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**SUBSTITUTE SENATE BILL 5320**

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**State of Washington**

**58th Legislature**

**2003 Regular Session**

**By** Senate Committee on Parks, Fish & Wildlife (originally sponsored by Senators Oke, Doumit, Sheahan, Swecker, Jacobsen and Kline; by request of Parks and Recreation Commission)

READ FIRST TIME 02/11/03.

1           AN ACT Relating to the water trail recreation program; amending RCW  
2 79A.05.380, 79A.05.385, and 79A.05.410; creating a new section; and  
3 repealing RCW 79A.05.400, 79A.05.405, and 79A.05.420.

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

5           **Sec. 1.** RCW 79A.05.380 and 1993 c 182 s 1 are each amended to read  
6 as follows:

7           The legislature recognizes the increase in water-oriented  
8 recreation by users of human and wind-powered, beachable vessels such  
9 as kayaks, canoes, or day sailors on Washington's waters. These  
10 recreationists frequently require overnight camping facilities along  
11 the shores of public or private beaches. The legislature now creates  
12 a water trail recreation program, to be administered by the Washington  
13 state parks and recreation commission. The legislature recognizes that  
14 the effort to develop water trail sites is a continuing need and that  
15 the commission provides beneficial expertise and consultation to water  
16 trail user groups, agencies, and private landowners for the existing  
17 Cascadia marine trail and Willapa Bay water trail.

1       **Sec. 2.** RCW 79A.05.385 and 1993 c 182 s 2 are each amended to read  
2 as follows:

3       In addition to its other powers, duties, and functions, the  
4 commission may:

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

9       ~~(2) ((Provide and issue, upon payment of the proper fee, with the  
10 assistance of those authorized agents as may be necessary for the  
11 convenience of the public, water trail permits to utilize designated  
12 water trail facilities. The commission may, after consultation with  
13 the water trail advisory committee, adopt rules authorizing reciprocity  
14 of water trail permits provided by another state or Canadian province,  
15 but only to the extent that a similar exemption or provision for water  
16 trail permits is issued by that state or province.~~

17       ~~(3))~~ Compile, publish, distribute, and charge a fee for maps or  
18 other forms of public information indicating areas and facilities  
19 suitable for water trail activities.

20       ~~((4))~~ (3) Contract with a public agency, private entity, or  
21 person for the actual conduct of these duties.

22       ~~((5))~~ (4) Work with individuals or organizations who wish to  
23 volunteer their time to support the water trail recreation program.

24       (5) Provide expertise and consultation to individuals, agencies,  
25 and organizations in the continued development of water trail sites in  
26 this state.

27       **Sec. 3.** RCW 79A.05.410 and 1993 c 182 s 7 are each amended to read  
28 as follows:

29       The commission may(~~, after consultation with the water trail  
30 advisory committee,~~) adopt rules to administer the water trail program  
31 and facilities on areas owned or administered by the commission. Where  
32 water trail facilities administered by other public or private entities  
33 are incorporated into the water trail system, the rules adopted by  
34 those entities shall prevail. The commission is not responsible or  
35 liable for enforcement of these alternative rules.

1        NEW SECTION.    **Sec. 4.** Any unspent balance of funds in the water  
2 trail program account created in RCW 79A.05.405 as of June 30, 2003,  
3 must be transferred to the state parks renewal and stewardship account  
4 created in RCW 79A.05.215. All receipts from sales of materials under  
5 RCW 79A.05.385 and all monetary civil penalties collected under RCW  
6 79A.05.415 must be deposited in the state parks renewal and stewardship  
7 account. Any gifts, grants, donations, or moneys from any source  
8 received by the commission for the water trail program must also be  
9 deposited in the state parks renewal and stewardship account. Funds  
10 transferred or deposited into the state parks renewal and stewardship  
11 account under this section must be used solely for water trail program  
12 purposes.

13        NEW SECTION.    **Sec. 5.** The following acts or parts of acts are each  
14 repealed:

15        (1) RCW 79A.05.400 (Water trail recreation program--Permits) and  
16 1993 c 182 s 5;

17        (2) RCW 79A.05.405 (Water trail recreation program--Account  
18 created) and 2000 c 11 s 40 & 1993 c 182 s 6; and

19        (3) RCW 79A.05.420 (Water trail advisory committee) and 2000 c 11  
20 s 41, 1994 c 264 s 21, & 1993 c 182 s 9.

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