

SENATE BILL REPORT

SB 5653

As Reported by Senate Committee On:
Natural Resources & Parks, February 21, 2013

Title: An act relating to promoting a balanced financing system for state parks programs and services in order to facilitate resource stewardship, interpretative activities, cultural events, and works of art in state parks.

Brief Description: Promoting a balanced financing system for state parks programs and services in order to facilitate resource stewardship, interpretative activities, cultural events, and works of art in state parks.

Sponsors: Senators Pearson, Rolfes, Honeyford, Fraser, Smith, Hewitt, Kohl-Welles and Parlette; by request of Parks and Recreation Commission.

Brief History:

Committee Activity: Natural Resources & Parks: 2/12/13, 2/21/13 [DPS-WM].

Brief Summary of Substitute Bill

- Specifies the State Parks and Recreation Commission's (State Parks) authority to offer interpretation activities including natural, cultural, and historical interpretation.
- Provides general authority to enter into agreements to support interpretation activities at state parks.
- Expands the role of the State Parks Foundation relating to working with donors and providing grants.
- Authorizes discount Discover Pass sales for purposes of bulk sales to retailers, bundling with agency licenses, and to facilitate partnership opportunities.
- Makes all decisions of the State Parks Commission subject to a majority vote, eliminating several unanimous vote requirements.
- Provides State Parks with GF-S appropriations totaling \$27 million for the biennium.

SENATE COMMITTEE ON NATURAL RESOURCES & PARKS

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.

Majority Report: That Substitute Senate Bill No. 5653 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways & Means.

Signed by Senators Pearson, Chair; Smith, Vice Chair; Rolfes, Ranking Member; Hargrove, Hewitt, Kline and Parlette.

Staff: Curt Gavigan (786-7437)

Background: State Parks Operations and Funding. The State Parks and Recreation Commission (State Parks) manages a system that includes 117 developed parks stretching across approximately 120,000 acres throughout the state.

Between 2001 and 2011, the Legislature took a number of policy and fiscal actions related to the funding of State Parks. These include, at various times, the use of funding mechanisms including parking fees, voluntary donations, and various fund transfers for the support of State Parks. During that period, the state general fund (GF-S) support ranged from a high of \$95 million in the 2007-2009 biennium to a low of \$41 million in the 2009-2011 biennium.

In 2011, the Legislature created the Discover Pass and generally required its purchase for access to state recreation lands, including state parks. The 2011 operating budget provided one-time funding of approximately \$17 million of GF-S funds to assist State Parks to move toward the goal of becoming a self-supporting agency. Due to lower than expected Discover Pass revenue, State Parks received an additional \$4 million in one-time funding from state aquatic lands revenue in 2012. While initial 2011 projections estimated approximately \$64 million in Discover Pass revenue for the biennium, actual revenue totaled about \$15.7 million for fiscal year 2012.

State Parks Interpretation Authority. Under current law, State Parks has the broad authority to manage the use, care, and administration of state parks. Specifically, State Parks may provide environmental interpretive activities for purposes that:

- explain the functions, history, and cultural aspects of ecosystems;
- explain the relationship between human needs, human behaviors and attitudes, and the environment; and
- offer experiences and information to increase appreciation and stewardship of the environment and its uses.

State Parks may solicit assistance from and enter into agreements with private organizations and public agencies interested in conservation and environmental interpretation. No commercial advertising is allowed under these agreements, but logos or sponsorship credit lines may be permitted.

State Parks Foundation. In 2000, the Legislature directed the creation of the State Parks Gift Foundation (Foundation) to solicit support for State Parks, cooperate with other organizations, and encourage gifts to support State Parks. The Legislature established requirements for initial board membership, terms, and succession. Among its other roles, the Foundation awards grants to State Parks for eligible projects submitted to the Foundation for funding. Monies provided to State Parks may not supplant preexisting fund sources.

Discover Pass Requirement Generally. In general, a Discover Pass or Day-Use Permit is required for any motor vehicle to park at or operate on recreation sites or lands managed by State Parks, the Department of Natural Resources (DNR), or the Department of Fish and Wildlife (DFW). Specific areas where a pass is required include state parks, DNR-managed uplands, and DFW wildlife areas and water access sites.

The statutory price of an annual Discover Pass is \$30, and a Day-Use permit is \$10.

State Parks Commission Voting Requirements. The Commission consists of seven members, with a majority of Commission members required to constitute a quorum and conduct business. Under the Commission's procedural rules, a majority vote of the Commissioners present is required to pass an item brought to vote unless the law requires a unanimous vote. By statute, several Commission decisions must be unanimous votes. These include leases in excess of 20 years, land sales or exchanges, and the disposal of real property to resolve boundary and ownership issues with adjacent landowners.

Summary of Bill (Recommended Substitute): Specifies the Role of Natural, Cultural, and Historical Interpretation at State Parks. Current statutes governing interpretation at state parks are modified to reemphasize and expand State Parks' role in providing natural, cultural, and historical interpretation. This includes specifying authority to:

- explain the diverse human heritage and cultural changes over time in the state;
- offer experiences and information to increase understanding, appreciation, and stewardship of natural and cultural heritage; and
- explain the need for and methods to achieve natural, cultural, and historical resource protection and preservation.

The specific prohibition on commercial advertising in state parks is removed and replaced with general authority to solicit assistance and enter into agreements with the State Parks Foundation and private and public sector entities that are interested in stewardship and interpretation.

Expands the Role of the State Parks Foundation. The role of the State Parks Foundation, statutorily renamed from the State Parks Gift Foundation, is expanded and further specified to include the following:

- taking the lead role in soliciting, recognizing, and cultivating relationships with donors and sponsors, in coordination with State Parks;
- building constituencies and engaging in public outreach; and
- in addition to providing grants to State Parks, also awarding funds to friend groups and other associations formed to benefit State Parks based on criteria developed in cooperation with State Parks.

Language prohibiting funds provided by the Foundation from supplanting preexisting state funds is repealed. The terms, method of appointment, and authority of the board of directors are established under the statutes governing nonprofit corporations.

Authorizes Certain Discounted Discover Pass Sales. State Parks, DNR, and DFW may mutually agree to sell discounted Discover Passes or Day-Use Permits under certain circumstances. The discounts apply for purposes of bulk sales to retailers, agency license

and permit bundling, and partnership opportunities to expand the visibility of the passes and recreation on state lands. The agencies must prioritize opportunities for discounted sales that result in net revenue gain.

Modifies Certain State Parks Commission Voting Requirements. All decisions of the State Parks Commission are made subject to a majority vote of the Commissioners present. This removes a unanimous vote requirement for several actions relating to long-term leases, land sales or exchanges, and transfers to resolve boundary and ownership issues with adjacent landowners. The Commission must have a quorum present to act, which is a majority of the Commission membership.

Provides a GF-S Appropriation for State Parks. State Parks is provided with GF-S appropriations of \$13.5 million each for fiscal years 2014 and 2015, for a biennial total of \$27 million.

EFFECT OF CHANGES MADE BY NATURAL RESOURCES & PARKS COMMITTEE (Recommended Substitute):

- Removes the requirement that the Office of Financial Management biennially calculate revenue foregone from State Parks pass programs and that State Parks make a GF-S budget request for this amount.
- Modifies elements of the new language regarding interpretation activities at state parks.
- Adds language authorizing the Discover Pass agencies to sell discount Discover Passes for purposes including bulk retail sales and product bundling.
- Adds language making all decisions of the State Parks Commission subject to a majority vote of the Commissioners present.
- Adds \$27 million in GF-S appropriations for the biennium.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony on Original Bill: PRO: This bill will continue to support State Parks programs which provide educational experiences in regards to Washington State cultural diversity. Further, it protects a broad agency role in developing private support for State Parks. We should continue to use the Discover Pass as a funding source for State Parks while pursuing innovative techniques to increase this revenue source; this in addition to a GF-S revenue will contribute what State Parks needs to provide experiences that visitors and citizens of Washington State have come to appreciate.

OTHER: While supportive of the bill work with agency and interest groups, leasing of certain park facilities are at dramatically reduced market rates, resulting in agency deficits

and reductions. The reimbursement from legislative exemptions should be distributed evenly across entities involved.

Persons Testifying: PRO: Jill Linzee, NW Heritage Resources; Peter Reid, WA State Parks Foundation; Jim Richards, WA Wildlife & Recreation Coalition (WWRC); Joe Mentor, Elliot Marks, WWRC Seattle; Steve Milner, Daniel Farber, Peter Herzog, State Parks; Allyson Brooks, Department of Archaeology and Historic Preservation.

OTHER: Jeanine Livingston, WA Federation of State Employees; Kyle Blum, Department of Natural Resources.