

HOUSE BILL REPORT

HB 2226

As Reported by House Committee On:

Environment

Appropriations Subcommittee on General Government & Information Technology

Title: An act relating to state parks partnership opportunities.

Brief Description: Concerning state parks partnership opportunities.

Sponsors: Representatives Senn, Fey, Manweller, Tharinger, Zeiger, Morrell, Fitzgibbon, Ryu and Pollet; by request of Parks and Recreation Commission.

Brief History:

Committee Activity:

Environment: 1/17/14, 1/21/14 [DP];

Appropriations Subcommittee on General Government & Information Technology:
2/6/14 [DPS].

Brief Summary of Substitute Bill

- Provides criteria for the State Parks and Recreation Commission (State Parks) to enter into agreements with private or public partners for the purpose of stewarding and interpreting state park resources.
- Authorizes the State Parks Foundation to make competitive grants to organizations other than the State Parks so long as the sole objective of the grant recipient's project is to benefit state parks.

HOUSE COMMITTEE ON ENVIRONMENT

Majority Report: Do pass. Signed by 9 members: Representatives Fitzgibbon, Chair; Senn, Vice Chair; Short, Ranking Minority Member; Pike, Assistant Ranking Minority Member; Farrell, Fey, Kagi, Nealey and Tharinger.

Minority Report: Do not pass. Signed by 2 members: Representatives Harris and Overstreet.

Staff: Jacob Lipson (786-7196).

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Background:

The State Parks and Recreation Commission (State Parks) owns and manages a system of over 100 parks with a variety of facilities, historic buildings, and recreation programs. State Parks is managed by a seven-member commission appointed by the Governor. State Parks is authorized to provide certain environmental interpretive activities for visitors to its parks, such as explanations of historical and cultural connections to park ecosystems.

State Parks may enter into agreements and solicit assistance from private organizations or government agencies in order to conserve and interpret Washington's environment. State Parks is prohibited from allowing private partners to advertise commercially in state park lands or interpretive centers, although State Parks may allow the display of logos and give credit to private partners. State Parks may receive gifts, but must account for the gifts it receives and may not use the gifts to increase staffing levels.

Established in 2000, the State Parks Foundation (Parks Foundation) is a nonprofit corporation whose purpose is to support State Parks. The existence of the Parks Foundation is required by state law. The Parks Foundation may make grants to support the activities of State Parks through a competitive process open only to State Parks. The Parks Foundation is governed by a board of up to 15 members, who are elected by Parks Foundation members and serve three-year terms.

In general, the Washington Nonprofit Corporation Act provides rules and requirements on the organization and operation of nonprofit corporations and the relationship between members, directors, and officers of the nonprofit corporation.

Summary of Bill:

The current scope of environmental interpretive activities that State Parks is authorized to provide is expanded to include aspects of parks' natural, cultural, historic, ethnic, artistic, and human heritages. State Parks is authorized to provide interpretive activities that explain the need for the protection and preservation of parks' natural, cultural, and historic resources.

State Parks Partnerships with Other Public and Private Entities.

The previous ban on commercial advertising in parks by private and public partners is removed, and State Parks is allowed to permit commercial advertising. The previous restriction on State Parks' use of gift money to increase park staffing is also lifted.

In addition to public agencies and private entities, State Parks may partner with the Parks Foundation, tribes, and employee business units to steward and interpret park resources. Prior to entering a partnership, State Parks must consider the financial viability and expertise of the potential partner organization. State Parks must also consider whether the partnership would produce financial benefits and achieve the State Parks' public purposes. Partnership agreements must include performance measures, the achievement of which is necessary to

ensure that State Parks will not end the partnership or seek remedial action prior to extending the partnership.

The Role of the State Parks Foundation.

The Parks Foundation is renamed in statute from the State Parks Gift Foundation. In addition to making competitive grants to State Parks, the Parks Foundation may make grants to friends groups or other organizations that propose projects solely for the benefit of state parks. The terms, method of appointment, and authority of the Parks Foundation's board of directors are made to conform with the state's Nonprofit Corporation Act.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) This bill will give State Parks the flexibility to become more creative in their approaches to new revenue, and in bringing new audiences of people in to the parks by adding an emphasis on historic heritage and culture. This bill removes statutory barriers to increasing revenue in State Parks, and the Legislature has repeatedly directed State Parks to come up with new revenue streams in recent years. Some of the projects that State Parks needs to undertake will not be possible without the funding available through private partners. This will provide a common-sense framework for State Parks to evaluate potential partnership activities with other nonprofit and private organizations. This bill will allow groups that want to do an improvement project in a State Park to receive money directly from the Parks Foundation, which will streamline the project's financing without taking away the discretion of State Parks to manage any and all projects that take place in State Parks.

(Opposed) None.

Persons Testifying: Representative Senn, prime sponsor; Daniel Farber, Washington State Parks and Recreation Commission; Terri McCullough, Washington Federation of State Employees; Peter Reid, Washington State Parks Foundation; Jim Richards, Washington Wildlife and Recreation Coalition; Doug Levy, Washington Recreation and Park Association; and Allyson Brooks, Washington State Department of Archaeology and Historic Preservation.

Persons Signed In To Testify But Not Testifying: None.

HOUSE COMMITTEE ON APPROPRIATIONS SUBCOMMITTEE ON GENERAL GOVERNMENT & INFORMATION TECHNOLOGY

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 8 members: Representatives Hudgins, Chair; Parker, Ranking Minority Member; Buys, Christian, Dunshee, S. Hunt, Jinkins and Springer.

Minority Report: Do not pass. Signed by 1 member: Representative Taylor.

Staff: Dan Jones (786-7118).

Summary of Recommendation of Committee On Appropriations Subcommittee on General Government & Information Technology Compared to Recommendation of Committee On Environment:

The substitute bill reinstates the ban on commercial advertising that exists in current law.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Substitute Bill: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) The context of this bill is that when the Discover Pass was passed, the Legislature asked the State Parks and Recreation Commission (State Parks) to come back to ask the Legislature what State Parks could do to help themselves financially. This bill made it most of the way through the Legislature in 2013, but didn't quite make it all the way.

The purpose of this bill is not just to make and save money. The purpose is about developing partnerships that advance the mission of the state parks system, and while doing so provide for financial viability and a vibrant parks system. All partnerships are not good partnerships, which is why this bill requires performance measures for every agreement.

This bill also makes some organizational reforms for the State Parks Foundation (Parks Foundation), simplifying the way the Parks Foundation operates and bringing the Parks Foundation into the nonprofit world of Washington.

This bill received broad bipartisan support in the policy committee, but there was a concern about commercial advertising and how it can detract from the parks' experience. In response, State Parks has worked with the League of Women Voters, the Washington Trust for Historic Preservation, the Washington State Department of Archaeology and Historic Preservation, and others to figure out how much advertising is too much, and develop recommended language that the Senate has included as a potential floor amendment. Only three types of advertising would be allowed under this amendment: to acknowledge a sponsor of an event; to acknowledge the sponsor of a project; and, finally, to allow enterprises that are actually in the parks to advertise their services within that park.

The standards in the potential Senate floor amendment are the same as in the national park system, and can serve as a guide if someone is uncomfortable with a posted sign. The Washington State Department of Archaeology and Historic Preservation has offered to review any advertising in parks for free.

The authority that State Parks is looking for in this bill is authority that parks already have at the local level. There are 227,000 jobs in this state tied to outdoor recreation, and giving State Parks a new tool is a good thing.

(In support with amendment(s)) The League of Women Voters has some concerns with this bill that would be addressed with the language in the potential Senate floor amendment. State Parks should be protected. They offer a retreat from the commercial world we live in, and they have educational value.

(Opposed) None.

Persons Testifying: (In support) Daniel Farber, Washington State Parks; Peter Reid, Washington State Parks Foundation; Jim Richards, Washington Wildlife Recreation Coalition; Doug Levy, Washington Recreation and Parks Association; Alyson Brooks, Washington Department of Archeology and Historic Preservation; and Brian Yearout, Washington Federation of State Employees.

(In support with amendment(s)) Betty Tabbutt, League of Women Voters.

Persons Signed In To Testify But Not Testifying: None.