

2 **SHB 1189** - S AMD - 357

3 By Senators Kohl-Wells, Kline, Hale, Long, Gardner and Patterson

4

5 Strike everything after the enacting clause and insert the  
6 following:

7 "NEW SECTION. Sec. 1. A new section is added to chapter 35.61 RCW  
8 to read as follows:

9 The definitions in this section apply throughout this chapter,  
10 unless the context clearly requires otherwise.

11 (1) "City" means both cities and towns, including code cities.

12 (2) "Ex officio board of park commissioners" means the board of  
13 park commissioners of a metropolitan park district, only including a  
14 city with a population of five hundred thousand or more within its  
15 boundaries, that is composed of only the members of a city legislative  
16 authority (including the elected mayor, if any, acting in the mayor's  
17 ordinary legislative capacity) acting ex officio and independently as  
18 provided under RCW 35.61.050(2).

19 (3) "Separately elected board of park commissioners" means a board  
20 of park commissioners of a metropolitan park district that is composed  
21 of five separately elected commissioners as provided under RCW  
22 35.61.050(1) and 35.61.120(1).

23 (4) "Land or lands" refers to land, water, or air, or any of the  
24 rights therein or improvements thereon.

25 **Sec. 2.** RCW 35.61.020 and 1965 c 7 s 35.61.020 are each amended to  
26 read as follows:

27 (1) A ballot proposition authorizing the creation of a metropolitan  
28 park district shall be submitted by ordinance to the voters of a city  
29 with a population of at least five thousand at any general election, or  
30 at any special election which may be called for that purpose, ((or at  
31 any city election held in the city in all of the various voting  
32 precincts thereof, the city council or commission may,)) if the  
33 legislative authority of the city enacts such an ordinance after  
34 adopting a resolution proposing creation of a metropolitan park  
35 district or ((or)) if a petition ((of)) proposing creation of a

1 metropolitan park district is submitted to the county auditor that has  
2 been signed by at least fifteen percent of the ((qualified electors of  
3 the)) registered voters residing in the city ((based upon the  
4 registration for the last preceding general city election, shall by  
5 ordinance, submit to the voters of the city the proposition of creating  
6 a metropolitan park district, the limits of which shall be)).

7 (2) If city voters approve the ballot proposition by a simple  
8 majority vote, a metropolitan park district shall be created that is  
9 coextensive with the limits of the city as now or hereafter  
10 established, inclusive of territory annexed to and forming a part of  
11 the city.

12 (3) Territory by virtue of its annexation to any city having  
13 heretofore created a park district shall be deemed to be ((within the  
14 limits of)) annexed to the metropolitan park district.

15 ((The city council or commission shall submit the proposition at a  
16 special election to be called therefor when the petition so requests.))

17 **Sec. 3.** RCW 35.61.030 and 1985 c 469 s 32 are each amended to read  
18 as follows:

19 ((In submitting the question to the voters for their approval or  
20 rejection, the city council or commission shall pass an ordinance  
21 declaring its intention to submit the proposition of creating a  
22 metropolitan park district to the qualified voters of the city. The  
23 ordinance shall be published once a week for two consecutive weeks in  
24 the official newspaper of the city, and the city council or commission  
25 shall cause to be placed upon the ballot for the election, at the  
26 proper place, the)) (1) The ballot proposition authorizing the creation  
27 of a metropolitan park district that is submitted to voters for their  
28 approval or rejection shall appear on the ballot of the next general  
29 election; or, at the option of the legislative authority, at the next  
30 special election date specified under RCW 29.13.020 occurring sixty or  
31 more days after the adoption of the last resolution proposing the  
32 creation of the park district, or the date the county auditor certifies  
33 that the petition proposing the creation of the park district contains  
34 sufficient valid signatures.

35 (2) The legislative authority of a city placing on the ballot a  
36 proposition ((which)) authorizing the creation of a metropolitan park  
37 district shall ((be expressed in)), in the ordinance submitting the  
38 question to the voters, choose and describe the composition of the

1 initial metropolitan park district commission that is proposed under  
2 RCW 35.61.050. The proposition shall include the following terms:

3 1 "For the formation of a metropolitan park district."

4 1 "Against the formation of a metropolitan park district."

5 **Sec. 4.** RCW 35.61.050 and 1994 c 223 s 23 are each amended to read  
6 as follows:

7 (1) Except as provided under subsection (2) of this section, five  
8 park commissioners shall be elected at large as the initial members of  
9 the board of park commissioners for the metropolitan park district at  
10 the same election at which the ballot proposition is submitted to the  
11 voters as to whether a metropolitan park district is to be formed(~~(,~~  
12 ~~five park commissioners shall be elected~~)). The election of  
13 metropolitan park commissioners shall be null and void if the  
14 metropolitan park district is not created. Candidates shall run for  
15 specific commission positions. ~~((No))~~ A primary shall not be held to  
16 nominate candidates. The person receiving the greatest number of votes  
17 for each position shall be elected as a metropolitan park commissioner.  
18 The staggering of the terms of office shall occur as follows: ~~((+1))~~  
19 (a) The two persons who are elected receiving the two greatest numbers  
20 of votes shall be elected to six-year terms of office if the election  
21 is held in an odd-numbered year or five-year terms of office if the  
22 election is held in an even-numbered year; ~~((+2))~~ (b) the two persons  
23 who are elected receiving the next two greatest numbers of votes shall  
24 be elected to four-year terms of office if the election is held in an  
25 odd-numbered year or three-year terms of office if the election is held  
26 in an even-numbered year; and ~~((+3))~~ (c) the other person who is  
27 elected shall be elected to a two-year term of office if the election  
28 is held in an odd-numbered year or a one-year term of office if the  
29 election is held in an even-numbered year.

30 The initial metropolitan park commissioners shall take office  
31 immediately when they are elected and qualified, and for purposes of  
32 computing their terms of office the terms shall be assumed to commence  
33 on the first day of January in the year after they are elected.  
34 Thereafter, all commissioners shall be elected to six-year terms of  
35 office at general elections held in odd-numbered years.

36 All commissioners shall serve until their respective successors are  
37 elected and qualified and assume office in accordance with RCW

1 29.04.170. Vacancies shall occur and shall be filled as provided in  
2 chapter 42.12 RCW.

3 (2) The ballot proposition creating a new metropolitan park  
4 district that only consists of a city with a population of five hundred  
5 thousand or more may provide for the city's legislative authority  
6 (including the elected mayor, if any, acting in the mayor's ordinary  
7 legislative capacity) to act in an ex officio and independent capacity  
8 as the board of commissioners for the metropolitan park district. An  
9 election shall not be held to elect the initial metropolitan park  
10 district commissioners if such an option is taken.

11 **Sec. 5.** RCW 35.61.120 and 1965 c 7 s 35.61.120 are each amended to  
12 read as follows:

13 (1) The officers of a metropolitan park district shall be a board  
14 of park commissioners consisting of five members unless the board is  
15 composed as permitted under RCW 35.61.050(2). The board shall annually  
16 elect one of their number as president and another of their number as  
17 clerk of the board. The composition of a board under this subsection  
18 that was created before January 1, 1999, may not be altered once the  
19 metropolitan park district has been created.

20 (2) The composition of a board of metropolitan park district  
21 commissioners established as permitted under RCW 35.61.050(2) may be  
22 altered to a separately elected board of park commissioners once the  
23 metropolitan park district has been created only by a majority vote of  
24 the voters in the district, and then only if the potential for such an  
25 alteration was stated in the resolution or petition to create the  
26 district.

27 **Sec. 6.** RCW 35.61.130 and 1969 c 54 s 1 are each amended to read  
28 as follows:

29 (1) Except as provided in subsection (2) of this section, a  
30 metropolitan park district has the right of eminent domain, and may  
31 purchase, acquire, and condemn lands lying within or without the  
32 boundaries of (~~said~~) the park district, for public parks, parkways,  
33 boulevards, (~~aviation landings~~) and playgrounds, and may condemn such  
34 lands for any of the following purposes: (a) To widen, alter, and  
35 extend streets, avenues, boulevards, parkways, (~~aviation landings~~)  
36 and playgrounds(~~(7)~~); (b) to alter, enlarge, and extend existing

1 parks(~~(7)~~); and (c) to acquire lands for the establishment of new  
2 parks, boulevards, parkways, (~~(aviation landings)~~) and playgrounds.

3 (2) A metropolitan park district formed after January 1, 1999, has  
4 no power to condemn lands outside its boundaries.

5 (3) The right of eminent domain shall be exercised and instituted  
6 pursuant to resolution of the board of metropolitan park commissioners  
7 and conducted in the same manner and under the same procedure as is or  
8 may be provided by law for the exercise of the power of eminent domain  
9 by (~~(incorporated)~~) cities (~~(and towns)~~) of the state of Washington in  
10 the acquisition of property rights(~~(:—PROVIDED7)~~). However, funds to  
11 pay for condemnation allowed by this section shall be raised only as  
12 specified in this chapter.

13 (4) The board of metropolitan park commissioners (~~(shall have power~~  
14 to)) may employ counsel(~~(7)~~) and (~~(to))~~ regulate, manage, and control  
15 the parks, parkways, boulevards, streets, avenues, (~~(aviation~~  
16 landings)) and playgrounds under its control(~~(7—and to))~~.

17 (5) The board of metropolitan park commissioners may provide for  
18 park (~~(policemen))~~ police, for a secretary of the board of metropolitan  
19 park commissioners, and for all necessary employees, (~~(to))~~ and fix  
20 their salaries and duties. In a metropolitan park district governed  
21 under RCW 35.61.050(2), the city's mayor shall serve ex officio as the  
22 chief executive officer of the metropolitan park district unless  
23 otherwise provided by the board of metropolitan park district  
24 commissioners.

25 (6) The board of metropolitan park commissioners (~~(shall have power~~  
26 to)) may improve, acquire, extend and maintain, open, and lay out(~~(7)~~)  
27 parks, parkways, boulevards, avenues, (~~(aviation—landings)~~) and  
28 playgrounds, within or without the metropolitan park district(~~(7—and~~  
29 to)).

30 (7) The board of metropolitan park commissioners may authorize,  
31 conduct, and manage the letting of boats, or other amusement apparatus,  
32 the operation of bath houses, the purchase and sale of foodstuffs or  
33 other merchandise, the giving of vocal or instrumental concerts or  
34 other entertainments, the establishment and maintenance of (~~(aviation~~  
35 landings—and)) playgrounds, and the provision, establishment,  
36 operation, maintenance, and improvement of recreational facilities, all  
37 on property owned by itself or others.

38 (8) The board of metropolitan park commissioners may provide  
39 generally for the management and conduct of such forms of recreation or

1 business as it shall judge desirable or beneficial for the public, or  
2 for the production of revenue for expenditure for parks and recreation  
3 purposes~~((and))~~.

4 (9) The board of metropolitan park commissioners may pay out moneys  
5 for: (a) The maintenance and improvement of any such public parks,  
6 parkways, boulevards, avenues, ~~((aviation landings))~~ and playgrounds as  
7 now exist, or the right to which may hereafter be acquired, within or  
8 without the limits of ~~((said city and for))~~ the metropolitan park  
9 district; (b) the purchase of lands within or without the limits of  
10 ~~((said city))~~ the metropolitan park district, whenever it deems the  
11 purchase to be for the benefit of the public and for the interest of  
12 the metropolitan park district, and for the maintenance and improvement  
13 thereof; and ~~((for))~~ (c) all expenses incidental to its duties~~((~~  
14 PROVIDED, That)). However, all parks, boulevards, parkways, ~~((aviation~~  
15 landings)) and playgrounds shall be subject to the police regulations  
16 of the city or county within whose limits they lie.

17 **Sec. 7.** RCW 35.61.132 and 1989 c 319 s 4 are each amended to read  
18 as follows:

19 (1) An ex officio board of metropolitan park district commissioners  
20 is authorized, by unanimous board decision and with the approval of the  
21 legislative authority of the city within which it is located, to convey  
22 any or all of its real or personal property to that city.

23 (2) Except as set forth in subsection (3) of this section, every  
24 metropolitan park district may, by unanimous decision of its board of  
25 park commissioners, sell, exchange, or otherwise dispose of any real or  
26 personal property acquired for park or recreational purposes when such  
27 property is declared surplus for park or other recreational purposes:  
28 PROVIDED, That where the property is acquired by donation or dedication  
29 for park or recreational purposes, the consent of the donor or  
30 dedicator, his or her heirs, successors, or assigns is first obtained  
31 if the consent of the donor is required in the instrument conveying the  
32 property to the metropolitan park district. In the event the donor or  
33 dedicator, his or her heirs, successors, or assigns cannot be located  
34 after a reasonable search, the metropolitan park district may petition  
35 the superior court in the county where the property is located for  
36 approval of the sale. If sold, all sales shall be by public bids and  
37 sale made only to the highest and best bidder.

1       (3) In addition to the conditions contained in subsection (2) of  
2 this section, a metropolitan park district with an ex officio board of  
3 park commissioners shall not declare surplus its real property acquired  
4 for park or recreational purposes without first having offered to  
5 donate that property to the city within which it is located.

6       **Sec. 8.** RCW 35.61.150 and 1998 c 121 s 1 are each amended to read  
7 as follows:

8       (1) Except as provided in subsection (2) of this section,  
9 metropolitan park commissioners shall perform their duties and may  
10 provide, by resolution passed by the commissioners, for the payment of  
11 compensation to each of its commissioners at a rate of up to seventy  
12 dollars for each day or portion of a day devoted to the business of the  
13 district. However, the compensation for each commissioner must not  
14 exceed six thousand seven hundred twenty dollars per year. Any  
15 commissioner may waive all or any portion of his or her compensation  
16 payable under this subsection as to any month or months during his or  
17 her term of office, by a written waiver filed with the clerk of the  
18 board. The waiver, to be effective, must be filed any time after the  
19 commissioner's election and prior to the date on which the compensation  
20 would otherwise be paid. The waiver shall specify the month or period  
21 of months for which it is made.

22       (2) Metropolitan park commissioners who serve in an ex officio  
23 capacity shall perform their duties as park commissioners without  
24 additional compensation.

25       **Sec. 9.** RCW 35.61.180 and 1987 c 203 s 1 are each amended to read  
26 as follows:

27       ~~((The county treasurer of the county within which all, or the major~~  
28 ~~portion, of the district lies shall be the ex officio treasurer of a~~  
29 ~~metropolitan park district, but shall receive no compensation other~~  
30 ~~than his or her regular salary for receiving and disbursing the funds~~  
31 ~~of a metropolitan park district.))~~ (1) The treasurer of a metropolitan  
32 park district shall be the city treasurer of the most populous city  
33 included in the district's boundaries. The city treasurer, when acting  
34 as the treasurer of a metropolitan park district, shall receive no  
35 compensation other than his or her regular salary for acting as the  
36 treasurer of a metropolitan park district. The city treasurer may not

1 charge a greater amount for treasury services than permitted for the  
2 county treasurer for similar services under RCW 36.29.020.

3 (2) The treasurer of a metropolitan park district with an ex  
4 officio board of park commissioners established under RCW 35.61.050(2)  
5 shall be the city treasurer. The city treasurer shall possess and may  
6 exercise all powers with respect to the metropolitan park district that  
7 are possessed by a county treasurer with respect to a county, other  
8 than the authority to collect property taxes. The city treasurer, when  
9 acting as the treasurer of a metropolitan park district, shall receive  
10 no compensation other than his or her regular salary for acting as the  
11 treasurer of the metropolitan park district. The city treasurer may  
12 not charge a greater amount for treasury services than permitted for  
13 the county treasurer for similar services under RCW 36.29.020.

14 (3) Notwithstanding the provisions of subsection (1) of this  
15 section, a metropolitan park district with a separately elected board  
16 of park commissioners may designate someone other than the ((county))  
17 city treasurer who has experience in financial or fiscal affairs to act  
18 as the district treasurer if the board has received the approval of the  
19 ((county)) city treasurer to designate this person. If the board of  
20 metropolitan park commissioners designates someone other than the  
21 ((county)) city treasurer to act as the district treasurer, the board  
22 shall purchase a bond from a surety company operating in the state that  
23 is sufficient to protect the district from loss. A district treasurer  
24 so designated shall possess all powers relating to the metropolitan  
25 park district that are possessed by the city treasurer.

26 (4) Notwithstanding RCW 35.61.210, general taxes of the  
27 metropolitan park district shall be distributed to the treasurer of the  
28 metropolitan park district by the county treasurer as is done for  
29 cities.

30 **Sec. 10.** RCW 35.61.200 and 1983 c 167 s 56 are each amended to  
31 read as follows:

32 Any coupons for the payment of interest on metropolitan park  
33 district bonds shall be considered for all purposes as warrants drawn  
34 upon the metropolitan park district fund against which the bonds were  
35 issued, and when presented after maturity to the treasurer of the  
36 ~~((county having custody of the fund))~~ metropolitan park district. If  
37 there are no funds in the treasury to pay the coupons, the ((county))  
38 metropolitan park district treasurer shall endorse ~~((said))~~ the coupons

1 as presented for payment, in the same manner as county warrants are  
2 endorsed, and thereafter the coupon shall bear interest at the same  
3 rate as the bond to which it was attached. If there are no funds in  
4 the treasury to make payment on a bond not having coupons, the interest  
5 payment shall continue bearing interest at the bond rate until it is  
6 paid, unless otherwise provided in the proceedings authorizing the sale  
7 of the bonds.

8 **Sec. 11.** RCW 35.61.250 and 1985 c 416 s 4 are each amended to read  
9 as follows:

10 (1) The territory adjoining a metropolitan park district with a  
11 separately elected board of park commissioners may be annexed to and  
12 become a part ~~((thereof upon))~~ of the metropolitan park district under  
13 a petition and ((an)) election ((held pursuant thereto)) method of  
14 annexation. The petition shall define the territory proposed to be  
15 annexed and must be signed by twenty-five registered voters, resident  
16 within the territory proposed to be annexed, unless the territory is  
17 within the limits of another city when it must be signed by twenty  
18 percent of the registered voters residing within the territory proposed  
19 to be annexed. The petition must be addressed to the board of park  
20 commissioners requesting that the question be submitted to the legal  
21 voters of the territory proposed to be annexed, whether they will be  
22 annexed and become a part of the metropolitan park district.

23 (2) A metropolitan park district with an ex officio board of park  
24 commissioners as provided under RCW 35.61.050(2) may not annex  
25 territory under the provisions of RCW 35.61.250 through 35.61.280 and  
26 shall maintain boundaries identical with those of the city in which it  
27 is located, including any territory annexed by the city.

28 **Sec. 12.** RCW 35.61.290 and 1985 c 416 s 5 are each amended to read  
29 as follows:

30 (1)(a) Except as set forth in (b) of this subsection, any city  
31 within or comprising any metropolitan park district may turn over to  
32 the park district any lands, facilities, equipment, or interests in any  
33 lands, facilities, or equipment which it may own, or any street,  
34 avenue, or public place within the city for playground, park or parkway  
35 purposes, and thereafter its control and management shall vest in the  
36 board of metropolitan park commissioners( (:—PROVIDED, That)).  
37 However, the police regulations of ((such)) the city, or the county

1 should the premises be outside the city limits, shall apply to all such  
2 premises.

3 (b) A metropolitan park district created with an ex officio board  
4 of park commissioners shall never become the owner of a park that, at  
5 the time of creation of the district, was owned by the city in which  
6 the metropolitan park district was created. Additionally, the  
7 legislative authority of a city in which a metropolitan park district  
8 with an ex officio board of park commissioners is created may not  
9 contract with that district for overall management and operation of any  
10 city parks and recreation facilities or lease any city parks and  
11 recreation facilities to that district except for a zoo and an aquarium  
12 including related administrative and support facilities. For such  
13 contracts the city legislative authority must first hold a public  
14 hearing on the proposed lease or proposed management and operation by  
15 the metropolitan park district. At least ten days prior to the  
16 hearing, there shall be published a public notice setting forth the  
17 date, time, and place of the hearing, at least once in a local  
18 newspaper of general circulation. Notice of the hearing shall also be  
19 mailed or otherwise delivered to all who would be entitled to notice of  
20 a special meeting of the city legislative authority under RCW  
21 42.30.080. The notice shall identify the parks and recreation  
22 facilities involved. The terms and conditions under which the city  
23 proposes to lease to the metropolitan park district or contract with  
24 the metropolitan park district for management and operation shall be  
25 available upon request from and after the date of publication of the  
26 hearing notice and at the hearing, but after the public hearing the  
27 city legislative authority may amend the proposed terms and conditions  
28 at open public meetings.

29 (2) At any time that any such metropolitan park district is unable,  
30 through lack of sufficient funds, to provide for the continuous  
31 operation, maintenance, and improvement of the parks and playgrounds  
32 and other properties or facilities owned by it or under its control,  
33 and the legislative body of any city within or comprising such  
34 metropolitan park district shall determine that an emergency exists  
35 requiring the financial aid of such city to be extended in order to  
36 provide for such continuous operation, maintenance, and/or improvement  
37 of parks, playgrounds facilities, other properties, and programs of  
38 such park district within its limits, ((such)) the city may grant or  
39 loan to ((such)) the metropolitan park district such of its available

1 funds, or such funds which it may lawfully procure and make available,  
2 as it shall find necessary to provide for such continuous operation and  
3 maintenance and, pursuant thereto, any (~~such~~) city and the board of  
4 park commissioners of (~~such~~) the metropolitan park district are  
5 authorized and empowered to enter into an agreement embodying such  
6 terms and conditions of any such grant or loan as may be mutually  
7 agreed upon.

8 (3) The board of metropolitan park commissioners may accept public  
9 streets of the city and grounds for public purposes when donated for  
10 park, playground, boulevard and park purposes.

11 (~~(2)~~) (4) Counties may turn over to (~~the~~) a metropolitan park  
12 district any park and recreation lands and parks and recreation  
13 facilities and equipment or interests in any lands, facilities, or  
14 equipment that they own, and the board of metropolitan park  
15 commissioners may accept such lands and equipment or interests in any  
16 lands, facilities, or equipment.

17 NEW SECTION. Sec. 13. A new section is added to chapter 35.61 RCW  
18 to read as follows:

19 (1)(a) A metropolitan park district governed under RCW 35.61.050(2)  
20 may contract with a nonprofit corporation or other public organization,  
21 including the city whose voters created the district, for the overall  
22 management and operation of any parks and recreation facilities,  
23 including a zoo and an aquarium for which the district has a management  
24 and operations contract under RCW 35.61.290(1)(b). No such contract  
25 for the overall management and operation of any parks and recreation  
26 facilities by a nonprofit corporation or other public organization  
27 shall have an initial term or any renewal term longer than thirty years  
28 but may be renewed by the ex officio board of park commissioners upon  
29 the expiration of an initial or any renewal term.

30 (b) A metropolitan park district governed under RCW 35.61.050(2)  
31 may, however, grant and may authorize the managing and operating entity  
32 to grant to any nonprofit corporation or other public or private  
33 organization franchises or concessions that further the public use and  
34 enjoyment of parks and recreation facilities, and may contract and may  
35 authorize the managing and operating entity to contract with any public  
36 or private organization for such specific services as are routinely so  
37 procured by the city whose voters created the district.

1 (2) Before approving each initial and any renewal contract with a  
2 nonprofit corporation for the overall management and operation of any  
3 parks and recreation facilities, the ex officio board of metropolitan  
4 park commissioners shall hold a public hearing on the proposed  
5 management and operation by such a nonprofit corporation. At least ten  
6 days prior to the hearing, there shall be published a public notice  
7 setting forth the date, time, and place of the hearing, at least once  
8 in a local newspaper of general circulation. Notice of the hearing  
9 shall also be mailed or otherwise delivered to all who would be  
10 entitled to notice of a special meeting of the board under RCW  
11 42.30.080. The notice shall identify the parks and recreation  
12 facilities involved and the nonprofit corporation proposed for  
13 management and operation under contract with the metropolitan park  
14 district. The terms and conditions under which the metropolitan park  
15 district proposes to contract with the nonprofit corporation for  
16 management and operation shall be available upon request from and after  
17 the date of publication of the hearing notice and at the hearing, but  
18 after the public hearing the board of metropolitan park commissioners  
19 may amend the proposed terms and conditions at open public meetings.

20 (3) A metropolitan park district governed under RCW 35.61.050(2)  
21 shall contract with the city whose voters created the district to carry  
22 out all of the metropolitan park district's management and operations  
23 except for the management and operation of parks and recreation  
24 facilities for which the metropolitan park district has a contract with  
25 another public agency or a nonprofit corporation under subsection (1)  
26 or (2) of this section. The contract with the city may provide for its  
27 termination if the metropolitan park district commissioners approve a  
28 contract with another entity under subsection (1) or (2) of this  
29 section.

30 (4) The nonprofit corporation or other public organization with  
31 responsibility for overall management or operation of any parks and  
32 recreation facilities may in carrying out that responsibility manage  
33 and supervise employees of the metropolitan park district governed  
34 under RCW 35.61.050(2) and may hire, fire, and otherwise discipline  
35 those employees. A civil service established under RCW 35.61.140 may  
36 include such management and supervision by persons not employed by the  
37 metropolitan park district.

1        NEW SECTION.    **Sec. 14.**    A new section is added to chapter 35.61 RCW  
2 to read as follows:

3        (1) Notwithstanding any provisions to the contrary contained in a  
4 city charter, and to the extent provided by the city under an  
5 appropriate legislative enactment, some or all employees of a  
6 metropolitan park district with an ex officio board of park  
7 commissioners may be included in the retirement plan of a city that  
8 shares territory with the metropolitan park district if they were  
9 previously employed by the city and were members of its retirement  
10 plan. The city and metropolitan park district are each authorized to  
11 pay the parts of the expense of operating and maintaining the  
12 retirement system and to contribute to the retirement fund on behalf of  
13 employees those sums as may be agreed upon between the legislative  
14 authorities of the city and the metropolitan park district, but a  
15 proportionate share of system expenses must be borne by or on behalf of  
16 the metropolitan park district employees.

17        (2) In a metropolitan park district with an ex officio board of  
18 park commissioners, neither the chief executive officer nor officers  
19 chiefly responsible for operating a facility or program, as designated  
20 by the board of metropolitan park commissioners, shall be members of  
21 the civil service that may be established under RCW 35.61.140.

22        **Sec. 15.**    RCW 84.52.010 and 1995 2nd sp.s. c 13 s 4 are each  
23 amended to read as follows:

24        Except as is permitted under RCW 84.55.050, all taxes shall be  
25 levied or voted in specific amounts.

26        The rate percent of all taxes for state and county purposes, and  
27 purposes of taxing districts coextensive with the county, shall be  
28 determined, calculated and fixed by the county assessors of the  
29 respective counties, within the limitations provided by law, upon the  
30 assessed valuation of the property of the county, as shown by the  
31 completed tax rolls of the county, and the rate percent of all taxes  
32 levied for purposes of taxing districts within any county shall be  
33 determined, calculated and fixed by the county assessors of the  
34 respective counties, within the limitations provided by law, upon the  
35 assessed valuation of the property of the taxing districts  
36 respectively.

37        When a county assessor finds that the aggregate rate of tax levy on  
38 any property, that is subject to the limitations set forth in RCW

1 84.52.043 or 84.52.050, exceeds the limitations provided in either of  
2 these sections, the assessor shall recompute and establish a  
3 consolidated levy in the following manner:

4 (1) The full certified rates of tax levy for state, county, county  
5 road district, and city or town purposes shall be extended on the tax  
6 rolls in amounts not exceeding the limitations established by law;  
7 however any state levy shall take precedence over all other levies and  
8 shall not be reduced for any purpose other than that required by RCW  
9 84.55.010. If, as a result of the levies imposed under RCW 84.52.069,  
10 84.34.230, the portion of the levy by a metropolitan park district that  
11 was protected under RCW 84.52.120, and 84.52.105, the combined rate of  
12 regular property tax levies that are subject to the one percent  
13 limitation exceeds one percent of the true and fair value of any  
14 property, then these levies shall be reduced as follows: (a) The  
15 portion of the levy by a metropolitan park district that is protected  
16 under RCW 84.52.120 shall be reduced until the combined rate no longer  
17 exceeds one percent of the true and fair value of any property or shall  
18 be eliminated; (b) if the combined rate of regular property tax levies  
19 subject to the one percent limitation in a county containing a  
20 metropolitan park district governed under RCW 35.61.050(2) still  
21 exceeds one percent of the true and fair value of any property, then  
22 the remaining levy for that metropolitan park district shall be reduced  
23 until the combined rate no longer exceeds one percent or shall be  
24 eliminated; (c) if the combined rate of regular property tax levies  
25 that are subject to the one percent limitation still exceeds one  
26 percent of the true and fair value of any property, then the levies  
27 imposed under RCW 84.34.230, 84.52.105, and any portion of the levy  
28 imposed under RCW 84.52.069 that is in excess of thirty cents per  
29 thousand dollars of assessed value, shall be reduced on a pro rata  
30 basis until the combined rate no longer exceeds one percent of the true  
31 and fair value of any property or shall be eliminated; and ((+e+)) (d)  
32 if the combined rate of regular property tax levies that are subject to  
33 the one percent limitation still exceeds one percent of the true and  
34 fair value of any property, then the thirty cents per thousand dollars  
35 of assessed value of tax levy imposed under RCW 84.52.069 shall be  
36 reduced until the combined rate no longer exceeds one percent of the  
37 true and fair value of any property or eliminated.

38 (2) The certified rates of tax levy subject to these limitations by  
39 all junior taxing districts imposing taxes on such property shall be

1 reduced or eliminated as follows to bring the consolidated levy of  
2 taxes on such property within the provisions of these limitations:

3 (a) First, the certified property tax levy rates of those junior  
4 taxing districts authorized under RCW 36.68.525, 36.69.145, and  
5 67.38.130 shall be reduced on a pro rata basis or eliminated;

6 (b) Second, if the consolidated tax levy rate still exceeds these  
7 limitations, the certified property tax levy rates of flood control  
8 zone districts shall be reduced on a pro rata basis or eliminated;

9 (c) Third, if the consolidated tax levy rate still exceeds these  
10 limitations, the certified property tax levy rates of all other junior  
11 taxing districts, other than fire protection districts, library  
12 districts, the first fifty cent per thousand dollars of assessed  
13 valuation levies for metropolitan park districts created before January  
14 1, 1999, and the first fifty cent per thousand dollars of assessed  
15 valuation levies for public hospital districts, shall be reduced on a  
16 pro rata basis or eliminated;

17 (d) Fourth, if the consolidated tax levy rate still exceeds these  
18 limitations, the certified property tax levy rates authorized to fire  
19 protection districts under RCW 52.16.140 and 52.16.160 shall be reduced  
20 on a pro rata basis or eliminated; and

21 (e) Fifth, if the consolidated tax levy rate still exceeds these  
22 limitations, the certified property tax levy rates authorized for fire  
23 protection districts under RCW 52.16.130, library districts,  
24 metropolitan park districts created before January 1, 1999, under their  
25 first fifty cent per thousand dollars of assessed valuation levy, and  
26 public hospital districts under their first fifty cent per thousand  
27 dollars of assessed valuation levy, shall be reduced on a pro rata  
28 basis or eliminated.

29 In determining whether the aggregate rate of tax levy on any  
30 property, that is subject to the limitations set forth in RCW  
31 84.52.050, exceeds the limitations provided in that section, the  
32 assessor shall use the hypothetical state levy, as apportioned to the  
33 county under RCW 84.48.080, that was computed under RCW 84.48.080  
34 without regard to the reduction under RCW 84.55.012.

35 NEW SECTION. **Sec. 16.** A new section is added to chapter 35.61 RCW  
36 to read as follows:

37 Notwithstanding any other provision of this chapter, but without  
38 eliminating or overriding the requirements for unanimous board action

1 and consent contained in RCW 35.61.132 for the disposition of property,  
2 the voters of a metropolitan park district governed under RCW  
3 35.61.050(2) shall have the power, within the scope of the functions of  
4 such a metropolitan park district, to initiate and refer to themselves  
5 legislation to the same extent and on the same matters as do the voters  
6 of the city with which the metropolitan park district shares its  
7 boundaries. These powers of initiative and referendum shall be  
8 exercised in the same manner and with the same effect as permitted for  
9 the voters of that city."

10 **SHB 1189** - S AMD - 357

11 By Senators Kohl-Wells, Kline, Hale, Long, Gardner and Patterson

12

13 On page 1, line 1 of the title, after "districts;" strike the  
14 remainder of the title and insert "amending RCW 35.61.020, 35.61.030,  
15 35.61.050, 35.61.120, 35.61.130, 35.61.132, 35.61.150, 35.61.180,  
16 35.61.200, 35.61.250, 35.61.290, and 84.52.010; and adding new sections  
17 to chapter 35.61 RCW."

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