
SUBSTITUTE HOUSE BILL 2138

State of Washington

68th Legislature

2024 Regular Session

By House Innovation, Community & Economic Development, & Veterans
(originally sponsored by Representatives Rule, Barkis, Senn, Simmons,
Ramel, Paul, Riccelli, Doglio, and Reeves)

READ FIRST TIME 01/29/24.

1 AN ACT Relating to promoting outdoor learning in state parks;
2 amending RCW 79A.05.030 and 79A.05.035; and creating a new section.

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

4 **Sec. 1.** RCW 79A.05.030 and 2020 c 123 s 2 are each amended to
5 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
11 pertaining to the use, care, and administration of state parks and
12 parkways. The commission shall cause a copy of the rules to be kept
13 posted in a conspicuous place in every state park to which they are
14 applicable, but failure to post or keep any rule posted shall be no
15 defense to any prosecution for the violation thereof.

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

18 (4) Clear, drain, grade, seed, and otherwise improve or beautify
19 parks and parkways, and erect structures, buildings, fireplaces, and
20 comfort stations and build and maintain paths, trails, and roadways
21 through or on parks and parkways. When developing capital projects

1 for new or existing structures and facilities, the commission must
2 consider design elements that support outdoor learning opportunities.

3 (5) Grant concessions or leases in state parks and parkways upon
4 such rentals, fees, or percentage of income or profits and for such
5 terms, in no event longer than eighty years, except for a lease
6 associated with land or property described in RCW 79A.05.025(2)(b)
7 which may not exceed (~~sixty-two~~) 62 years, and upon such conditions
8 as shall be approved by the commission.

9 (a) Leases exceeding a (~~twenty-year~~) 20-year term, or the
10 amendment or modification of these leases, shall require a vote
11 consistent with RCW 79A.05.025(2).

12 (b) If, during the term of any concession or lease, it is the
13 opinion of the commission that it would be in the best interest of
14 the state, the commission may, with the consent of the concessionaire
15 or lessee, alter and amend the terms and conditions of such
16 concession or lease.

17 (c) Television station leases shall be subject to the provisions
18 of RCW 79A.05.085.

19 (d) The rates of concessions or leases shall be renegotiated at
20 five-year intervals. No concession shall be granted which will
21 prevent the public from having free access to the scenic attractions
22 of any park or parkway.

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

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

1 thereto, or any part thereof, by condemnation proceedings conducted
2 by the attorney general as provided for the condemnation of rights-
3 of-way for state highways. Option agreements executed under authority
4 of this subsection shall be valid only if:

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

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

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

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

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

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

37 **Sec. 2.** RCW 79A.05.035 and 1999 c 249 s 303 are each amended to
38 read as follows:

39 (1) The commission shall:

1 (a) Manage timber and land under its jurisdiction to maintain and
2 enhance aesthetic and recreational values;

3 (b) Apply modern conservation practices to maintain and enhance
4 aesthetic, recreational, and ecological resources; ~~((and))~~

5 (c) Designate and preserve certain forest areas throughout the
6 state as natural forests or natural areas for interpretation, study,
7 and preservation purposes; and

8 (d) Coordinate with the office of the superintendent of public
9 instruction, school districts, outdoor education program providers,
10 and grantees to assist with coordinating outdoor education events in
11 the parks.

12 (2) Trees may be removed from state parks:

13 (a) When hazardous to persons, property, or facilities;

14 (b) As part of a park maintenance or development project, or
15 conservation practice;

16 (c) As part of a road or utility easement; or

17 (d) When damaged by a catastrophic forest event.

18 (3) Tree removal under subsection (2) of this section shall be
19 done by commission personnel, unless the personnel lack necessary
20 expertise. Except in emergencies and when feasible, significant trees
21 shall be removed only after they have been marked or appraised by a
22 professional forester. The removal of significant trees from a
23 natural forest may take place only after a public hearing has been
24 held, except in emergencies.

25 (4) When feasible, felled timber shall be left on the ground for
26 natural purposes or used for park purposes including, but not limited
27 to, building projects, trail mulching, and firewood. In natural
28 forest areas, first consideration shall be given to leaving timber on
29 the ground for natural purposes.

30 (5) The commission may issue permits to individuals under RCW
31 4.24.210 and 79A.05.090 for the removal of wood debris from state
32 parks for personal firewood use.

33 (6) Only timber that qualifies for cutting or removal under
34 subsection (2) of this section may be sold. Timber shall be sold only
35 when surplus to the needs of the park.

36 (7) Net revenue derived from timber sales shall be deposited in
37 the state parks renewal and stewardship account created in RCW
38 79A.05.215.

1 NEW SECTION. **Sec. 3.** (1) Subject to the availability of amounts
2 appropriated for this specific purpose, the state parks and
3 recreation commission must conduct a survey of facilities within
4 state parks that may be used for outdoor educational purposes.

5 (2) In conducting the survey, the state parks and recreation
6 commission must assess:

7 (a) Current policies and use of state park retreat centers and
8 environmental learning centers;

9 (b) The needs of the office of the superintendent of public
10 instruction, school districts, outdoor learning program providers,
11 and tribes for outdoor learning facilities, including state park
12 retreat centers and environmental learning centers;

13 (c) The current condition of and necessary upgrades to state park
14 retreat centers and environmental learning centers;

15 (d) The development of dedicated funding to support upgrades to
16 state park retreat centers and environmental learning centers; and

17 (e) Best practices and considerations for the development,
18 maintenance, and use of outdoor learning facilities.

19 (3) The state parks and recreation commission must submit a
20 report on the outcomes of the completed survey to the appropriate
21 committees of the legislature by June 30, 2025.

22 (4) The state parks and recreation commission may contract for
23 all or a portion of the survey required in this section.

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