
SENATE BILL 5702

State of Washington

62nd Legislature

2011 Regular Session

By Senators Carrell, Fraser, Roach, Fain, Pflug, Holmquist Newbry, Benton, Swecker, and Hewitt

Read first time 02/08/11. Referred to Committee on Natural Resources & Marine Waters.

1 AN ACT Relating to the temporary closure of a state park; and
2 reenacting and amending RCW 79A.05.030.

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

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

6 The commission shall:

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

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

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

18 (4) Clear, drain, grade, seed, and otherwise improve or beautify

1 parks and parkways, and erect structures, buildings, fireplaces, and
2 comfort stations and build and maintain paths, trails, and roadways
3 through or on parks and parkways.

4 (5) Grant concessions or leases in state parks and parkways, upon
5 such rentals, fees, or percentage of income or profits and for such
6 terms, in no event longer than fifty years, and upon such conditions as
7 shall be approved by the commission: PROVIDED, That leases exceeding
8 a twenty-year term shall require a unanimous vote of the commission:
9 PROVIDED FURTHER, That if, during the term of any concession or lease,
10 it is the opinion of the commission that it would be in the best
11 interest of the state, the commission may, with the consent of the
12 concessionaire or lessee, alter and amend the terms and conditions of
13 such concession or lease: PROVIDED FURTHER, That television station
14 leases shall be subject to the provisions of RCW 79A.05.085, only:
15 PROVIDED FURTHER, That the rates of such concessions or leases shall be
16 renegotiated at five-year intervals. No concession shall be granted
17 which will prevent the public from having free access to the scenic
18 attractions of any park or parkway.

19 (6) Employ such assistance as it deems necessary. Commission
20 expenses relating to its use of volunteer assistance shall be limited
21 to premiums or assessments for the insurance of volunteers by the
22 department of labor and industries, compensation of staff who assist
23 volunteers, materials and equipment used in authorized volunteer
24 projects, training, reimbursement of volunteer travel as provided in
25 RCW 43.03.050 and 43.03.060, and other reasonable expenses relating to
26 volunteer recognition. The commission, at its discretion, may waive
27 commission fees otherwise applicable to volunteers. The commission
28 shall not use volunteers to replace or supplant classified positions.
29 The use of volunteers may not lead to the elimination of any employees
30 or permanent positions in the bargaining unit.

31 (7) By majority vote of its authorized membership select and
32 purchase or obtain options upon, lease, or otherwise acquire for and in
33 the name of the state such tracts of land, including shore and tide
34 lands, for park and parkway purposes as it deems proper. If the
35 commission cannot acquire any tract at a price it deems reasonable, it
36 may, by majority vote of its authorized membership, obtain title
37 thereto, or any part thereof, by condemnation proceedings conducted by

1 the attorney general as provided for the condemnation of rights-of-way
2 for state highways. Option agreements executed under authority of this
3 subsection shall be valid only if:

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

6 (b) Moneys used for the purchase of the option agreement are from
7 (i) funds appropriated therefor, or (ii) funds appropriated for
8 undesignated land acquisitions, or (iii) funds deemed by the commission
9 to be in excess of the amount necessary for the purposes for which they
10 were appropriated; and

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

13 (8) Cooperate with the United States, or any county or city of this
14 state, in any matter pertaining to the acquisition, development,
15 redevelopment, renovation, care, control, or supervision of any park or
16 parkway, and enter into contracts in writing to that end. All parks or
17 parkways, to which the state contributed or in whose care, control, or
18 supervision the state participated pursuant to the provisions of this
19 section, shall be governed by the provisions hereof.

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

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

35 (11) When a state park is temporarily closed due to budget
36 constraints, collaborate and cooperate with the local government, local
37 park district, nonprofit organizations, and civic organizations in the
38 area to determine the feasibility of having one or more of the entities

1 perform routine maintenance on the temporarily closed state park. The
2 commission is authorized to enter into agreements to allow one or more
3 of the entities listed in this subsection to provide maintenance of a
4 temporarily closed state park.

--- END ---