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**SUBSTITUTE HOUSE BILL 2138**

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**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)

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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