

SHB 1883 - H AMD 146

By Representative Morris

ADOPTED 03/09/2009

1 Strike everything after the enacting clause and insert the
2 following:

3 "Sec. 1. RCW 35.61.010 and 2002 c 88 s 1 are each amended to read
4 as follows:

5 (1) A metropolitan park district may be created for the management,
6 control, improvement, maintenance, and acquisition of parks, parkways,
7 boulevards, and recreational facilities. A metropolitan park district
8 may include territory located in portions or all of one or more cities
9 or counties, or one or more cities and counties, when created or
10 enlarged as provided in this chapter.

11 (2) Except for a metropolitan park district created within the
12 corporate boundaries of a single city, a metropolitan park district may
13 only be created within a county subject to the jurisdiction of a
14 boundary review board.

15 (3) The creation of a metropolitan park district must comply with
16 all applicable goals and requirements of chapter 43.21C RCW. All
17 expenses incurred related to compliance with chapter 43.21C RCW must be
18 borne by the initiator of the metropolitan park district proposal.

19 (4) The creation of a metropolitan park district must be consistent
20 with all goals and requirements of chapter 36.93 RCW. All expenses
21 incurred related to compliance with chapter 36.93 RCW must be borne by
22 the initiator of the metropolitan park district proposal.

23 **Sec. 2.** RCW 35.61.020 and 2002 c 88 s 2 are each amended to read
24 as follows:

25 (1)(a) When proposed by citizen petition or by local government
26 resolution as provided in this section, a ballot proposition
27 authorizing the creation of a metropolitan park district shall be
28 submitted by resolution to the voters of the area proposed to be

1 included in the district at any general election, or at any special
2 election which may be called for that purpose.

3 (b) If the proposed metropolitan park district includes territory
4 in more than one county, a separate ballot proposition authorizing the
5 metropolitan park district must be submitted to the applicable voters
6 in each county. To be considered approved, the creation of a proposed
7 metropolitan park district must receive a majority of affirmative votes
8 in each county, with the results of each county tabulated separately
9 from the other impacted county or counties. The requirements of this
10 subsection (1)(b) do not apply to the creation of a metropolitan park
11 district located entirely within the corporate boundaries of a single
12 city.

13 (2) The ballot proposition shall be submitted if the governing body
14 of each city in which all or a portion of the proposed district is
15 located, and the legislative authority of each county in which all or
16 a portion of the proposed district is located within the unincorporated
17 portion of the county, each separately adopts a resolution submitting
18 the proposition to create a metropolitan park district.

19 (3)(a) As an alternative to the method provided under subsection
20 (2) of this section, the ballot proposition shall be submitted, except
21 as provided in section 3 of this act, if a petition proposing creation
22 of a metropolitan park district is separately submitted to the county
23 auditor of each county in which all or a portion of the proposed
24 district is located (~~(that is)~~). Except as provided in (b) of this
25 subsection, the petition must be signed by at least fifteen percent of
26 the registered voters residing in the area of each county to be
27 included within the proposed district. ((Where the petition is for
28 creation of a district in more than one county, the petition shall be
29 filed with the county auditor of the county having the greater area of
30 the proposed district, and a copy filed with each other county auditor
31 of the other counties covering the proposed district.))

32 (b) A petition proposing the creation of a metropolitan park
33 district to be located entirely within the corporate boundaries of a
34 single city must be signed by at least fifteen percent of the
35 registered voters residing in the area to be included within the
36 proposed district.

37 (4) All petitions prepared under this section must be consistent
38 with RCW 35.21.005 and Title 29A RCW.

1 metropolitan park district is located in a county without a boundary
2 review board, then that county must form a boundary review board under
3 chapter 36.93 RCW in order to conduct the requisite review.

4 (3) If a metropolitan park district includes territory in more than
5 one county, or when the creation, annexation, dissolution, or
6 disincorporation of a metropolitan park district affects land in more
7 than one county, all actions subject to review by a boundary review
8 board must be reviewed separately by the boundary review board of each
9 affected county. The decision of each separate boundary review board
10 applies only to the portions of the metropolitan park district located
11 within that county's borders.

12 (4) The requirements of subsections (2) and (3) of this section do
13 not apply to proposed or existing metropolitan park districts located
14 entirely within the corporate boundaries of a single city.

15 **Sec. 5.** RCW 35.61.130 and 2006 c 222 s 1 are each amended to read
16 as follows:

17 (1)(a) Except for metropolitan park districts initiated by a
18 citizens petition under RCW 35.61.020(3)(a) after the effective date of
19 this section, a metropolitan park district has the right of eminent
20 domain, and may purchase, acquire and condemn lands lying within or
21 without the boundaries of said park district, for public parks,
22 parkways, boulevards, aviation landings and playgrounds, and may
23 condemn such lands to widen, alter and extend streets, avenues,
24 boulevards, parkways, aviation landings and playgrounds, to enlarge and
25 extend existing parks, and to acquire lands for the establishment of
26 new parks, boulevards, parkways, aviation landings and playgrounds.
27 The right of eminent domain shall be exercised and instituted pursuant
28 to resolution of the board of metropolitan park commissioners and
29 conducted in the same manner and under the same procedure as is or may
30 be provided by law for the exercise of the power of eminent domain by
31 incorporated cities and towns of the state of Washington in the
32 acquisition of property rights(~~(+ PROVIDED, HOWEVER)~~). However, funds
33 to pay for condemnation allowed by this section shall be raised only as
34 specified in this chapter.

35 (b) Metropolitan park districts initiated by a citizens petition
36 under RCW 35.61.020(3)(a) after the effective date of this section do
37 not have the right of eminent domain.

1 (2)(a) The board of metropolitan park commissioners shall have
2 power to employ counsel, and to regulate, manage and control the parks,
3 parkways, boulevards, streets, avenues, aviation landings and
4 playgrounds under its control, and to provide for park police, for a
5 secretary of the board of metropolitan park commissioners and for all
6 necessary employees, to fix their salaries and duties.

7 (b) The authority of the board of metropolitan park commissioners
8 does not supersede, replace, or conflict with the authority of any
9 other taxing district.

10 (3) The board of metropolitan park commissioners shall have power
11 to improve, acquire, extend and maintain, open and lay out, parks,
12 parkways, boulevards, avenues, aviation landings and playgrounds,
13 within or without the park district, and to authorize, conduct and
14 manage the letting of boats, or other amusement apparatus, the
15 operation of bath houses, the purchase and sale of foodstuffs or other
16 merchandise, the giving of vocal or instrumental concerts or other
17 entertainments, the establishment and maintenance of aviation landings
18 and playgrounds, and generally the management and conduct of such forms
19 of recreation or business as it shall judge desirable or beneficial for
20 the public, or for the production of revenue for expenditure for park
21 purposes; and may pay out moneys for the maintenance and improvement of
22 any such parks, parkways, boulevards, avenues, aviation landings and
23 playgrounds as now exist, or may hereafter be acquired, within or
24 without the limits of said city and for the purchase of lands within or
25 without the limits of said city, whenever it deems the purchase to be
26 for the benefit of the public and for the interest of the park
27 district, and for the maintenance and improvement thereof and for all
28 expenses incidental to its duties: PROVIDED, That all parks,
29 boulevards, parkways, aviation landings and playgrounds shall be
30 subject to the police regulations of the city within whose limits they
31 lie.

32 (4) For all employees, volunteers, or independent contractors, who
33 may, in the course of their work or volunteer activity with the park
34 district, have unsupervised access to children or vulnerable adults, or
35 be responsible for collecting or disbursing cash or processing
36 credit/debit card transactions, park districts shall establish by
37 resolution the requirements for a record check through the Washington
38 state patrol criminal identification system under RCW 43.43.830 through

1 43.43.834, 10.97.030, and 10.97.050 and through the federal bureau of
2 investigation, including a fingerprint check using a complete
3 Washington state criminal identification fingerprint card. The park
4 district shall provide a copy of the record report to the employee,
5 volunteer, or independent contractor. When necessary, as determined by
6 the park district, prospective employees, volunteers, or independent
7 contractors may be employed on a conditional basis pending completion
8 of the investigation. If the prospective employee, volunteer, or
9 independent contractor has had a record check within the previous
10 twelve months, the park district may waive the requirement upon
11 receiving a copy of the record. The park district may in its
12 discretion require that the prospective employee, volunteer, or
13 independent contractor pay the costs associated with the record check."

14 Correct the title.

EFFECT: Exempts proposed or existing metropolitan park districts located entirely within the corporate boundaries of a single city from the provisions of the act explicitly regulating metropolitan park districts with territory located in more than one county.

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