

Exemptions Criteria Worksheet

1. Exemption: RCW 79A.25.150

2. Session Law: Laws of 1989, chapter 237

3. Category: Employment

4. Cross-ref.:

5. Date Enacted: 1989

6. (Text of exemption) The governor shall select the director from a list of three candidates submitted by the board. However, the governor may request and the board shall provide an additional list or lists from which the governor may select the director. The lists compiled by the board shall not be subject to public disclosure.

7. Exemption protects: Safety Privacy Financial Other (explain):

List of names of candidates for the director of recreation and conservation office (formerly called the interagency committee on outdoor recreation).

8. Purpose (including purpose of accompanying legislation if applicable):

Not stated in legislative history.

9. Information covered: About gov't function Collected/held by gov't
 Public funds Public official Vital gov't Interest Confidential/private Other

Describe: Candidates for director are nominated by the recreation and conservation funding board.

10. Stakeholders:

1. Recreation and conservation committee Contacted: yes no
2. Contacted: yes no
3. Contacted: yes no
4. Contacted: yes no

11. Add'l bill

Information: Floor debate: yes no

Bill Reports: yes no

12. Comments (including significant court decisions; related WACs sections, or other).

RCW 79A.25.150

Assistance furnished by state departments — Appointment of director and personnel — Civil service exemption.

When requested by the board, members employed by the state shall furnish assistance to the board from their departments for the analysis and review of proposed plans and projects, and such assistance shall be a proper charge against the appropriations to the several agencies represented on the board. Assistance may be in the form of money, personnel, or equipment and supplies, whichever is most suitable to the needs of the board.

The director of the recreation and conservation office shall be appointed by, and serve at the pleasure of, the governor. The governor shall select the director from a list of three candidates submitted by the board. However, the governor may request and the board shall provide an additional list or lists from which the governor may select the director. The lists compiled by the board shall not be subject to public disclosure. The director shall have background and experience in the areas of recreation and conservation management and policy. The director shall be paid a salary to be fixed by the governor in accordance with the provisions of RCW 43.03.040. The director shall appoint such personnel as may be necessary to carry out the duties of the office. Not more than three employees appointed by the director shall be exempt from the provisions of chapter 41.06 RCW.

[2007 c 241 § 51; 1989 c 237 § 3; 1981 c 206 § 2; 1967 ex.s. c 62 § 3; 1965 c 5 § 13 (Initiative Measure No. 215, approved November 3, 1964). Formerly RCW 43.99.130.]

Notes:

Intent — Effective date — 2007 c 241: See notes following RCW 79A.25.005.

Effective date — 1989 c 237: See note following RCW 79A.25.005.

Effective date — 1981 c 206: See note following RCW 79A.25.110.

(2) Washington is uniquely endowed with fresh and salt waters rich in scenic and recreational value. This outdoor heritage enriches the lives of citizens, attracts new residents and businesses to the state, and is a major support of its expanding tourist industry. Rising population, increased income and leisure time, and the rapid growth of boating and other water sports have greatly increased the demand for water related recreation, while waterfront land is rapidly rising in value and disappearing from public use. There is consequently an urgent need for the acquisition or improvement of waterfront land on fresh and salt water suitable for marine recreational use by Washington residents and visitors. To meet this need, it is necessary and proper that the portion of motor vehicle fuel taxes paid by boat owners and operators on fuel consumed in their watercraft and not reclaimed as presently provided by law should be expended for the acquisition or improvement of marine recreation land on the Pacific Ocean, Puget Sound, bays, lakes, rivers, reservoirs and other fresh and salt waters of the state.

Sec. 2. Section 2, chapter 5, Laws of 1965 as last amended by section 108, chapter 158, Laws of 1979 and RCW 43.99.020 are each amended to read as follows:

Definitions: As used in this chapter:

(1) "Marine recreation land" means any land with or without improvements which (a) provides access to, or in whole or in part borders on, fresh or salt water suitable for recreational use by watercraft, or (b) may be used to create, add to, or make more usable, bodies of water, waterways, or land, for recreational use by watercraft.

(2) "Public body" means any county, city, town, port district, park and recreation district, metropolitan park district, or other municipal corporation which is authorized to acquire or improve public outdoor recreation land, and shall also mean Indian tribes now or hereafter recognized as such by the federal government for participation in the land and water conservation program.

(3) "Tax on marine fuel" means motor vehicle fuel tax which is (a) tax on fuel used in, or sold or distributed for use in, any watercraft, (b) refundable pursuant to chapter 82.36 RCW, and (c) paid to the director of licensing with respect to taxable sales, distributions, or uses occurring on or after December 3, 1964.

(4) "Watercraft" means any boat, vessel, or other craft used for navigation on or through water.

(5) "Committee" means the interagency committee for outdoor recreation.

(6) "Director" means the director of the interagency committee for outdoor recreation.

Sec. 3. Section 13, chapter 5, Laws of 1965 as last amended by section 2, chapter 206, Laws of 1981 and RCW 43.99.130 are each amended to read as follows:

When requested by the committee, members employed by the state shall furnish assistance to the committee from their departments for the analysis and review of proposed plans and projects, and such assistance shall be a proper charge against the appropriations to the several agencies represented on the committee. Assistance may be in the form of money, personnel, or equipment and supplies, whichever is most suitable to the needs of the committee.

((The committee shall employ a director and may employ an assistant director to serve at the pleasure of the committee and shall appoint such professional, technical, and clerical personnel and other assistants and employees as may be necessary to carry out the work of the committee:))

The director shall be appointed by, and serve at the pleasure of, the governor. The governor shall select the director from a list of three candidates submitted by the committee. However, the governor may request and the committee shall provide an additional list or lists from which the governor may select the director. The lists compiled by the committee shall not be subject to public disclosure. The director shall have background and experience in the areas of recreation management and policy. The director shall be paid a salary to be fixed by the governor in accordance with the provisions of RCW 43.03.040. The director shall appoint such personnel as may be necessary to carry out the duties of the committee. Not more than three employees appointed by the director shall be exempt from the provisions of chapter 41.06 RCW.

NEW SECTION. Sec. 4. A new section is added to chapter 43.99 RCW to read as follows:

The director shall have the following powers and duties:

(1) To supervise the administrative operations of the committee and its staff;

(2) To administer recreation grant-in-aid programs and provide technical assistance to state and local agencies;

(3) To prepare and update a strategic plan for the acquisition, renovation, and development of recreational resources and the preservation and conservation of open space. The plan shall be prepared in coordination with the office of the governor and the office of financial management, with participation of federal, state, and local agencies having recreational responsibilities, user groups, private sector interests, and the general public. The plan shall be submitted to the committee for review, and the committee shall submit its recommendations on the plan to the governor. The plan shall include, but is not limited to: (a) an inventory of current resources; (b) a forecast of recreational resource demand; (c) identification and analysis of actual and potential funding sources; (d) a process for broad scale information gathering; (e) an assessment of the capabilities and constraints, both internal and external to state government, that affect the ability of the state

FINAL BILL REPORT

HB 1354

C 237 L 89

BY Representatives Fraser, McLean, R. Fisher, Crane, Winsley, Dorn, Sayan, Belcher, Chandler, Brough, Rector, Haugen, R. King, K. Wilson, Hankins, H. Myers, Miller, Rasmussen, Ebersole, Tate and Sprenkle; by request of Governor Gardner

Continuing the interagency committee for outdoor recreation.

House Committee on State Government

Senate Committee on Environment & Natural Resources

SYNOPSIS AS ENACTED

BACKGROUND:

The Interagency Committee for Outdoor Recreation (IAC) was created in 1964 by Initiative 215 (The Marine Recreation Land Act). The IAC administers state and federal grant funds for the acquisition and development of outdoor recreation facilities, and oversees the Non-highway and Off-Road Vehicles Activities grant-in-aid program (NOVA).

Funding for grants comes from the Outdoor Recreation Account, from such sources as unreclaimed marine fuel tax revenues, gasoline fuel excise taxes, recreation bond issues, and the federal Land and Water Conservation Fund. In order to qualify for federal funding and to assist recreation planning, the IAC prepares a "Statewide Comprehensive Outdoor Recreation Plan" (SCORP). The IAC also provides technical assistance and intergovernmental liaison services to grant applicants; prepares the State Trails Plan and the Off-Road Vehicle Plan; and publishes the State Recreation Guide.

The IAC is comprised of nine members who meet quarterly: the Directors of the Departments of Natural Resources, Fisheries, and Wildlife, the Director of the Parks and Recreation Commission, and five members of the public appointed by the Governor for three-year staggered terms. The committee appoints a director, but the committee retains statutory administrative authority over the agency.

In 1987 the Legislature directed the Governor's office to submit a report by January 1, 1989 recommending whether the IAC should be located within another agency or retained as a separate entity. The IAC will terminate on June 30, 1989 unless reauthorized by law.

SUMMARY:

The mission of the Interagency Committee for Outdoor Recreation (IAC) is established in statute. The director, in furthering the mission of the IAC, has the following statutory responsibilities:

- To administer recreation grant-in-aid programs and provide technical assistance to state and local agencies;
- To prepare a strategic plan for the acquisition, renovation, and development of recreational resources in coordination with local, state, and federal agencies, the private sector, and the general public;
- To represent the interests of the state on recreational issues;
- Upon approval of the committee, to enter into contracts and agreements with private non-profit corporations to further enhance recreational resources;
- To create and maintain a repository for data and research relating to recreation; and
- To encourage and provide opportunities for interagency and regional coordination in the development and preservation of recreational resources.

The director is also given authority to carry out the specific statutory duties previously assigned to the committee.

The Governor is to appoint the director from a list of three names submitted by the committee. The Governor may also request additional lists. The director serves at the pleasure of the Governor. Not more than three positions in the IAC are to be exempt from civil service law.

The section terminating the IAC is repealed.

VOTES ON FINAL PASSAGE:

House 95 0

Senate 43 2 (Senate amended)

House (House refused to concur)

Free Conference Committee

Senate 33 11

House 87 10

EFFECTIVE: June 30, 1989

HB 1354 6/14/99 []

duties as members of the ((committee)) board in accordance with RCW 43.03.050 and 43.03.060.

Sec. 48. RCW 79A.25.120 and 1995 c 166 s 7 are each amended to read as follows:

Any public body or any agency of state government authorized to acquire or improve public outdoor recreation land which desires funds from the outdoor recreation account, the recreation resource account, or the nonhighway and off-road vehicle activities program account shall submit to the ((committee)) board a long-range plan for developing outdoor recreation facilities within its authority and detailed plans for the projects sought to be financed from these accounts, including estimated cost and such other information as the ((committee)) board may require. The ((committee)) board shall analyze all proposed plans and projects, and shall recommend to the governor for inclusion in the budget such projects as it may approve and find to be consistent with an orderly plan for the acquisition and improvement of outdoor recreation lands in the state.

Sec. 49. RCW 79A.25.130 and 1967 ex.s. c 62 s 5 are each amended to read as follows:

The ((committee)) board or director may apply to any appropriate agency or officer of the United States for participation in or the receipt of aid from any federal program respecting outdoor recreation ((not specifically designated for another fund or agency)) or conservation. ((H)) The board or director may enter into contracts and agreements with the United States or any appropriate agency thereof, keep financial and other records relating thereto, and furnish to appropriate officials and agencies of the United States such reports and information as may be reasonably necessary to enable such officials and agencies to perform their duties under such programs.

Sec. 50. RCW 79A.25.140 and 1967 ex.s. c 62 s 6 are each amended to read as follows:

The ((committee for outdoor recreation)) board or director shall not make ((no)) any commitment ((nor)) or enter into any agreement until it ((has)) determined that sufficient funds are available to meet project costs. It is the legislative intent that, to such extent as may be necessary to assure the proper operation and maintenance of areas and facilities acquired or developed pursuant to any program participated in by this state under authority of this chapter, such areas and facilities shall be publicly maintained for outdoor recreation purposes. When requested by a state agency or public body, the ((committee)) board or director may enter into and administer agreements with the United States or any appropriate agency thereof for planning, acquisition, and development projects involving participating federal-aid funds on behalf of any state agency, public body, or subdivision of this state: PROVIDED, That recipients of funds give necessary assurances to the ((committee)) board or director that they have available sufficient matching funds to meet their shares, if any, of the cost of the project and that the acquired or developed areas will be operated and maintained at the expense of such state agency, public body, or subdivision for public outdoor recreation use.

Sec. 51. RCW 79A.25.150 and 1989 c 237 s 3 are each amended to read as follows:

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When requested by the ((committee)) board, members employed by the state shall furnish assistance to the ((committee)) board from their departments for the analysis and review of proposed plans and projects, and such assistance shall be a proper charge against the appropriations to the several agencies represented on the ((committee)) board. Assistance may be in the form of money, personnel, or equipment and supplies, whichever is most suitable to the needs of the ((committee)) board.

The director of the recreation and conservation office shall be appointed by, and serve at the pleasure of, the governor. The governor shall select the director from a list of three candidates submitted by the ((committee)) board. However, the governor may request and the ((committee)) board shall provide an additional list or lists from which the governor may select the director. The lists compiled by the ((committee)) board shall not be subject to public disclosure. The director shall have background and experience in the areas of recreation and conservation management and policy. The director shall be paid a salary to be fixed by the governor in accordance with the provisions of RCW 43.03.040. The director shall appoint such personnel as may be necessary to carry out the duties of the ((committee)) office. Not more than three employees appointed by the director shall be exempt from the provisions of chapter 41.06 RCW.

Sec. 52. RCW 79A.25.190 and 1995 c 166 s 8 are each amended to read as follows:

The 1967 and subsequent legislatures may appropriate funds requested in the budget for grants to public bodies and state agencies from the recreation resource account to the ((committee)) board for allocation and disbursement. The ((committee)) board shall include a list of prioritized state agency projects to be funded from the recreation resource account with its biennial budget request.

Sec. 53. RCW 79A.25.200 and 2000 c 11 s 77 are each amended to read as follows:

The recreation resource account is created in the state treasury. Money in this account are subject to legislative appropriation. The ((committee)) board shall administer the account in accordance with this chapter and chapter 79A.35 RCW and shall hold it separate and apart from all other money, funds, and accounts of the ((committee)) board. Money received from the marine fuel tax refund account under RCW 79A.25.070 shall be deposited into the account. Grants, gifts, or other financial assistance, proceeds received from public bodies as administrative cost contributions, and money made available to the state of Washington by the federal government for outdoor recreation may be deposited into the account.

Sec. 54. RCW 79A.25.210 and 1996 c 96 s 1 are each amended to read as follows:

The firearms ranger account is hereby created in the state general fund. Money in the account shall be subject to legislative appropriation and shall be used for purchase and development of land, construction or improvement of range facilities, including fixed structure construction or remodeling, equipment purchase, safety or environmental improvements, noise abatement, and liability protection for public and nonprofit firearm range training and practice facilities.

[1065]