 ~~((department of fisheries, the))~~ department of fish and wildlife and
29 the United States fish and wildlife service.

30 Sec. 1103. RCW 43.51.750 and 1988 c 75 s 12 are each amended to
31 read as follows:

32 Any individual, partnership, corporation, association,
33 organization, cooperative, local government, or state agency aggrieved

1 by a decision of the commission under ((RCW 43.51.695 through
2 43.51.765)) this chapter may appeal under chapter 34.05 RCW.

3 **PART XII**

4 **YOUTH DEVELOPMENT AND CONSERVATION CORPS**

5 **Sec. 1201.** RCW 43.51.510 and 1965 c 8 s 43.51.510 are each amended
6 to read as follows:

7 There is hereby created and established a youth development and
8 conservation division within the ((state parks and recreation))
9 commission ((hereafter referred to as the "commission")). The
10 commission shall appoint such supervisory personnel as necessary to
11 carry out the purposes of RCW 43.51.500 through 43.51.570 (as
12 recodified by this act).

13 **Sec. 1202.** RCW 43.51.540 and 1982 c 70 s 1 are each amended to
14 read as follows:

15 (1) The minimum compensation shall be at the rate of twenty-five
16 dollars per week, except that up to the minimum state wage may be paid
17 on the basis of assigned leadership responsibilities or special skills.

18 (2) Enrollees shall be furnished quarters, subsistence, medical and
19 hospital services, transportation, equipment, as the commission may
20 deem necessary and appropriate for their needs. Such quarters,
21 subsistence, and equipment may be furnished by any governmental or
22 public agency.

23 (3) The compensation of enrollees of any program under this chapter
24 may be paid biweekly.

25 **PART XIII**

26 **UNDERWATER PARKS**

27 **Sec. 1301.** RCW 43.51.432 and 1994 c 264 s 20 are each amended to
28 read as follows:

29 The ((state parks and recreation)) commission may establish a
30 system of underwater parks to provide for diverse recreational diving
31 opportunities and to conserve and protect unique marine resources of
32 the state of Washington. In establishing and maintaining an underwater
33 park system, the commission may:

34 (1) Plan, construct, and maintain underwater parks;

1 (2) Acquire property and enter management agreements with other
2 units of state government for the management of lands, tidelands, and
3 bedlands as underwater parks;

4 (3) Construct artificial reefs and other underwater features to
5 enhance marine life and recreational uses of an underwater park;

6 (4) Accept gifts and donations for the benefit of underwater parks;

7 (5) Facilitate private efforts to construct artificial reefs and
8 underwater parks;

9 (6) Work with the federal government, local governments and other
10 appropriate agencies of state government, including but not limited to:
11 The department of natural resources, the department of fish and
12 wildlife and the natural heritage council to carry out the purposes of
13 ((RCW 43.51.430 through 43.51.438)) this chapter; and

14 (7) Contract with other state agencies or local governments for the
15 management of an underwater park unit.

16 **PART XIV**

17 **SPECIAL PARKS--WINTER RECREATION AREAS**

18 **Sec. 1401.** RCW 43.51.290 and 1990 c 136 s 2 and 1990 c 49 s 2 are
19 each reenacted and amended to read as follows:

20 In addition to its other powers, duties, and functions the ((state
21 parks and recreation)) commission may:

22 (1) Plan, construct, and maintain suitable facilities for winter
23 recreational activities on lands administered or acquired by the
24 commission or as authorized on lands administered by other public
25 agencies or private landowners by agreement;

26 (2) Provide and issue upon payment of the proper fee, under RCW
27 43.51.300 (as recodified by this act), 43.51.320 (as recodified by this
28 act), and 46.61.585, with the assistance of such authorized agents as
29 may be necessary for the convenience of the public, special permits to
30 park in designated winter recreational area parking spaces;

31 (3) Administer the snow removal operations for all designated
32 winter recreational area parking spaces; and

33 (4) Compile, publish, and distribute maps indicating such parking
34 spaces, adjacent trails, and areas and facilities suitable for winter
35 recreational activities.

36 The commission may contract with any public or private agency for
37 the actual conduct of such duties, but shall remain responsible for the

1 proper administration thereof. The commission is not liable for
2 unintentional injuries to users of lands administered for winter
3 recreation purposes under this section or under RCW 46.10.210, whether
4 the lands are administered by the commission, by other public agencies,
5 or by private landowners through agreement with the commission.
6 Nothing in this section prevents the liability of the commission for
7 injuries sustained by a user by reason of a known dangerous artificial
8 latent condition for which warning signs have not been conspicuously
9 posted. A road covered with snow and groomed for the purposes of
10 winter recreation consistent with this chapter and chapter 46.10 RCW
11 shall not be presumed to be a known dangerous artificial latent
12 condition for the purposes of this chapter.

13 **PART XV**

14 **RECREATIONAL VESSELS**

15 **Sec. 1501.** RCW 88.12.015 and 1993 c 244 s 6 are each amended to
16 read as follows:

17 (1) (~~It is a misdemeanor, punishable under RCW 9.92.030, for any~~
18 ~~person to commit~~) A violation of this chapter designated as an
19 infraction ((under this chapter)) is a misdemeanor, punishable under
20 RCW 9.92.030, if ((during a period of three hundred sixty five days the
21 person has previously committed two infractions for violating the same
22 provision under this chapter and if the violation is also committed
23 during such period and is of the same provision as the previous
24 violations)) the current violation is the person's third violation of
25 the same provision of this chapter during the past three hundred sixty-
26 five days.

27 (2) A violation designated in this chapter as a civil infraction
28 shall constitute a (~~misdemeanor until the violation is included in a~~
29 ~~civil infraction monetary schedule adopted by rule by the state supreme~~
30 ~~court~~) civil infraction pursuant to chapter 7.84 RCW.

31 **Sec. 1502.** RCW 88.12.165 and 1984 c 183 s 3 are each amended to
32 read as follows:

33 (1) All reports made to the commission pursuant to RCW
34 (~~88.12.130~~) 88.12.155 and 43.51.400 (as recodified by this act) shall
35 be without prejudice to the person who makes the report and shall be
36 for the confidential usage of governmental agencies, except as follows:

1 (a) Statistical information which shall be made public;

2 (b) The names and addresses of the operator and owner and the
3 registration number or name of the vessel as documented which was
4 involved in an accident or casualty and the names and addresses of any
5 witnesses which, if reported, shall be disclosed upon written request
6 to any person involved in a reportable accident, or, for a reportable
7 casualty, to any member of a decedent's family or the personal
8 representatives of the family.

9 (2) A report made to the commission pursuant to RCW ((88.12.130))
10 88.12.155 and 43.51.400 (as recodified by this act) or copy thereof
11 shall not be used in any trial, civil or criminal, arising out of an
12 accident or casualty, except that solely to prove a compliance or
13 failure to comply with the report requirements of RCW ((88.12.130))
14 88.12.155 and 43.51.400 (as recodified by this act), a certified
15 statement which indicates that a report has or has not been made to the
16 commission shall be provided upon demand to any court or upon written
17 request to any person who has or claims to have made a report.

18 **Sec. 1503.** RCW 88.12.175 and 1987 c 427 s 1 are each amended to
19 read as follows:

20 Law enforcement authorities, fire departments, or search and rescue
21 units of any city or county government shall provide to the commission
22 a report, prepared by the local government agency regarding any boating
23 accident occurring within their jurisdiction resulting in a death or
24 injury requiring hospitalization. Such report shall be provided to the
25 commission within ten days of the occurrence of the accident. The
26 results of any investigation of the accident conducted by the city or
27 county governmental agency shall be included in the report provided to
28 the commission. At the earliest opportunity, but in no case more than
29 forty-eight hours after becoming aware of an accident, the agency shall
30 notify the commission of the accident. The commission shall have
31 authority to investigate any boating accident. The results of any
32 investigation conducted by the commission shall be made available to
33 the local government for further processing. This provision does not
34 eliminate the requirement for a boating accident report by the operator
35 required under RCW ((88.12.130)) 88.12.155 (as recodified by this act).

36 The report of a county coroner, or any public official assuming the
37 functions of a coroner, concerning the death of any person resulting
38 from a boating accident, shall be submitted to the commission within

1 one week of completion. Information in such report may be, together
2 with information in other such reports, incorporated into the state
3 boating accident report provided for in RCW 43.51.400(~~(+5)~~) (4) (as
4 recodified by this act), and shall be for the confidential usage of
5 governmental agencies as provided in RCW (~~88.12.140~~) 88.12.165 (as
6 recodified by this act).

7 **Sec. 1504.** RCW 88.12.195 and 1993 c 244 s 20 are each amended to
8 read as follows:

9 Such notice as is required by RCW 88.12.185 (as recodified by this
10 act) shall be given personally, or in writing; if in writing, it shall
11 be served upon the owner, or may be sent by mail to the post office
12 where such owner usually receives his or her letters. Such notice
13 shall inform the party where the vessel was taken up, and where it may
14 be found, and what amount the taker-up or finder demands for his or her
15 charges.

16 **Sec. 1505.** RCW 88.12.205 and 1993 c 244 s 21 are each amended to
17 read as follows:

18 (1) In all cases where the notice required by RCW 88.12.185 (as
19 recodified by this act) is not given personally, it shall be the duty
20 of the taker-up to post up at the post office nearest the place where
21 such vessel may be taken up, a written notice of the taking up of such
22 vessel(~~(, which)~~). The written notice shall contain a description of
23 the (~~same~~) vessel, with the name, if any is painted thereon, also the
24 place where taken up, the place where the property may be found, and
25 the charge for taking the same up.

26 (2) If the taker-up is traveling upon waters of the state, such
27 notice shall additionally be posted up at the first post office he or
28 she shall pass after the taking up(~~(+and)~~).

29 (3) In all cases, (~~he or she~~) the person who took up the vessel
30 shall at the time when, and place where, he or she posts up such
31 notice, also mail a copy of such notice, directed to the postmaster of
32 each post office on waters of the state, and within fifty miles of the
33 place where such vessel is taken up.

34 **Sec. 1506.** RCW 88.12.295 and 1989 c 393 s 1 are each amended to
35 read as follows:

1 The legislature finds that the waters of Washington state provide
2 a unique and valuable recreational resource to large and growing
3 numbers of boaters. Proper stewardship of, and respect for, these
4 waters requires that, while enjoying them for their scenic and
5 recreational benefits, boaters must exercise care to assure that such
6 activities do not contribute to the despoliation of these waters, and
7 that watercraft be operated in a safe and responsible manner. The
8 legislature has specifically addressed the topic of access to clean and
9 safe waterways by requiring the 1987 boating safety study and by
10 establishing the Puget Sound (~~(water quality authority)~~) action team.

11 The legislature finds that there is a need to educate Washington's
12 boating community about safe and responsible actions on our waters and
13 to increase the level and visibility of the enforcement of boating
14 laws. To address the incidence of fatalities and injuries due to
15 recreational boating on our state's waters, local and state efforts
16 directed towards safe boating must be stimulated. To provide for safe
17 waterways and public enjoyment, portions of the watercraft excise tax
18 and boat registration fees should be made available for boating safety
19 and other boating recreation purposes.

20 In recognition of the need for clean waterways, and in keeping with
21 the Puget Sound action team's water quality (~~(authority's 1987~~
22 ~~management)~~) work plan, the legislature finds that adequate
23 opportunities for responsible disposal of boat sewage must be made
24 available. There is hereby established a five-year initiative to
25 install sewage pumpout or sewage dump stations at appropriate marinas.

26 To assure the use of these sewage facilities, a boater
27 environmental education program must accompany the five-year initiative
28 and continue to educate boaters about boat wastes and aquatic
29 resources.

30 The legislature also finds that, in light of the increasing numbers
31 of boaters utilizing state waterways, a program to acquire and develop
32 sufficient waterway access facilities for boaters must be undertaken.

33 To support boating safety, environmental protection and education,
34 and public access to our waterways, the legislature declares that a
35 portion of the income from boating-related activities, as specified in
36 RCW 82.49.030 and 88.02.040, should support these efforts.

37 **Sec. 1507.** RCW 88.12.305 and 1994 c 264 s 81 are each amended to
38 read as follows:

1 The commission, in consultation with the departments of ecology,
2 fish and wildlife, natural resources, social and health services, and
3 the Puget Sound (~~(water quality authority)~~) action team shall conduct
4 a literature search and analyze pertinent studies to identify areas
5 which are polluted or environmentally sensitive within the state's
6 waters. Based on this review the commission shall designate
7 appropriate areas as polluted or environmentally sensitive, for the
8 purposes of chapter 393, Laws of 1989 only.

9 **Sec. 1508.** RCW 88.12.365 and 1993 c 244 s 36 are each amended to
10 read as follows:

11 The commission shall, in consultation with interested parties,
12 review progress on installation of sewage pumpout and dump units, the
13 boater environmental education program, and the boating safety program.
14 (~~The commission shall report its findings to the legislature by~~
15 ~~December 1994.~~)

16 **Sec. 1509.** RCW 88.12.385 and 1989 c 393 s 14 are each amended to
17 read as follows:

18 The commission shall adopt rules as are necessary to carry out all
19 sections of (~~this act~~) chapter 393, Laws of 1989 except for RCW
20 (~~88.12.410,~~) 88.12.335 (as recodified by this act) and 82.49.030(~~7~~
21 ~~and 88.12.450(1)~~). The commission shall comply with all applicable
22 provisions of chapter 34.05 RCW in adopting the rules.

23 **PART XVI**
24 **RECODIFICATION**

25 NEW SECTION. **Sec. 1601.** The following sections are recodified as
26 a new title in the Revised Code of Washington to be codified as Title
27 79A RCW:

28 RCW 43.51.020
29 RCW 43.51.030
30 RCW 43.51.040
31 RCW 43.51.045
32 RCW 43.51.046
33 RCW 43.51.048
34 RCW 43.51.050
35 RCW 43.51.052

1 RCW 43.51.055
2 RCW 43.51.060
3 RCW 43.51.061
4 RCW 43.51.062
5 RCW 43.51.063
6 RCW 43.51.065
7 RCW 43.51.070
8 RCW 43.51.090
9 RCW 43.51.100
10 RCW 43.51.110
11 RCW 43.51.112
12 RCW 43.51.1121
13 RCW 43.51.113
14 RCW 43.51.114
15 RCW 43.51.120
16 RCW 43.51.130
17 RCW 43.51.140
18 RCW 43.51.150
19 RCW 43.51.160
20 RCW 43.51.170
21 RCW 43.51.180
22 RCW 43.51.200
23 RCW 43.51.210
24 RCW 43.51.215
25 RCW 43.51.220
26 RCW 43.51.235
27 RCW 43.51.237
28 RCW 43.51.240
29 RCW 43.51.250
30 RCW 43.51.270
31 RCW 43.51.275
32 RCW 43.51.285
33 RCW 43.51.290
34 RCW 43.51.300
35 RCW 43.51.310
36 RCW 43.51.320
37 RCW 43.51.321
38 RCW 43.51.330
39 RCW 43.51.340

1 RCW 43.51.350
2 RCW 43.51.360
3 RCW 43.51.365
4 RCW 43.51.370
5 RCW 43.51.375
6 RCW 43.51.380
7 RCW 43.51.385
8 RCW 43.51.395
9 RCW 43.51.400
10 RCW 43.51.405
11 RCW 43.51.407
12 RCW 43.51.409
13 RCW 43.51.411
14 RCW 43.51.415
15 RCW 43.51.417
16 RCW 43.51.419
17 RCW 43.51.420
18 RCW 43.51.430
19 RCW 43.51.432
20 RCW 43.51.434
21 RCW 43.51.436
22 RCW 43.51.438
23 RCW 43.51.440
24 RCW 43.51.442
25 RCW 43.51.444
26 RCW 43.51.446
27 RCW 43.51.448
28 RCW 43.51.450
29 RCW 43.51.452
30 RCW 43.51.454
31 RCW 43.51.456
32 RCW 43.51.500
33 RCW 43.51.510
34 RCW 43.51.530
35 RCW 43.51.540
36 RCW 43.51.550
37 RCW 43.51.560
38 RCW 43.51.570
39 RCW 43.51.580

1 RCW 43.51.590
2 RCW 43.51.650
3 RCW 43.51.655
4 RCW 43.51.660
5 RCW 43.51.665
6 RCW 43.51.670
7 RCW 43.51.675
8 RCW 43.51.685
9 RCW 43.51.695
10 RCW 43.51.700
11 RCW 43.51.705
12 RCW 43.51.710
13 RCW 43.51.715
14 RCW 43.51.720
15 RCW 43.51.725
16 RCW 43.51.730
17 RCW 43.51.735
18 RCW 43.51.740
19 RCW 43.51.745
20 RCW 43.51.750
21 RCW 43.51.755
22 RCW 43.51.760
23 RCW 43.51.765
24 RCW 43.51.900
25 RCW 43.51.910
26 RCW 43.51.920
27 RCW 43.51.930
28 RCW 43.51.940
29 RCW 43.51.942
30 RCW 43.51.943
31 RCW 43.51.944
32 RCW 43.51.945
33 RCW 43.51.946
34 RCW 43.51.947
35 RCW 43.51.948
36 RCW 43.51.949
37 RCW 43.51.950
38 RCW 43.51.951
39 RCW 43.51.952

1 RCW 43.51.953
2 RCW 43.51.954
3 RCW 43.51.955
4 RCW 43.51.956
5 RCW 43.98.010
6 RCW 43.98.020
7 RCW 43.98.030
8 RCW 43.98.040
9 RCW 43.98.050
10 RCW 43.98.060
11 RCW 43.98.070
12 RCW 43.98.080
13 RCW 43.98.090
14 RCW 43.98A.005
15 RCW 43.98A.010
16 RCW 43.98A.020
17 RCW 43.98A.030
18 RCW 43.98A.040
19 RCW 43.98A.050
20 RCW 43.98A.060
21 RCW 43.98A.070
22 RCW 43.98A.080
23 RCW 43.98A.090
24 RCW 43.98A.100
25 RCW 43.98A.900
26 RCW 43.98B.005
27 RCW 43.98B.010
28 RCW 43.98B.020
29 RCW 43.98B.030
30 RCW 43.98B.900
31 RCW 43.98B.910
32 RCW 43.98B.920
33 RCW 43.99.010
34 RCW 43.99.020
35 RCW 43.99.025
36 RCW 43.99.030
37 RCW 43.99.040
38 RCW 43.99.050
39 RCW 43.99.060

1 RCW 43.99.070
2 RCW 43.99.080
3 RCW 43.99.095
4 RCW 43.99.100
5 RCW 43.99.110
6 RCW 43.99.120
7 RCW 43.99.124
8 RCW 43.99.126
9 RCW 43.99.130
10 RCW 43.99.135
11 RCW 43.99.142
12 RCW 43.99.146
13 RCW 43.99.150
14 RCW 43.99.170
15 RCW 43.99.800
16 RCW 43.99.810
17 RCW 43.99.820
18 RCW 43.99.830
19 RCW 43.99.900
20 RCW 43.99.910
21 RCW 67.18.005
22 RCW 67.18.010
23 RCW 67.18.020
24 RCW 67.18.030
25 RCW 67.18.040
26 RCW 67.18.050
27 RCW 67.18.900
28 RCW 67.32.010
29 RCW 67.32.020
30 RCW 67.32.030
31 RCW 67.32.040
32 RCW 67.32.050
33 RCW 67.32.060
34 RCW 67.32.070
35 RCW 67.32.080
36 RCW 67.32.090
37 RCW 67.32.100
38 RCW 67.32.110
39 RCW 67.32.130

1 RCW 67.32.140
2 RCW 70.88.010
3 RCW 70.88.020
4 RCW 70.88.030
5 RCW 70.88.040
6 RCW 70.88.050
7 RCW 70.88.060
8 RCW 70.88.070
9 RCW 70.88.080
10 RCW 70.88.090
11 RCW 70.88.100
12 RCW 70.117.010
13 RCW 70.117.015
14 RCW 70.117.020
15 RCW 70.117.025
16 RCW 70.117.030
17 RCW 70.117.040
18 RCW 77.12.720
19 RCW 77.12.730
20 RCW 77.12.740
21 RCW 79.08.102
22 RCW 79.08.104
23 RCW 79.08.106
24 RCW 79.08.1062
25 RCW 79.08.1064
26 RCW 79.08.1066
27 RCW 79.08.1069
28 RCW 79.08.1072
29 RCW 79.08.1074
30 RCW 79.08.1078
31 RCW 79.08.109
32 RCW 79.72.010
33 RCW 79.72.020
34 RCW 79.72.030
35 RCW 79.72.040
36 RCW 79.72.050
37 RCW 79.72.060
38 RCW 79.72.070
39 RCW 79.72.080

1 RCW 79.72.090
2 RCW 79.72.100
3 RCW 79.72.900
4 RCW 88.12.010
5 RCW 88.12.015
6 RCW 88.12.020
7 RCW 88.12.025
8 RCW 88.12.029
9 RCW 88.12.032
10 RCW 88.12.033
11 RCW 88.12.035
12 RCW 88.12.045
13 RCW 88.12.055
14 RCW 88.12.065
15 RCW 88.12.075
16 RCW 88.12.085
17 RCW 88.12.095
18 RCW 88.12.105
19 RCW 88.12.115
20 RCW 88.12.125
21 RCW 88.12.135
22 RCW 88.12.145
23 RCW 88.12.155
24 RCW 88.12.165
25 RCW 88.12.175
26 RCW 88.12.185
27 RCW 88.12.195
28 RCW 88.12.205
29 RCW 88.12.215
30 RCW 88.12.218
31 RCW 88.12.222
32 RCW 88.12.225
33 RCW 88.12.227
34 RCW 88.12.230
35 RCW 88.12.232
36 RCW 88.12.235
37 RCW 88.12.245
38 RCW 88.12.250
39 RCW 88.12.255

1 RCW 88.12.260
2 RCW 88.12.265
3 RCW 88.12.275
4 RCW 88.12.276
5 RCW 88.12.278
6 RCW 88.12.279
7 RCW 88.12.285
8 RCW 88.12.295
9 RCW 88.12.305
10 RCW 88.12.315
11 RCW 88.12.325
12 RCW 88.12.335
13 RCW 88.12.345
14 RCW 88.12.355
15 RCW 88.12.365
16 RCW 88.12.375
17 RCW 88.12.385
18 RCW 88.12.500
19 RCW 88.12.505
20 RCW 88.27.010
21 RCW 88.27.020
22 RCW 88.27.030
23 RCW 88.27.040
24 RCW 88.27.050
25 RCW 88.27.900
26 RCW 90.56.090

27 **PART XVII**
28 **REPEALED SECTIONS**

29 NEW SECTION. **Sec. 1701.** The following acts or parts of acts are
30 each repealed:

- 31 (1) RCW 43.51.010 (Definitions) and 1965 c 8 s 43.51.010;
32 (2) RCW 79.08.108 (Exchange of lands to secure state park lands)
33 and 1988 c 128 s 61 & 1953 c 96 s 1;
34 (3) RCW 43.51.047 (Sale of timber) and 1995 c 211 s 2 & 1984 c 82
35 s 3;
36 (4) RCW 43.51.080 (Parks in island counties) and 1965 c 8 s
37 43.51.080;

1 (5) RCW 43.51.545 (Compensation--Biweekly payment of compensation
2 authorized) and 1965 ex.s. c 48 s 3;

3 (6) RCW 43.51.260 (Acquisition of Wallace Falls property
4 authorized) and 1969 c 41 s 1 & 1965 c 146 s 2;

5 (7) RCW 43.51.355 (Authority of commission to implement RCW
6 43.51.350) and 1977 ex.s. c 266 s 2;

7 (8) RCW 43.51.230 (Lease with option to purchase parental school
8 facilities) and 1965 c 8 s 43.51.230; and

9 (9) RCW 88.12.395 (Committee to adopt rules) and 1989 c 393 s 15.

10

PART XVIII

11

CODIFICATION DIRECTIVE

12 NEW SECTION. **Sec. 1801.** Sections 101, 301, 401, 701, 907, and 908
13 of this act are each added to Title 79A RCW, created in section 1601 of
14 this act.

15

PART XIX

16

SEVERABILITY

17 NEW SECTION. **Sec. 1901.** If any provision of this act or its
18 application to any person or circumstance is held invalid, the
19 remainder of the act or the application of the provision to other
20 persons or circumstances is not affected.

--- END ---