

HOUSE BILL REPORT

ESB 6034

As Reported by House Committee On:
Environment

Title: An act relating to state parks partnership opportunities.

Brief Description: Concerning state parks partnership opportunities.

Sponsors: Senators Pearson, Hargrove, McCoy, Mullet and McAuliffe; by request of Parks and Recreation Commission.

Brief History:

Committee Activity:

Environment: 2/19/14, 2/21/14 [DPA].

**Brief Summary of Engrossed Bill
(As Amended by Committee)**

- 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.
- Establishes conditions and standards regarding when State Parks may allow commercial advertising on or in state park lands and buildings and in electronic and printed media.
- Authorizes the State Parks Foundation to make competitive grants to organizations other than 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 as amended. Signed by 10 members: Representatives Fitzgibbon, Chair; Senn, Vice Chair; Short, Ranking Minority Member; Pike, Assistant Ranking Minority Member; Farrell, Fey, Harris, Kagi, Nealey and Tharinger.

Staff: Jacob Lipson (786-7196).

Background:

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.

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 by statute 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 has also adopted policies which establish certain limits on commercial advertising in park lands and buildings, and in State Parks' digital and printed materials. 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 Amended Bill:

The current scope of environmental interpretive activities that State Parks is authorized to provide is expanded to include aspects of the 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 the parks' natural, cultural, and historic resources.

State Parks Partnerships with Other Public and Private Entities.

The previous restriction on the State Parks' use of gift money to increase park staffing is lifted.

Conditions are established allowing for commercial advertising on or in state park lands and buildings. After consultation with the Department of Archaeology and Historic Preservation, advertising is allowed when it is determined to:

- meet U.S. Department of the Interior standards for the treatment of historic sites;
- not detract from park integrity;
- not pose a potential conflict of interest due to regulatory or business relationships between the State Parks and the advertising entity; and

- acknowledge individuals or organizations, or support concessionaires, lease holders, or service providers at the state parks.

State Parks must also adopt commercial advertising standards that prohibit obscene or offensive content, political or public issue advocacy, or advertising which depicts unsafe products, messages or services, including tobacco and cannabis. Commercial advertising is allowed on state parks' websites, electronic social media, and printed materials. State Parks is encouraged to use its advertising authority to promote local economic development, park visitor awareness of local services, and public health goals or principles. State Parks partnership agreements and commercial advertising agreements may not include renaming a state park after a commercial or corporate entity, product, or service.

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 to the state's Nonprofit Corporation Act.

Amended Bill Compared to Engrossed Bill:

The amended bill places additional conditions on commercial advertising associated with state parks lands and activities. State Parks 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. State Parks is encouraged to use its advertising authority to promote local economic development, public health goals or principles, and park visitor awareness of available services. State Parks is also directed to adopt standards for commercial advertising that prohibits obscene or offensive content, political or public issue advocacy, or advertising which encourages or depicts certain unsafe products, messages, or services, including tobacco or cannabis. State Parks is prohibited from naming a 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.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Amended 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) This bill is very similar to the bill that the committee has already approved, except it includes new conditions that generally limit advertising in State Parks. State Parks needs more funding, and this bill will open up new flexibility for advertising in State Parks. The limits on advertising will ensure that excesses are avoided, and that parks are not re-named after commercial products. Existing statute only narrowly restricts commercial advertising in State Parks. We support the language in Engrossed Senate Bill 6034, as well as the language in the House floor amendment that was to be offered to the companion version of the bill. We are comfortable with specifying these limitations on advertising, because they match what State Parks is already doing because of policies that State Parks has adopted. State Parks should be able to be as nimble in seeking new sources of revenue as parks operated by local governments are able to be. State Parks should receive more support from the State General Fund, in addition to seeking these new sources of revenue. Supporting State Parks will also support the state's outdoor recreational industry. This bill puts sensible limits on partnerships with private entities, and requires partners to be adequately funded and have expertise. The Department of Archaeology and Historic Preservation would not incur costs because its workload in reviewing proposed parks advertising under this bill would be relatively insignificant.

(Opposed) None.

Persons Testifying: Senator Pearson, prime sponsor; Daniel Farber, Washington State Parks and Recreation Commission; Jim Richards, Washington Wildlife and Recreation Coalition; Terri McCullough, Washington Federation of State Employees; Doug Levy, Washington Recreation and Park Association; Betty Tabbutt, League of Women Voters of Washington; and Allyson Brooks, Department of Archaeology and Historic Preservation.

Persons Signed In To Testify But Not Testifying: None.