

ESB 6034 - H COMM AMD
By Committee on Environment

ADOPTED 03/07/2014

1 Strike everything after the enacting clause and insert the
2 following:

3 "Sec. 1. RCW 79A.05.335 and 1991 c 107 s 1 are each amended to
4 read as follows:

5 The legislature finds that the parks and recreation lands owned and
6 managed by the (~~state parks and recreation~~) commission are a
7 significant collection of valuable scenic, natural, cultural, and
8 historical(~~, and cultural~~) resources for the citizens of Washington
9 state. The legislature further finds that if citizens understand and
10 appreciate the (~~state park ecological resources, they will come to~~
11 ~~appreciate and understand the ecosystems and natural resources~~
12 ~~throughout the state~~) scenic, natural, cultural, and historical
13 resources present in Washington's state parks, they will be inspired to
14 conserve this important legacy for future generations. Therefore, the
15 (~~state parks and recreation~~) commission may (~~increase the~~) use
16 (~~of~~) its facilities and resources to provide (~~environmental~~)
17 scenic, natural, cultural, or historical resource interpretation
18 throughout the state parks system.

19 **Sec. 2.** RCW 79A.05.340 and 1991 c 107 s 2 are each amended to read
20 as follows:

21 The (~~state parks and recreation~~) commission may provide
22 (~~environmental interpretative~~) scenic, natural, cultural, or
23 historical resource interpretive activities for visitors to state parks
24 that:

25 (1) Explain the functions, history, significance, and cultural
26 aspects of ecosystems;

27 (2) Explain the relationship between human needs, human behaviors
28 and attitudes, and the environment; (~~and~~)

1 (3) Explain the diverse human heritage and cultural changes over
2 time in Washington state;

3 (4) Offer experiences and information to increase citizen
4 understanding, appreciation, and stewardship of ((the environment and
5 its multiple uses)) their natural, cultural, ethnic, and artistic
6 heritage; and

7 (5) Explain the need for natural, cultural, and historical resource
8 protection and preservation as well as the methods by which these goals
9 can be achieved.

10 **Sec. 3.** RCW 79A.05.345 and 1991 c 107 s 3 are each amended to read
11 as follows:

12 The ((state parks and recreation)) commission may consult and enter
13 into agreements with and solicit assistance from ((private sector
14 organizations and other governmental agencies that are interested in
15 conserving and interpreting Washington's environment. The commission
16 shall not permit commercial advertising in state park lands or
17 interpretive centers as a condition of such agreements. Logos or
18 credit lines for sponsoring organizations may be permitted. The
19 commission shall maintain an accounting of all monetary gifts provided,
20 and expenditures of monetary gifts shall not be used to increase
21 personnel)) other public agencies, the state parks foundation, private
22 entities, employee business units, and tribes that are interested in
23 stewarding and interpreting state parks scenic, natural, cultural, and
24 recreational resources.

25 NEW SECTION. **Sec. 4.** A new section is added to chapter 79A.05 RCW
26 to read as follows:

27 (1) The commission, in consultation with the department of
28 archaeology and historic preservation, may permit commercial
29 advertising on or in state parks lands and buildings when all the
30 following conditions and standards are met with regard to the
31 commercial advertising:

32 (a) It conforms to the United States secretary of the interior's
33 standards for the treatment of historic properties when applied to
34 advertising affecting historic structures, cultural and historic
35 landscapes, and archaeological sites;

1 (b) It does not detract from the integrity of the park's natural,
2 cultural, historic, and recreational resources and outstanding scenic
3 view sheds;

4 (c) It does not create a potential conflict of interest because of
5 the commercial or corporate entity's regulatory or business
6 relationships with the commission; and

7 (d) It will acknowledge individuals and organizations that are
8 donors or sponsors of park events or projects or support the
9 sustainability of park concessionaires, lessees, or service providers.

10 (2) The commission is encouraged to use its advertising authority
11 to promote:

12 (a) Community economic development near state parks;

13 (b) Wellness, healthy food options, healthy behaviors, and any
14 other public health goals or principles adopted by the state; and

15 (c) Park visitor awareness of services and activities within and
16 near each park.

17 (3) The commission shall adopt standards for advertising, naming,
18 product placement, and other forms of commercial recognition that
19 require the commission to define and prohibit, at minimum, the
20 following:

21 (a) Obscene, indecent, or discriminatory content;

22 (b) Political or public issue advocacy content;

23 (c) Products, services, or other materials that are offensive,
24 insulting, disparaging, or degrading; or

25 (d) Products, services, or messages that are contrary to the public
26 interest, including any advertisement that encourages or depicts unsafe
27 behaviors or encourages unsafe or prohibited recreation activities.
28 Tobacco and cannabis must be included among the products prohibited
29 under this subsection (3)(d).

30 (4) Notwithstanding subsection (1) of this section, commercial
31 advertising, including product placement, is permitted on commission
32 web sites, electronic social media, and printed materials within or
33 outside of state parks.

34 NEW SECTION. **Sec. 5.** A new section is added to chapter 79A.05 RCW
35 to read as follows:

36 (1) When entering into any agreement under RCW 79A.05.345 or

1 otherwise involving the management of state park land or a facility by
2 a public or private partner, the commission shall consider, when
3 appropriate:

4 (a) If the entity has an adequate source of available funding to
5 assume the financial responsibilities of the agreement;

6 (b) If the entity has sufficient expertise to assume the scope of
7 responsibilities of the agreement;

8 (c) If the agreement results in net financial benefits to the
9 state; and

10 (d) If the agreement results in advancement of the commission's
11 public purpose.

12 (2) Any agreement subject to this section must include specific
13 performance measures. The performance measures must cover, but are not
14 limited to, the entity's ability to manage financial operating costs,
15 to adequately perform management responsibilities, and to address and
16 respond to public concerns. The agreement must provide that failure to
17 meet any performance measure may lead to the termination of the
18 contract or requirements for remedial action to be taken before the
19 agreement may be extended.

20 (3) The commission's authority to enter into agreements under this
21 section, section 4 of this act, or RCW 79A.05.345 does not include the
22 ability to rename any state park after a corporate or commercial
23 entity, product, or service.

24 **Sec. 6.** RCW 79A.70.010 and 2000 c 25 s 2 are each amended to read
25 as follows:

26 The purpose of the Washington state parks (~~gift~~) foundation is to
27 solicit support for the state parks system, cooperate with other
28 organizations, and to encourage gifts to support and improve the state
29 parks.

30 **Sec. 7.** RCW 79A.70.020 and 2000 c 25 s 3 are each amended to read
31 as follows:

32 The definitions in this section apply throughout this chapter(~~τ~~)
33 unless the context clearly requires otherwise.

34 (1) "Foundation" means the Washington state parks (~~gift~~)
35 foundation(~~τ~~) created in RCW 79A.70.030.

1 (2) "State parks" means that system of parks administered by the
2 commission under this title.

3 (3) "Eligible grant recipients" includes any and all of the
4 activities of the commission in carrying out the provisions of this
5 title and friends groups or other organizations that propose projects
6 or programs solely for the benefit of state parks.

7 (4) "Eligible projects" means any project, action, program, or part
8 of any project ~~((or))~~, action, or program that serves to preserve,
9 restore, improve, or enhance the state parks.

10 **Sec. 8.** RCW 79A.70.030 and 2000 c 25 s 4 are each amended to read
11 as follows:

12 (1) By September 1, 2000, the commission shall file articles of
13 incorporation in accordance with the Washington nonprofit corporation
14 act, chapter 24.03 RCW, to establish the Washington state parks
15 ~~((gift))~~ foundation. The foundation shall not be an agency,
16 instrumentality, or political subdivision of the state and shall not
17 disburse public funds.

18 (2) The foundation shall have a board of directors consisting of up
19 to fifteen members, whose terms, method of appointment, and authority
20 must be in accordance with the Washington nonprofit corporation act,
21 chapter 24.03 RCW. ~~((Initial members of the board shall be appointed~~
22 ~~by the governor and collectively have experience in business,~~
23 ~~charitable giving, outdoor recreation, and parks administration.~~
24 ~~Initial appointments shall be made by September 30, 2000. Subsequent~~
25 ~~board members shall be elected by the general membership of the~~
26 ~~foundation.~~

27 ~~((3) Members of the board shall serve three year terms, except for~~
28 ~~the initial terms, which shall be staggered by the governor to achieve~~
29 ~~a balanced mix of terms on the board. Members of the board may serve~~
30 ~~up to a maximum of three terms. At the end of a term, a member may~~
31 ~~continue to serve until a successor has been elected.))~~

32 **Sec. 9.** RCW 79A.70.040 and 2000 c 25 s 5 are each amended to read
33 as follows:

34 (1) ~~((As soon as practicable, the board of directors shall organize~~
35 ~~themselves and the foundation suitably to carry out the duties of the~~
36 ~~foundation, including achieving federal tax exempt status.~~

1 ~~(2)~~) The foundation shall actively solicit contributions from
2 individuals and groups for the benefit of the state parks.

3 ~~((3))~~ (2) The foundation shall develop criteria for guiding
4 themselves in either the creation of an endowment, or the making of
5 grants to eligible grant recipients and eligible projects in the state
6 parks, or both.

7 ~~((4))~~ (3) A competitive grant process shall be conducted at least
8 annually by the foundation to award funds ~~((to the))~~ for the benefit of
9 state parks. Competitive grant applications shall only be submitted to
10 the foundation by the commission, friends groups, or other
11 organizations with projects or programs solely for the benefit of state
12 parks. ~~((The process shall be started as soon as practicable.))~~
13 Grants shall be awarded to eligible projects consistent with the
14 criteria developed by the foundation ~~((and shall be available only for~~
15 ~~state parks use on eligible projects))~~."

16 Correct the title.

EFFECT: Places the following additional conditions on commercial
advertising associated with State Parks lands and activities:

Provides that the state Parks and Recreation Commission may only
permit commercial advertising if it does not present a potential
conflict of interest due to regulatory or business relationships with
the advertising entity;

Encourages the state Parks and Recreation Commission to use its
advertising authority to promote local economic development, public
health goals or principles, and park visitor awareness of available
services;

Requires the Parks and Recreation Commission to adopt standards for
commercial advertising that prohibit content that is obscene,
offensive, advocacy material, or which encourages or depicts certain
unsafe products, messages, or services, including tobacco or cannabis;
and

Prohibits the Parks and Recreation Commission from naming a state
park after a commercial entity, product, or service in conjunction with
commercial advertising, in addition to prohibiting such naming as a
condition of partnership agreements.

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