

2 **SSB 5268** - S AMD - 151

3 By Senators Kohl-Welles, Franklin, Kline, Patterson and Hale

4 ADOPTED 3/15/99

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 (1) 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  
25 commission shall cause to be placed upon the ballot for the election,  
26 at the proper place, the)). The proposition shall appear on the ballot  
27 of the next general municipal election unless the city legislative  
28 authority by ordinance submits it at an earlier special election.

29 (2) The legislative authority of a city placing on the ballot a  
30 proposition ((which)) authorizing the creation of a metropolitan park  
31 district shall ((be expressed in)), in the ordinance submitting the  
32 question to the voters, choose and describe the composition of the  
33 initial metropolitan park district commission that is proposed under  
34 RCW 35.61.050. The proposition shall include the following terms:

35 1 "For the formation of a metropolitan park district."

36 1 "Against the formation of a metropolitan park district."

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

3       (1) Except as provided under subsection (2) of this section, five  
4 park commissioners shall be elected at large as the metropolitan  
5 members of the board of park commissioners for the metropolitan park  
6 district at the same election at which the ballot proposition is  
7 submitted to the voters as to whether a metropolitan park district is  
8 to be formed~~((, five park commissioners shall be elected))~~. The  
9 election of metropolitan park commissioners shall be null and void if  
10 the metropolitan park district is not created. Candidates shall run  
11 for specific commission positions. ~~((Nø))~~ A primary shall not be held  
12 to nominate candidates. The person receiving the greatest number of  
13 votes for each position shall be elected as a metropolitan park  
14 commissioner. The staggering of the terms of office shall occur as  
15 follows: ~~((+1))~~ (a) The two persons who are elected receiving the two  
16 greatest numbers of votes shall be elected to six-year terms of office  
17 if the election is held in an odd-numbered year or five-year terms of  
18 office if the election is held in an even-numbered year; ~~((+2))~~ (b)  
19 the two persons who are elected receiving the next two greatest numbers  
20 of votes shall be elected to four-year terms of office if the election  
21 is held in an odd-numbered year or three-year terms of office if the  
22 election is held in an even-numbered year; and ~~((+3))~~ (c) the other  
23 person who is elected shall be elected to a two-year term of office if  
24 the election is held in an odd-numbered year or a one-year term of  
25 office if the election is held in an even-numbered year.

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

32       All commissioners shall serve until their respective successors are  
33 elected and qualified and assume office in accordance with RCW  
34 29.04.170. Vacancies shall occur and shall be filled as provided in  
35 chapter 42.12 RCW.

36       (2) The ballot proposition creating a new metropolitan park  
37 district that only consists of a city with a population of five hundred  
38 thousand or more may provide for the city's legislative authority  
39 (including the elected mayor, if any, acting in the mayor's ordinary

1 legislative capacity) to act in an ex officio and independent capacity  
2 as the board of commissioners for the metropolitan park district. An  
3 election shall not be held to elect the initial metropolitan park  
4 district commissioners if such an option is taken.

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

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

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

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

23 (1) A metropolitan park district has the right of eminent domain,  
24 and may purchase, acquire and condemn lands lying within or without the  
25 boundaries of (~~said~~) the park district, for public parks, parkways,  
26 boulevards, aviation landings and playgrounds, and may condemn such  
27 lands for any of the following purposes: (a) To widen, alter, and  
28 extend streets, avenues, boulevards, parkways, aviation landings and  
29 playgrounds(~~(7)~~); (b) to alter, enlarge, and extend existing  
30 parks(~~(7)~~); and (c) to acquire lands for the establishment of new  
31 parks, boulevards, parkways, aviation landings and playgrounds.

32 (2) The right of eminent domain shall be exercised and instituted  
33 pursuant to resolution of the board of metropolitan park commissioners  
34 and conducted in the same manner and under the same procedure as is or  
35 may be provided by law for the exercise of the power of eminent domain  
36 by (~~incorporated~~) cities (~~and towns~~) of the state of Washington in  
37 the acquisition of property rights(~~(:—PROVIDED7)~~). However, funds to

1 pay for condemnation allowed by this section shall be raised only as  
2 specified in this chapter.

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

7 (4) The board of metropolitan park commissioners may provide (~~for~~  
8 ~~park policemen,~~) for a secretary of the board of metropolitan park  
9 commissioners, and for all necessary employees, (~~to~~) and fix their  
10 salaries and duties. In a metropolitan park district governed under  
11 RCW 35.61.050(2), the city's mayor shall serve ex officio as the chief  
12 executive officer of the metropolitan park district unless otherwise  
13 provided by the board of metropolitan park district commissioners.

14 (5) The board of metropolitan park commissioners (~~shall have power~~  
15 ~~to~~) may improve, acquire, extend and maintain, open, and lay out(~~(7)~~)  
16 parks, parkways, boulevards, avenues, aviation landings and  
17 playgrounds, within or without the metropolitan park district(~~(7 and~~  
18 ~~to)~~).

19 (6) The board of metropolitan park commissioners may authorize,  
20 conduct, and manage the letting of boats, or other amusement apparatus,  
21 the operation of bath houses, the purchase and sale of foodstuffs or  
22 other merchandise, the giving of vocal or instrumental concerts or  
23 other entertainments, the establishment and maintenance of aviation  
24 landings and playgrounds, and the provision, establishment, operation,  
25 maintenance, and improvement of recreational facilities all on property  
26 owned by itself or others.

27 (7) The board of metropolitan park commissioners may provide  
28 generally for the management and conduct of such forms of recreation or  
29 business as it shall judge desirable or beneficial for the public, or  
30 for the production of revenue for expenditure for parks and recreation  
31 purposes(~~(7 and)~~).

32 (8) The board of metropolitan park commissioners may pay out moneys  
33 for: (a) The maintenance and improvement of any such parks, parkways,  
34 boulevards, avenues, aviation landings and playgrounds as now exist, or  
35 the right to which may hereafter be acquired, within or without the  
36 limits of (~~said city and for~~) the metropolitan park district; (b) the  
37 purchase of lands within or without the limits of (~~said city~~) the  
38 metropolitan park district, whenever it deems the purchase to be for  
39 the benefit of the public and for the interest of the metropolitan park

1 district, and for the maintenance and improvement thereof; and (~~for~~)  
2 (c) all expenses incidental to its duties(~~(:—PROVIDED, That)~~).  
3 However, all parks, boulevards, parkways, aviation landings and  
4 playgrounds shall be subject to the police regulations of the city or  
5 county within whose limits they lie.

6 (9) The board of metropolitan park commissioners may, if and to the  
7 extent provided by section 13 of this act, contract with any entity,  
8 public or private, including the city whose voters created the  
9 district, for all or any part of its staffing, operations, and  
10 services.

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

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

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

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

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

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

17       (2) Metropolitan park commissioners who serve in an ex officio  
18 capacity shall perform their duties as park commissioners without  
19 additional compensation. However, the city treasurer may not charge a  
20 greater amount for treasury services than permitted the county  
21 treasurer for similar services under RCW 36.29.020.

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

24       ~~((The county treasurer of the county within which all, or the major~~  
25 ~~portion, of the district lies shall be the ex officio treasurer of a~~  
26 ~~metropolitan park district, but shall receive no compensation other~~  
27 ~~than his or her regular salary for receiving and disbursing the funds~~  
28 ~~of a metropolitan park district.)) (1) The treasurer of a metropolitan  
29 park district shall be the city treasurer of the most populated city  
30 included in the district's boundaries. The city treasurer, when acting  
31 as the treasurer of a metropolitan park district, shall receive no  
32 compensation other than his or her regular salary for acting as the  
33 treasurer of the metropolitan park district.~~

34       (2) Notwithstanding the provisions of subsection (1) of this  
35 section, a metropolitan park district may designate someone other than  
36 the ((county)) city treasurer who has experience in financial or fiscal  
37 affairs to act as the district treasurer if the board has received the  
38 approval of the ((county)) city treasurer to designate this person. If

1 the board designates someone other than the ((~~county~~)) city treasurer  
2 to act as the district treasurer, the board shall purchase a bond from  
3 a surety company operating in the state that is sufficient to protect  
4 the district from loss. A district treasurer so designated shall  
5 possess all powers relating to the metropolitan park district that are  
6 possessed by the city treasurer, other than the authority to collect  
7 property taxes.

8 (3) Notwithstanding RCW 35.61.210, general taxes of the  
9 metropolitan park district shall be distributed to the treasurer of the  
10 metropolitan park district by the county treasurer as is done for  
11 cities.

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

14 Any coupons for the payment of interest on metropolitan park  
15 district bonds shall be considered for all purposes as warrants drawn  
16 upon the metropolitan park district fund against which the bonds were  
17 issued, and when presented after maturity to the treasurer of the  
18 ((~~county having custody of the fund~~)) metropolitan park district. If  
19 there are no funds in the treasury to pay the coupons, the ((~~county~~))  
20 metropolitan park district treasurer shall endorse ((~~said~~)) the coupons  
21 as presented for payment, in the same manner as county warrants are  
22 endorsed, and thereafter the coupon shall bear interest at the same  
23 rate as the bond to which it was attached. If there are no funds in  
24 the treasury to make payment on a bond not having coupons, the interest  
25 payment shall continue bearing interest at the bond rate until it is  
26 paid, unless otherwise provided in the proceedings authorizing the sale  
27 of the bonds.

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

30 (1) The territory adjoining a metropolitan park district with a  
31 separately elected board of park commissioners may be annexed to and  
32 become a part ((~~thereof upon~~)) of the metropolitan park district under  
33 a petition and ((an)) election ((held pursuant thereto)) method of  
34 annexation. The petition shall define the territory proposed to be  
35 annexed and must be signed by twenty-five registered voters, resident  
36 within the territory proposed to be annexed, unless the territory is  
37 within the limits of another city when it must be signed by twenty



1 percent of the registered voters residing within the territory proposed  
2 to be annexed. The petition must be addressed to the board of park  
3 commissioners requesting that the question be submitted to the legal  
4 voters of the territory proposed to be annexed, whether they will be  
5 annexed and become a part of the metropolitan park district.

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

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

13 (1)(a) Except as set forth in (b) of this subsection, any city  
14 within or comprising any metropolitan park district may turn over to  
15 the park district any lands, facilities, equipment, or interests in any  
16 lands, facilities, or equipment which it may own, or any street,  
17 avenue, or public place within the city for playground, park or parkway  
18 purposes, and thereafter its control and management shall vest in the  
19 board of metropolitan park commissioners(~~(:—PROVIDED, That))~~).  
20 However, the police regulations of ((such)) the city, or the county  
21 should the premises be outside the city limits, shall apply to all such  
22 premises.

23 (b) A metropolitan park district created with an ex officio board  
24 of park commissioners shall never become the owner of a park that, at  
25 the time of creation of the district, was owned by the city in which  
26 the metropolitan park district was created. Additionally, the  
27 legislative authority of a city in which a metropolitan park district  
28 with an ex officio board of park commissioners is created may contract  
29 with that district for overall management and operation of any city  
30 parks and recreation facilities or lease any city parks and recreation  
31 facilities to that district only after the city legislative authority  
32 holds a public hearing on the proposed lease or proposed management and  
33 operation by the metropolitan park district. At least ten days prior  
34 to the hearing, there shall be published a public notice setting forth  
35 the date, time, and place of the hearing, at least once in a local  
36 newspaper of general circulation. Notice of the hearing shall also be  
37 mailed or otherwise delivered to all who would be entitled to notice of  
38 a special meeting of the city legislative authority under RCW

1 42.30.080. The notice shall identify the parks and recreation  
2 facilities involved. The terms and conditions under which the city  
3 proposes to lease to the metropolitan park district or contract with  
4 the metropolitan park district for management and operation shall be  
5 available upon request from and after the date of publication of the  
6 hearing notice and at the hearing, but after the public hearing the  
7 city legislative authority may amend the proposed terms and conditions  
8 at open public meetings.

9 (2) At any time that any such metropolitan park district is unable,  
10 through lack of sufficient funds, to provide for the continuous  
11 operation, maintenance, and improvement of the parks and playgrounds  
12 and other properties or facilities owned by it or under its control,  
13 and the legislative body of any city within or comprising such  
14 metropolitan park district shall determine that an emergency exists  
15 requiring the financial aid of such city to be extended in order to  
16 provide for such continuous operation, maintenance, and/or improvement  
17 of parks, playgrounds facilities, other properties, and programs of  
18 such park district within its limits, ((such)) the city may grant or  
19 loan to ((such)) the metropolitan park district such of its available  
20 funds, or such funds which it may lawfully procure and make available,  
21 as it shall find necessary to provide for such continuous operation and  
22 maintenance and, pursuant thereto, any ((such)) city and the board of  
23 park commissioners of ((such)) the metropolitan park district are  
24 authorized and empowered to enter into an agreement embodying such  
25 terms and conditions of any such grant or loan as may be mutually  
26 agreed upon.

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

30 ((+2)) (4) Counties may turn over to ((the)) a metropolitan park  
31 district any park and recreation lands and parks and recreation  
32 facilities and equipment or interests in any lands, facilities, or  
33 equipment that they own, and the board of metropolitan park  
34 commissioners may accept such lands and equipment or interests in any  
35 lands, facilities, or equipment.

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

1 (1) A metropolitan park district governed under RCW 35.61.050(2)  
2 may contract with a nonprofit corporation or other public or private  
3 organization, including the city whose voters created the district, to  
4 manage or carry out any of its operations, except that no for-profit  
5 entity may have a contract for the overall management and operation of  
6 any parks and recreation facilities. No such contract for the overall  
7 management and operation of any park and recreation facility shall have  
8 an initial term or any renewal term longer than thirty years but may be  
9 renewed by the ex officio board of park commissioners upon the  
10 expiration of an initial or any renewal term. A metropolitan park  
11 district governed under RCW 35.61.050(2) may, however, grant and may  
12 authorize the managing and operating entity to grant to any nonprofit  
13 corporation or other public or private organization franchises or  
14 concessions that further the public use and enjoyment of parks and  
15 recreation facilities.

16 (2) Before approving each initial and any renewal contract with a  
17 nonprofit corporation for the overall management and operation of any  
18 parks and recreation facilities, the ex officio board of metropolitan  
19 park commissioners shall hold a public hearing on the proposed  
20 management and operation by such a nonprofit corporation. At least ten  
21 days prior to the hearing, there shall be published a public notice  
22 setting forth the date, time, and place of the hearing, at least once  
23 in a local newspaper of general circulation. Notice of the hearing  
24 shall also be mailed or otherwise delivered to all who would be  
25 entitled to notice of a special meeting of the board under RCW  
26 42.30.080. The notice shall identify the parks and recreation  
27 facilities involved and the nonprofit corporation proposed for  
28 management and operation under contract with the metropolitan park  
29 district. The terms and conditions under which the metropolitan park  
30 district proposes to contract with the nonprofit corporation for  
31 management and operation shall be available upon request from and after  
32 the date of publication of the hearing notice and at the hearing, but  
33 after the public hearing the board of metropolitan park commissioners  
34 may amend the proposed terms and conditions at open public meetings.

35 (3) A metropolitan park district governed under RCW 35.61.050(2)  
36 shall contract with the city whose voters created the district to carry  
37 out all of the metropolitan park district's management and operations  
38 except for the management and operation of parks and recreation  
39 facilities for which the metropolitan park district has a contract with

1 another public agency or a nonprofit corporation under subsection (1)  
2 or (2) of this section. The contract with the city may provide for its  
3 termination if the metropolitan park district commissioners approve a  
4 contract with another entity under subsection (1) or (2) of this  
5 section.

6 (4) The nonprofit corporation or other public organization with  
7 responsibility for overall management or operation of any parks and  
8 recreation facilities may in carrying out that responsibility manage  
9 and supervise employees of the metropolitan park district governed  
10 under RCW 35.61.050(2) and may hire, fire, and otherwise discipline  
11 those employees. A civil service established under RCW 35.61.140 may  
12 include such management and supervision by persons not employed by the  
13 metropolitan park district.

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

16 (1) Notwithstanding any provisions to the contrary contained in a  
17 city charter, and to the extent provided by the city under an  
18 appropriate legislative enactment, some or all employees of a  
19 metropolitan park district with an ex officio board of park  
20 commissioners may be included in the retirement plan of a city that  
21 shares territory with the metropolitan park district if they were  
22 previously employed by the city and were members of its retirement  
23 plan. The city and metropolitan park district are each authorized to  
24 pay the parts of the expense of operating and maintaining the  
25 retirement system and to contribute to the retirement fund on behalf of  
26 employees those sums as may be agreed upon between the legislative  
27 authorities of the city and the metropolitan park district, but a  
28 proportionate share of system expenses must be borne by or on behalf of  
29 the metropolitan park district employees.

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

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

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

3 The rate percent of all taxes for state and county purposes, and  
4 purposes of taxing districts coextensive with the county, shall be  
5 determined, calculated and fixed by the county assessors of the  
6 respective counties, within the limitations provided by law, upon the  
7 assessed valuation of the property of the county, as shown by the  
8 completed tax rolls of the county, and the rate percent of all taxes  
9 levied for purposes of taxing districts within any county shall be  
10 determined, calculated and fixed by the county assessors of the  
11 respective counties, within the limitations provided by law, upon the  
12 assessed valuation of the property of the taxing districts  
13 respectively.

14 When a county assessor finds that the aggregate rate of tax levy on  
15 any property, that is subject to the limitations set forth in RCW  
16 84.52.043 or 84.52.050, exceeds the limitations provided in either of  
17 these sections, the assessor shall recompute and establish a  
18 consolidated levy in the following manner:

19 (1) The full certified rates of tax levy for state, county, county  
20 road district, and city or town purposes shall be extended on the tax  
21 rolls in amounts not exceeding the limitations established by law;  
22 however any state levy shall take precedence over all other levies and  
23 shall not be reduced for any purpose other than that required by RCW  
24 84.55.010. If, as a result of the levies imposed under RCW 84.52.069,  
25 84.34.230, the portion of the levy by a metropolitan park district that  
26 was protected under RCW 84.52.120, and 84.52.105, the combined rate of  
27 regular property tax levies that are subject to the one percent  
28 limitation exceeds one percent of the true and fair value of any  
29 property, then these levies shall be reduced as follows: (a) The  
30 portion of the levy by a metropolitan park district that is protected  
31 under RCW 84.52.120 shall be reduced until the combined rate no longer  
32 exceeds one percent of the true and fair value of any property or shall  
33 be eliminated; (b) if the combined rate of regular property tax levies  
34 subject to the one percent limitation in a county containing a  
35 metropolitan park district governed under RCW 35.61.050(2) still  
36 exceeds one percent of the true and fair value of any property, then  
37 the remaining levy for that metropolitan park district shall be reduced  
38 until the combined rate no longer exceeds one percent or shall be  
39 eliminated; (c) if the combined rate of regular property tax levies

1 that are subject to the one percent limitation still exceeds one  
2 percent of the true and fair value of any property, then the levies  
3 imposed under RCW 84.34.230, 84.52.105, and any portion of the levy  
4 imposed under RCW 84.52.069 that is in excess of thirty cents per  
5 thousand dollars of assessed value, shall be reduced on a pro rata  
6 basis until the combined rate no longer exceeds one percent of the true  
7 and fair value of any property or shall be eliminated; and ~~((+e))~~ (d)  
8 if the combined rate of regular property tax levies that are subject to  
9 the one percent limitation still exceeds one percent of the true and  
10 fair value of any property, then the thirty cents per thousand dollars  
11 of assessed value of tax levy imposed under RCW 84.52.069 shall be  
12 reduced until the combined rate no longer exceeds one percent of the  
13 true and fair value of any property or eliminated.

14 (2) The certified rates of tax levy subject to these limitations by  
15 all junior taxing districts imposing taxes on such property shall be  
16 reduced or eliminated as follows to bring the consolidated levy of  
17 taxes on such property within the provisions of these limitations:

18 (a) First, the certified property tax levy rates of those junior  
19 taxing districts authorized under RCW 36.68.525, 36.69.145, and  
20 67.38.130 shall be reduced on a pro rata basis or eliminated;

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

24 (c) Third, if the consolidated tax levy rate still exceeds these  
25 limitations, the certified property tax levy rates of all other junior  
26 taxing districts, other than fire protection districts, library  
27 districts, the first fifty cent per thousand dollars of assessed  
28 valuation levies for metropolitan park districts, and the first fifty  
29 cent per thousand dollars of assessed valuation levies for public  
30 hospital districts, shall be reduced on a pro rata basis or eliminated;

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

35 (e) Fifth, if the consolidated tax levy rate still exceeds these  
36 limitations, the certified property tax levy rates authorized for fire  
37 protection districts under RCW 52.16.130, library districts,  
38 metropolitan park districts under their first fifty cent per thousand  
39 dollars of assessed valuation levy, and public hospital districts under

1 their first fifty cent per thousand dollars of assessed valuation levy,  
2 shall be reduced on a pro rata basis or eliminated.

3 In determining whether the aggregate rate of tax levy on any  
4 property, that is subject to the limitations set forth in RCW  
5 84.52.050, exceeds the limitations provided in that section, the  
6 assessor shall use the hypothetical state levy, as apportioned to the  
7 county under RCW 84.48.080, that was computed under RCW 84.48.080  
8 without regard to the reduction under RCW 84.55.012.

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

11 Notwithstanding any other provision of this chapter, but without  
12 eliminating or overriding the requirements for unanimous board action  
13 and consent under RCW 35.61.132, the voters of a metropolitan park  
14 district governed under RCW 35.61.050(2) have the power to initiate and  
15 refer to themselves legislation to prevent or authorize the disposition  
16 of specified real property of the district. The powers of initiative  
17 and referendum within this subject area shall be exercised in the same  
18 manner and with the same effect as permitted for the voters of the city  
19 with which the metropolitan park district shares its boundaries.

20 NEW SECTION. **Sec. 17.** A new section is added to chapter 35.61 RCW  
21 to read as follows:

22 Notwithstanding any other provision of this chapter, but without  
23 eliminating or overriding the requirements for unanimous board action  
24 and consent contained in RCW 35.61.132 for the disposition of property,  
25 the voters of a metropolitan park district governed under RCW  
26 35.61.050(2) shall have the power, within the scope of the functions of  
27 such a metropolitan park district, to initiate and refer to themselves  
28 legislation to the same extent and on the same matters as do the voters  
29 of the city with which the metropolitan park district shares its  
30 boundaries. These powers of initiative and referendum shall be  
31 exercised in the same manner and with the same effect as permitted for  
32 the voters of that city."

1 **SSB 5268** - S AMD

2 By Senators Kohl-Welles, Franklin, Kline, Patterson and Hale

3 ADOPTED 3/15/99

4 On page 1, line 1 of the title, after "districts;" strike the  
5 remainder of the title and insert "amending RCW 35.61.020, 35.61.030,  
6 35.61.050, 35.61.120, 35.61.130, 35.61.132, 35.61.150, 35.61.180,  
7 35.61.200, 35.61.250, 35.61.290, and 84.52.010; and adding new sections  
8 to chapter 35.61 RCW."

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