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HOUSE BILL 1313

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State of Washington                      59th Legislature                      2005 Regular Session

By Representatives O'Brien, Pearson and Darneille; by request of  
Parks and Recreation Commission

Read first time 01/20/2005.            Referred to Committee on Natural  
Resources, Ecology & Parks.

1            AN ACT Relating to a record check of the parks and recreation  
2 commission's job applicants, volunteers, and independent contractors;  
3 and reenacting and amending RCW 79A.05.030.

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

5            **Sec. 1.** RCW 79A.05.030 and 1999 c 249 s 302, 1999 c 155 s 1, and  
6 1999 c 59 s 1 are each reenacted and amended to read as follows:

7            The commission shall:

8            (1) Have the care, charge, control, and supervision of all parks  
9 and parkways acquired or set aside by the state for park or parkway  
10 purposes.

11            (2) Adopt policies, and adopt, issue, and enforce rules pertaining  
12 to the use, care, and administration of state parks and parkways. The  
13 commission shall cause a copy of the rules to be kept posted in a  
14 conspicuous place in every state park to which they are applicable, but  
15 failure to post or keep any rule posted shall be no defense to any  
16 prosecution for the violation thereof.

17            (3) Permit the use of state parks and parkways by the public under  
18 such rules as shall be adopted.

1 (4) Clear, drain, grade, seed, and otherwise improve or beautify  
2 parks and parkways, and erect structures, buildings, fireplaces, and  
3 comfort stations and build and maintain paths, trails, and roadways  
4 through or on parks and parkways.

5 (5) Grant concessions or leases in state parks and parkways, upon  
6 such rentals, fees, or percentage of income or profits and for such  
7 terms, in no event longer than fifty years, and upon such conditions as  
8 shall be approved by the commission: PROVIDED, That leases exceeding  
9 a twenty-year term shall require a unanimous vote of the commission:  
10 PROVIDED FURTHER, That if, during the term of any concession or lease,  
11 it is the opinion of the commission that it would be in the best  
12 interest of the state, the commission may, with the consent of the  
13 concessionaire or lessee, alter and amend the terms and conditions of  
14 such concession or lease: PROVIDED FURTHER, That television station  
15 leases shall be subject to the provisions of RCW 79A.05.085, only:  
16 PROVIDED FURTHER, That the rates of such concessions or leases shall be  
17 renegotiated at five-year intervals. No concession shall be granted  
18 which will prevent the public from having free access to the scenic  
19 attractions of any park or parkway.

20 (6) Employ such assistance as it deems necessary. Commission  
21 expenses relating to its use of volunteer assistance shall be limited  
22 to premiums or assessments for the insurance of volunteers by the  
23 department of labor and industries, compensation of staff who assist  
24 volunteers, materials and equipment used in authorized volunteer  
25 projects, training, reimbursement of volunteer travel as provided in  
26 RCW 43.03.050 and 43.03.060, and other reasonable expenses relating to  
27 volunteer recognition. The commission, at its discretion, may waive  
28 commission fees otherwise applicable to volunteers. The commission  
29 shall not use volunteers to replace or supplant classified positions.  
30 The use of volunteers may not lead to the elimination of any employees  
31 or permanent positions in the bargaining unit.

32 (7) By majority vote of its authorized membership select and  
33 purchase or obtain options upon, lease, or otherwise acquire for and in  
34 the name of the state such tracts of land, including shore and tide  
35 lands, for park and parkway purposes as it deems proper. If the  
36 commission cannot acquire any tract at a price it deems reasonable, it  
37 may, by majority vote of its authorized membership, obtain title  
38 thereto, or any part thereof, by condemnation proceedings conducted by

1 the attorney general as provided for the condemnation of rights of way  
2 for state highways. Option agreements executed under authority of this  
3 subsection shall be valid only if:

4 (a) The cost of the option agreement does not exceed one dollar;  
5 and

6 (b) Moneys used for the purchase of the option agreement are from  
7 (i) funds appropriated therefor, or (ii) funds appropriated for  
8 undesignated land acquisitions, or (iii) funds deemed by the commission  
9 to be in excess of the amount necessary for the purposes for which they  
10 were appropriated; and

11 (c) The maximum amount payable for the property upon exercise of  
12 the option does not exceed the appraised value of the property.

13 (8) Cooperate with the United States, or any county or city of this  
14 state, in any matter pertaining to the acquisition, development,  
15 redevelopment, renovation, care, control, or supervision of any park or  
16 parkway, and enter into contracts in writing to that end. All parks or  
17 parkways, to which the state contributed or in whose care, control, or  
18 supervision the state participated pursuant to the provisions of this  
19 section, shall be governed by the provisions hereof.

20 (9) Adopt rules that may require a criminal history record  
21 information search and fingerprinting for the following: Job  
22 applicants, volunteers, and independent contractors who have  
23 unsupervised access to children or vulnerable adults, or who will be  
24 responsible for collecting or disbursing cash or processing  
25 credit/debit card transactions. These background checks will be done  
26 through the Washington state patrol criminal identification system and  
27 may include the federal bureau of investigation. A permanent employee  
28 of the commission, employed as of the effective date of this section,  
29 is exempt from the provisions of this subsection.

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