
SENATE BILL 6813

State of Washington

61st Legislature

2010 Regular Session

By Senators Tom, Rockefeller, and Shin

Read first time 02/01/10. Referred to Committee on Natural Resources, Ocean & Recreation.

1 AN ACT Relating to the department of natural resources; amending
2 RCW 43.30.010, 43.30.030, 77.08.010, 79A.05.010, 43.17.010, 43.17.020,
3 and 77.04.055; reenacting and amending RCW 79A.05.030; adding new
4 sections to chapter 43.330 RCW; adding a new section to chapter 77.04
5 RCW; adding a new section to chapter 79A.05 RCW; creating new sections;
6 and providing an effective date.

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

8 NEW SECTION. **Sec. 1.** (1) The legislature finds that perpetual
9 management of Washington state natural resources, including sustainable
10 harvesting of minerals, timber, and other forest products, and the
11 preservation and protection of fish and wildlife and recreational
12 opportunities requires clear, efficient, streamlined, and scientific
13 management by a single state agency. Such a consolidation will bring
14 combined resources to bear on securing, managing, and enhancing all of
15 the state's natural resources. It will simplify licensing, amplify
16 research, avoid duplication, and magnify enforcement of laws and rules.
17 It will provide all forest landowners, fishers, hunters, users of
18 recreation, and tribal fisheries comanagers with a single source of
19 consistent policies, procedures, and access.

1 (2) This act abolishes the department of fish and wildlife and the
2 agency known as the state parks and recreation commission and transfers
3 their powers, duties, and functions to the department of natural
4 resources and administratively locates the fish and wildlife commission
5 and the governor-appointed state parks and recreation commission within
6 the department of natural resources. The legislature intends no
7 substantive fish, wildlife, or parks and recreation policy changes and
8 no transfer of powers and duties away from the fish and wildlife
9 commission and the governor-appointed state parks and recreation
10 commission unless specifically stated in this act.

11 **Sec. 2.** RCW 43.30.010 and 1979 c 107 s 4 are each amended to read
12 as follows:

13 The purpose of this chapter is to provide for more effective and
14 efficient management of the forest ~~((and))~~, land, fish, wildlife, and
15 recreation resources in the state by consolidating into ~~((a))~~ the
16 department of natural resources ~~((certain))~~ all powers, duties, and
17 functions of the ~~((division of forestry of the department of~~
18 ~~conservation and development, the board of state land commissioners,~~
19 ~~the state forest board, all state sustained yield forest committees,~~
20 ~~director of conservation and development, state capitol committee,~~
21 ~~director of licensing, secretary of state, director of revenue, and~~
22 ~~commissioner of public lands))~~ department of fish and wildlife and to
23 administratively locate the governor-appointed parks and recreation
24 commission as created in RCW 79A.05.015 and the fish and wildlife
25 commission within the department of natural resources.

26 **Sec. 3.** RCW 43.30.030 and 1965 c 8 s 43.30.030 are each amended to
27 read as follows:

28 (1) The department of natural resources is hereby created, to
29 consist of a board of natural resources, a state parks and recreation
30 commission, a fish and wildlife commission, an administrator, and a
31 supervisor.

32 (2) The department of natural resources must be organized in a
33 manner that accomplishes three overarching objectives:

34 (a) Management of state lands and recreation including, but not
35 limited to: (i) Management of aquatic, forest, agriculture, and
36 habitat lands and the general care, maintenance, and preservation of

1 such lands; and (ii) management of recreational opportunities including
2 hunting and fishing licensure, wildlife viewing, and the use of state
3 parks and other recreational areas;

4 (b) Management of natural resources including, but not limited to:
5 (i) Transactions involving state land, timber, aquatic, and earth
6 resources; and (ii) management of fish, shellfish, and wildlife.

7 (c) The protection of natural resources including, but not limited
8 to: (i) Fire protection and suppression; (ii) forest practices; (iii)
9 hydraulic project approvals; and (iv) enforcement.

10 NEW SECTION. Sec. 4. A new section is added to chapter 43.330 RCW
11 to read as follows:

12 (1) The department of fish and wildlife is abolished and its
13 powers, duties, and functions are transferred to the department of
14 natural resources. The agency known as the state parks and recreation
15 commission is abolished. The duties of the governor-appointed state
16 parks and recreation commission created in RCW 79A.05.015 and the fish
17 and wildlife commission are administratively transferred to the
18 department of natural resources. The governor-appointed state parks
19 and recreation commission created in RCW 79A.05.015 and the fish and
20 wildlife commission retain their powers, duties, and functions.

21 (2) All reports, documents, surveys, books, records, files, papers,
22 or written material connected with the powers, duties, and functions
23 transferred in this act shall be delivered to the custody of the
24 department of natural resources. All cabinets, furniture, office
25 equipment, motor vehicles, aircraft, and other tangible property
26 employed in connection with the powers, duties, and functions
27 transferred shall be made available to the department of natural
28 resources. All funds, credits, or other assets held in connection with
29 the powers, duties, and functions transferred shall be assigned to the
30 department of natural resources.

31 Any appropriations made in connection with the powers, duties, and
32 functions transferred shall, on the effective date of this section, be
33 transferred and credited to the department of natural resources.

34 Whenever any question arises as to the transfer of any personnel,
35 funds, books, documents, records, papers, files, equipment, or other
36 tangible property used or held in the exercise of the powers and the
37 performance of the duties and functions transferred, or as to the

1 powers, duties, and functions transferred, the director of financial
2 management shall make a determination as to the proper allocation and
3 certify the same to the state agencies concerned.

4 (3) All classified employees employed in connection with the
5 powers, duties, and functions transferred are transferred to the
6 jurisdiction of the department of natural resources. All employees
7 classified under chapter 41.06 RCW, the state civil service law, are
8 assigned to the department of natural resources to perform their usual
9 duties upon the same terms as formerly, without any loss of rights,
10 subject to any action that may be appropriate thereafter in accordance
11 with the laws and rules governing state civil service.

12 (4) All rules and all pending business before any agency of state
13 government pertaining to the powers, duties, and functions transferred
14 shall be continued and acted upon by the department of natural
15 resources. All existing contracts, obligations, and agreements shall
16 remain in full force and shall be performed by the department of
17 natural resources.

18 (5) The transfer of the powers, duties, functions, and personnel
19 shall not affect the validity of any act performed by any employee
20 before the effective date of this section.

21 (6) If apportionments of budgeted funds are required because of the
22 transfers directed by this section, the director of financial
23 management shall certify the apportionments to the agencies affected,
24 the state auditor, and the state treasurer. Each of these shall make
25 the appropriate transfer and adjustments in funds and appropriation
26 accounts and equipment records in accordance with the certification.

27 (7) Nothing contained in this section may be construed to alter any
28 existing collective bargaining unit or the provisions of any existing
29 collective bargaining agreement until the agreement has expired or
30 until the bargaining unit has been modified by action of the public
31 employment relations commission as provided by law.

32 **Sec. 5.** RCW 77.08.010 and 2009 c 333 s 12 are each amended to read
33 as follows:

34 The definitions in this section apply throughout this title or
35 rules adopted under this title unless the context clearly requires
36 otherwise.

1 (1) "Angling gear" means a line attached to a rod and reel capable
2 of being held in hand while landing the fish or a hand-held line
3 operated without rod or reel.

4 (2) "Aquatic invasive species" means any invasive, prohibited,
5 regulated, unregulated, or unlisted aquatic animal or plant species as
6 defined under subsections (3), (28), (40), (44), (58), and (59) of this
7 section, aquatic noxious weeds as defined under RCW 17.26.020(5)(c),
8 and aquatic nuisance species as defined under RCW 77.60.130(1).

9 (3) "Aquatic plant species" means an emergent, submersed, partially
10 submersed, free-floating, or floating-leaving plant species that grows
11 in or near a body of water or wetland.

12 (4) "Bag limit" means the maximum number of game animals, game
13 birds, or game fish which may be taken, caught, killed, or possessed by
14 a person, as specified by rule of the commission for a particular
15 period of time, or as to size, sex, or species.

16 (5) "Closed area" means a place where the hunting of some or all
17 species of wild animals or wild birds is prohibited.

18 (6) "Closed season" means all times, manners of taking, and places
19 or waters other than those established by rule of the commission as an
20 open season. "Closed season" also means all hunting, fishing, taking,
21 or possession of game animals, game birds, game fish, food fish, or
22 shellfish that do not conform to the special restrictions or physical
23 descriptions established by rule of the commission as an open season or
24 that have not otherwise been deemed legal to hunt, fish, take, harvest,
25 or possess by rule of the commission as an open season.

26 (7) "Closed waters" means all or part of a lake, river, stream, or
27 other body of water, where fishing or harvesting is prohibited.

28 (8) "Commercial" means related to or connected with buying,
29 selling, or bartering.

30 (9) "Commission" means the state fish and wildlife commission.

31 (10) "Concurrent waters of the Columbia river" means those waters
32 of the Columbia river that coincide with the Washington-Oregon state
33 boundary.

34 (11) "Contraband" means any property that is unlawful to produce or
35 possess.

36 (12) "Deleterious exotic wildlife" means species of the animal
37 kingdom not native to Washington and designated as dangerous to the
38 environment or wildlife of the state.

1 (13) "Department" means the department of (~~fish and wildlife~~)
2 natural resources.

3 (14) "Director" means the (~~director of fish and wildlife~~)
4 commissioner of public lands.

5 (15) "Endangered species" means wildlife designated by the
6 commission as seriously threatened with extinction.

7 (16) "Ex officio fish and wildlife officer" means a commissioned
8 officer of a municipal, county, state, or federal agency having as its
9 primary function the enforcement of criminal laws in general, while the
10 officer is in the appropriate jurisdiction. The term "ex officio fish
11 and wildlife officer" includes special agents of the national marine
12 fisheries service, state parks commissioned officers, United States
13 fish and wildlife special agents, department of natural resources
14 enforcement officers, and United States forest service officers, while
15 the agents and officers are within their respective jurisdictions.

16 (17) "Fish" includes all species classified as game fish or food
17 fish by statute or rule, as well as all fin fish not currently
18 classified as food fish or game fish if such species exist in state
19 waters. The term "fish" includes all stages of development and the
20 bodily parts of fish species.

21 (18) "Fish and wildlife officer" means a person appointed and
22 commissioned by the director, with authority to enforce this title and
23 rules adopted pursuant to this title, and other statutes as prescribed
24 by the legislature. Fish and wildlife officer includes a person
25 commissioned before June 11, 1998, as a wildlife agent or a fisheries
26 patrol officer.

27 (19) "Fish broker" means a person whose business it is to bring a
28 seller of fish and shellfish and a purchaser of those fish and
29 shellfish together.

30 (20) "Fishery" means the taking of one or more particular species
31 of fish or shellfish with particular gear in a particular geographical
32 area.

33 (21) "Freshwater" means all waters not defined as saltwater
34 including, but not limited to, rivers upstream of the river mouth,
35 lakes, ponds, and reservoirs.

36 (22) "Fur-bearing animals" means game animals that shall not be
37 trapped except as authorized by the commission.

1 (23) "Game animals" means wild animals that shall not be hunted
2 except as authorized by the commission.

3 (24) "Game birds" means wild birds that shall not be hunted except
4 as authorized by the commission.

5 (25) "Game farm" means property on which wildlife is held or raised
6 for commercial purposes, trade, or gift. The term "game farm" does not
7 include publicly owned facilities.

8 (26) "Game reserve" means a closed area where hunting for all wild
9 animals and wild birds is prohibited.

10 (27) "Illegal items" means those items unlawful to be possessed.

11 (28) "Invasive species" means a plant species or a nonnative animal
12 species that either:

13 (a) Causes or may cause displacement of, or otherwise threatens,
14 native species in their natural communities;

15 (b) Threatens or may threaten natural resources or their use in the
16 state;

17 (c) Causes or may cause economic damage to commercial or
18 recreational activities that are dependent upon state waters; or

19 (d) Threatens or harms human health.

20 (29) "License year" means the period of time for which a
21 recreational license is valid. The license year begins April 1st, and
22 ends March 31st.

23 (30) "Limited-entry license" means a license subject to a license
24 limitation program established in chapter 77.70 RCW.

25 (31) "Money" means all currency, script, personal checks, money
26 orders, or other negotiable instruments.

27 (32) "Nonresident" means a person who has not fulfilled the
28 qualifications of a resident.

29 (33) "Offshore waters" means marine waters of the Pacific Ocean
30 outside the territorial boundaries of the state, including the marine
31 waters of other states and countries.

32 (34) "Open season" means those times, manners of taking, and places
33 or waters established by rule of the commission for the lawful hunting,
34 fishing, taking, or possession of game animals, game birds, game fish,
35 food fish, or shellfish that conform to the special restrictions or
36 physical descriptions established by rule of the commission or that
37 have otherwise been deemed legal to hunt, fish, take, harvest, or

1 possess by rule of the commission. "Open season" includes the first
2 and last days of the established time.

3 (35) "Owner" means the person in whom is vested the ownership
4 dominion, or title of the property.

5 (36) "Person" means and includes an individual; a corporation; a
6 public or private entity or organization; a local, state, or federal
7 agency; all business organizations, including corporations and
8 partnerships; or a group of two or more individuals acting with a
9 common purpose whether acting in an individual, representative, or
10 official capacity.

11 (37) "Personal property" or "property" includes both corporeal and
12 incorporeal personal property and includes, among other property,
13 contraband and money.

14 (38) "Personal use" means for the private use of the individual
15 taking the fish or shellfish and not for sale or barter.

16 (39) "Predatory birds" means wild birds that may be hunted
17 throughout the year as authorized by the commission.

18 (40) "Prohibited aquatic animal species" means an invasive species
19 of the animal kingdom that has been classified as a prohibited aquatic
20 animal species by the commission.

21 (41) "Protected wildlife" means wildlife designated by the
22 commission that shall not be hunted or fished.

23 (42) "Raffle" means an activity in which tickets bearing an
24 individual number are sold for not more than twenty-five dollars each
25 and in which a permit or permits are awarded to hunt or for access to
26 hunt big game animals or wild turkeys on the basis of a drawing from
27 the tickets by the person or persons conducting the raffle.

28 (43) "Recreational and commercial watercraft" includes the boat, as
29 well as equipment used to transport the boat, and any auxiliary
30 equipment such as attached or detached outboard motors.

31 (44) "Regulated aquatic animal species" means a potentially
32 invasive species of the animal kingdom that has been classified as a
33 regulated aquatic animal species by the commission.

34 (45) "Resident" means:

35 (a) A person who has maintained a permanent place of abode within
36 the state for at least ninety days immediately preceding an application
37 for a license, has established by formal evidence an intent to continue

1 residing within the state, and who is not licensed to hunt or fish as
2 a resident in another state; and

3 (b) A person age eighteen or younger who does not qualify as a
4 resident under (a) of this subsection, but who has a parent that
5 qualifies as a resident under (a) of this subsection.

6 (46) "Retail-eligible species" means commercially harvested salmon,
7 crab, and sturgeon.

8 (47) "Saltwater" means those marine waters seaward of river mouths.

9 (48) "Seaweed" means marine aquatic plant species that are
10 dependent upon the marine aquatic or tidal environment, and exist in
11 either an attached or free floating form, and includes but is not
12 limited to marine aquatic plants in the classes Chlorophyta,
13 Phaeophyta, and Rhodophyta.

14 (49) "Senior" means a person seventy years old or older.

15 (50) "Shellfish" means those species of marine and freshwater
16 invertebrates that have been classified and that shall not be taken
17 except as authorized by rule of the commission. The term "shellfish"
18 includes all stages of development and the bodily parts of shellfish
19 species.

20 (51) "State waters" means all marine waters and fresh waters within
21 ordinary high water lines and within the territorial boundaries of the
22 state.

23 (52) "To fish," "to harvest," and "to take," and their derivatives
24 means an effort to kill, injure, harass, or catch a fish or shellfish.

25 (53) "To hunt" and its derivatives means an effort to kill, injure,
26 capture, or harass a wild animal or wild bird.

27 (54) "To process" and its derivatives mean preparing or preserving
28 fish, wildlife, or shellfish.

29 (55) "To trap" and its derivatives means a method of hunting using
30 devices to capture wild animals or wild birds.

31 (56) "Trafficking" means offering, attempting to engage, or
32 engaging in sale, barter, or purchase of fish, shellfish, wildlife, or
33 deleterious exotic wildlife.

34 (57) "Unclaimed" means that no owner of the property has been
35 identified or has requested, in writing, the release of the property to
36 themselves nor has the owner of the property designated an individual
37 to receive the property or paid the required postage to effect delivery
38 of the property.

1 (58) "Unlisted aquatic animal species" means a nonnative animal
2 species that has not been classified as a prohibited aquatic animal
3 species, a regulated aquatic animal species, or an unregulated aquatic
4 animal species by the commission.

5 (59) "Unregulated aquatic animal species" means a nonnative animal
6 species that has been classified as an unregulated aquatic animal
7 species by the commission.

8 (60) "Wholesale fish dealer" means a person who, acting for
9 commercial purposes, takes possession or ownership of fish or shellfish
10 and sells, barter, or exchanges or attempts to sell, barter, or
11 exchange fish or shellfish that have been landed into the state of
12 Washington or entered the state of Washington in interstate or foreign
13 commerce.

14 (61) "Wild animals" means those species of the class Mammalia whose
15 members exist in Washington in a wild state and the species *Rana*
16 *catesbeiana* (bullfrog). The term "wild animal" does not include feral
17 domestic mammals or old world rats and mice of the family Muridae of
18 the order Rodentia.

19 (62) "Wild birds" means those species of the class Aves whose
20 members exist in Washington in a wild state.

21 (63) "Wildlife" means all species of the animal kingdom whose
22 members exist in Washington in a wild state. This includes but is not
23 limited to mammals, birds, reptiles, amphibians, fish, and
24 invertebrates. The term "wildlife" does not include feral domestic
25 mammals, old world rats and mice of the family Muridae of the order
26 Rodentia, or those fish, shellfish, and marine invertebrates classified
27 as food fish or shellfish by the director. The term "wildlife"
28 includes all stages of development and the bodily parts of wildlife
29 members.

30 (64) "Youth" means a person fifteen years old for fishing and under
31 sixteen years old for hunting.

32 **Sec. 6.** RCW 79A.05.010 and 1999 c 249 s 101 are each amended to
33 read as follows:

34 The definitions in this section apply throughout this title unless
35 the context clearly requires otherwise.

36 (1) "Commission" means the state parks and recreation commission.

1 (2) "Chair" means the member of the commission elected pursuant to
2 RCW 79A.05.025.

3 (3) "Director" and "director of the state parks and recreation
4 commission" mean the (~~director of parks and recreation~~) commissioner
5 of public lands or the (~~director's~~) commissioner's designee.

6 (4) "Recreation" means those activities of a voluntary and leisure
7 time nature that aid in promoting entertainment, pleasure, play,
8 relaxation, or instruction.

9 (5) "Natural forest" means a forest that faithfully represents, or
10 is meant to become representative of, its unaltered state.

11 (6) "Department" means the department of natural resources.

12 **Sec. 7.** RCW 43.17.010 and 2009 c 565 s 25 are each amended to read
13 as follows:

14 There shall be departments of the state government which shall be
15 known as (1) the department of social and health services, (2) the
16 department of ecology, (3) the department of labor and industries, (4)
17 the department of agriculture, (5) (~~the department of fish and~~
18 ~~wildlife, (6)~~) the department of transportation, (~~(7)~~) (6) the
19 department of licensing, (~~(8)~~) (7) the department of general
20 administration, (~~(9)~~) (8) the department of commerce, (~~(10)~~) (9)
21 the department of veterans affairs, (~~(11)~~) (10) the department of
22 revenue, (~~(12)~~) (11) the department of retirement systems, (~~(13)~~)
23 (12) the department of corrections, (~~(14)~~) (13) the department of
24 health, (~~(15)~~) (14) the department of financial institutions,
25 (~~(16)~~) (15) the department of archaeology and historic preservation,
26 (~~(17)~~) (16) the department of early learning, and (~~(18)~~) (17) the
27 Puget Sound partnership, which shall be charged with the execution,
28 enforcement, and administration of such laws, and invested with such
29 powers and required to perform such duties, as the legislature may
30 provide.

31 **Sec. 8.** RCW 43.17.020 and 2009 c 565 s 26 are each amended to read
32 as follows:

33 There shall be a chief executive officer of each department to be
34 known as: (1) The secretary of social and health services, (2) the
35 director of ecology, (3) the director of labor and industries, (4) the
36 director of agriculture, (5) (~~the director of fish and wildlife, (6)~~)

1 the secretary of transportation, ~~((+7))~~ (6) the director of licensing,
2 ~~((+8))~~ (7) the director of general administration, ~~((+9))~~ (8) the
3 director of commerce, ~~((+10))~~ (9) the director of veterans affairs,
4 ~~((+11))~~ (10) the director of revenue, ~~((+12))~~ (11) the director of
5 retirement systems, ~~((+13))~~ (12) the secretary of corrections,
6 ~~((+14))~~ (13) the secretary of health, ~~((+15))~~ (14) the director of
7 financial institutions, ~~((+16))~~ (15) the director of the department of
8 archaeology and historic preservation, ~~((+17))~~ (16) the director of
9 early learning, and ~~((+18))~~ (17) the executive director of the Puget
10 Sound partnership.

11 Such officers(~~(, except the director of fish and wildlife,)~~) shall
12 be appointed by the governor, with the consent of the senate, and hold
13 office at the pleasure of the governor. (~~(The director of fish and~~
14 ~~wildlife shall be appointed by the fish and wildlife commission as~~
15 ~~prescribed by RCW 77.04.055.)~~)

16 **Sec. 9.** RCW 77.04.055 and 2000 c 107 s 204 are each amended to
17 read as follows:

18 The fish and wildlife commission shall:

19 (1) In establishing policies to preserve, protect, and perpetuate
20 wildlife, fish, and wildlife and fish habitat(~~(, the commission shall~~
21 ~~meet annually with the governor to)~~):

22 (a) Review and prescribe basic goals and objectives related to
23 those policies; and

24 (b) Review the performance of the department in implementing fish
25 and wildlife policies.

26 The commission shall maximize fishing, hunting, and outdoor
27 recreational opportunities compatible with healthy and diverse fish and
28 wildlife populations.

29 (2) (~~(The commission shall)~~) Establish hunting, trapping, and
30 fishing seasons and prescribe the time, place, manner, and methods that
31 may be used to harvest or enjoy game fish and wildlife.

32 (3) (~~(The commission shall)~~) Establish provisions regulating food
33 fish and shellfish as provided in RCW 77.12.047.

34 (4) (~~(The commission shall)~~) Have final approval authority for
35 tribal, interstate, international, and any other department agreements
36 relating to fish and wildlife.

1 (5) (~~The commission shall~~) Adopt rules to implement the state's
2 fish and wildlife laws.

3 (6) (~~The commission shall have final approval authority for~~)
4 Review and make recommendations regarding the department's budget
5 proposals.

6 (~~(7) The commission shall select its own staff and shall appoint~~
7 ~~the director of the department. The director and commission staff~~
8 ~~shall serve at the pleasure of the commission.~~)

9 **Sec. 10.** RCW 79A.05.030 and 2005 c 373 s 1 and 2005 c 360 s 5 are
10 each reenacted and amended to read as follows:

11 (1) The state parks and recreation commission shall:

12 (~~(1)~~) (a) Have the care, charge, control, and supervision of all
13 parks and parkways acquired or set aside by the state for park or
14 parkway purposes.

15 (~~(2)~~) (b) Adopt policies, and adopt, issue, and enforce rules
16 pertaining to the use, care, and administration of state parks (~~and~~),
17 parkways, and other recreational areas. The commission shall cause a
18 copy of the rules to be kept posted in a conspicuous place in every
19 state park to which they are applicable, but failure to post or keep
20 any rule posted shall be no defense to any prosecution for the
21 violation thereof.

22 (~~(3)~~) (c) Permit the use of state parks (~~and~~), parkways, and
23 other recreational areas by the public under such rules as shall be
24 adopted.

25 (~~(4)~~) (d) Provide guidance to the department regarding actions to
26 clear, drain, grade, seed, and otherwise improve or beautify parks
27 (~~and~~), parkways, and other recreational areas, and erect structures,
28 buildings, fireplaces, and comfort stations and build and maintain
29 paths, trails, and roadways through or on parks (~~and~~), parkways, and
30 other recreational areas.

31 (~~(5)~~) (e) Grant concessions or leases in state parks (~~and~~),
32 parkways, and other recreational areas upon such rentals, fees, or
33 percentage of income or profits and for such terms, in no event longer
34 than fifty years, and upon such conditions as shall be approved by the
35 commission: PROVIDED, That leases exceeding a twenty-year term shall
36 require a unanimous vote of the commission: PROVIDED FURTHER, That if,
37 during the term of any concession or lease, it is the opinion of the

1 commission that it would be in the best interest of the state, the
2 commission may, with the consent of the concessionaire or lessee, alter
3 and amend the terms and conditions of such concession or lease:
4 PROVIDED FURTHER, That television station leases shall be subject to
5 the provisions of RCW 79A.05.085, only: PROVIDED FURTHER, That the
6 rates of such concessions or leases shall be renegotiated at five-year
7 intervals. No concession shall be granted which will prevent the
8 public from having free access to the scenic attractions of any park or
9 parkway.

10 ~~((6) Employ such assistance as it deems necessary. Commission~~
11 ~~expenses relating to its use of volunteer assistance shall be limited~~
12 ~~to premiums or assessments for the insurance of volunteers by the~~
13 ~~department of labor and industries, compensation of staff who assist~~
14 ~~volunteers, materials and equipment used in authorized volunteer~~
15 ~~projects, training, reimbursement of volunteer travel as provided in~~
16 ~~RCW 43.03.050 and 43.03.060, and other reasonable expenses relating to~~
17 ~~volunteer recognition. The commission, at its discretion, may waive~~
18 ~~commission fees otherwise applicable to volunteers. The commission~~
19 ~~shall not use volunteers to replace or supplant classified positions.~~
20 ~~The use of volunteers may not lead to the elimination of any employees~~
21 ~~or permanent positions in the bargaining unit.~~

22 ~~(7))~~ (f) By majority vote of its authorized membership select and
23 purchase or obtain options upon, lease, or otherwise acquire for and in
24 the name of the state such tracts of land, including shore and tide
25 lands, for park ~~((and))~~, parkway, and other recreational purposes as it
26 deems proper. If the ~~((commission))~~ land cannot be acquired ~~((any~~
27 ~~tract))~~ at a price ~~((it))~~ the commission deems reasonable, ~~((it))~~ the
28 commission may, by majority vote of its authorized membership, direct
29 the department to obtain title thereto, or any part thereof, by
30 condemnation proceedings conducted by the attorney general as provided
31 for the condemnation of rights-of-way for state highways. Option
32 agreements executed under authority of this subsection shall be valid
33 only if:

34 ~~((a))~~ (i) The cost of the option agreement does not exceed one
35 dollar; and

36 ~~((b))~~ (ii) Moneys used for the purchase of the option agreement
37 are from ~~((it))~~ (A) funds appropriated therefor, or ~~((it))~~ (B) funds

1 appropriated for undesignated land acquisitions, or ~~((+iii+))~~ (C) funds
2 deemed by the commission to be in excess of the amount necessary for
3 the purposes for which they were appropriated; and

4 ~~((+e+))~~ (iii) The maximum amount payable for the property upon
5 exercise of the option does not exceed the appraised value of the
6 property.

7 ~~((+8+))~~ (g) Cooperate with the United States, or any county or city
8 of this state, in any matter pertaining to the acquisition,
9 development, redevelopment, renovation, care, control, or supervision
10 of any park or parkway, and enter into contracts in writing to that
11 end. All parks or parkways, to which the state contributed or in whose
12 care, control, or supervision the state participated pursuant to the
13 provisions of this section, shall be governed by the provisions hereof.

14 ~~((+9+))~~ (h) Within allowable resources, maintain policies that
15 increase the number of people who have access to free or low-cost
16 recreational opportunities for physical activity, including
17 noncompetitive physical activity.

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

29 (i) Review and make recommendations regarding the department's
30 budget proposals.

31 (2) The department of natural resources shall:

32 (a) Employ such assistance as it deems necessary. Expenses
33 relating to the use of volunteer assistance shall be limited to
34 premiums or assessments for the insurance of volunteers by the
35 department of labor and industries, compensation of staff who assist
36 volunteers, materials and equipment used in authorized volunteer
37 projects, training, reimbursement of volunteer travel as provided in
38 RCW 43.03.050 and 43.03.060, and other reasonable expenses relating to

1 volunteer recognition. The department, at its discretion, may waive
2 fees otherwise applicable to volunteers. The department shall not use
3 volunteers to replace or supplant classified positions. The use of
4 volunteers may not lead to the elimination of any employees or
5 permanent positions in the bargaining unit.

6 (b) Adopt rules establishing the requirements for a criminal
7 history record information search for the following: Job applicants,
8 volunteers, and independent contractors who have unsupervised access to
9 children or vulnerable adults, or who will be responsible for
10 collecting or disbursing cash or processing credit/debit card
11 transactions. These background checks will be done through the
12 Washington state patrol criminal identification section and may include
13 a national check from the federal bureau of investigation, which shall
14 be through the submission of fingerprints. A permanent employee of the
15 department, employed as of July 24, 2005, is exempt from the provisions
16 of this subsection.

17 NEW SECTION. Sec. 11. A new section is added to chapter 77.04 RCW
18 to read as follows:

19 Unless the language specifically indicates otherwise, or unless the
20 context plainly requires a different interpretation:

21 Wherever in any provision in the Revised Code of Washington the
22 term "department of fish and wildlife" or "department," when referring
23 to the department of fish and wildlife, is used, it means the
24 department of natural resources created in RCW 43.30.030.

25 Wherever in any provision in the Revised Code of Washington the
26 term "director of the department of fish and wildlife," or "director,"
27 when referring to the director of the department of fish and wildlife,
28 is used, it means the commissioner of public lands as defined in RCW
29 43.30.020.

30 NEW SECTION. Sec. 12. A new section is added to chapter 79A.05
31 RCW to read as follows:

32 Unless the language specifically indicates otherwise, or unless the
33 context plainly requires a different interpretation:

34 Wherever in any provision in the Revised Code of Washington the
35 term "state parks and recreation commission" or "parks and recreation

1 commission," when referring to the agency known as the state parks and
2 recreation commission, is used, it means the department of natural
3 resources created in RCW 43.30.030.

4 Wherever in any provision in the Revised Code of Washington the
5 term "director of the state parks and recreation commission" or
6 "director," when referring to the director of the state parks and
7 recreation commission, is used, it means the commissioner of public
8 lands as defined in RCW 43.30.020.

9 NEW SECTION. **Sec. 13.** By July 1, 2010, the department of natural
10 resources, the department of fish and wildlife, the fish and wildlife
11 commission, and the state parks and recreation commission shall devise
12 a plan necessary to implement the changes provided for in this act by
13 September 1, 2010.

14 NEW SECTION. **Sec. 14.** The department of natural resources shall,
15 by December 1, 2010, submit to the legislature any corrective or
16 clarifying legislation necessary to effect the changes provided for in
17 this act.

18 NEW SECTION. **Sec. 15.** A new section is added to chapter 43.330
19 RCW to read as follows:

20 For purposes of harmonizing and clarifying the provisions of the
21 statutes published in the Revised Code of Washington, the code reviser
22 may, along with the department of natural resources as specified in RCW
23 43.30.030, substitute words designating the department of natural
24 resources or the administrator of the department of natural resources,
25 as appropriate, whenever necessary to effect the changes in meaning
26 provided for in this act or any other act of the 2010 legislature.

27 NEW SECTION. **Sec. 16.** Sections 2 through 10 of this act take
28 effect September 1, 2010.

29 NEW SECTION. **Sec. 17.** If any provision of this act or its
30 application to any person or circumstance is held invalid, the
31 remainder of the act or the application of the provision to other

1 persons or circumstances is not affected.

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