
SUBSTITUTE HOUSE BILL 2667

State of Washington **64th Legislature** **2016 Regular Session**

By House Environment (originally sponsored by Representatives Farrell, Holy, Pollet, Shea, Nealey, Walsh, Scott, Kagi, Senn, Johnson, and Short)

READ FIRST TIME 02/03/16.

1 AN ACT Relating to concerning administrative processes of the
2 state parks and recreation commission that require a majority vote of
3 the commission; amending RCW 79A.05.025 and 79A.05.175; and
4 reenacting and amending RCW 79A.05.030.

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

6 **Sec. 1.** RCW 79A.05.025 and 1999 c 249 s 202 are each amended to
7 read as follows:

8 The commission shall elect one of its members as chair. The
9 commission may be convened at such times as the chair deems
10 necessary, and ((a-majority)) four members shall constitute a quorum
11 for the transaction of business. The affirmative vote of at least
12 four members of the commission is required to pass any proposition
13 before the commission unless the commission, by rule, requires the
14 affirmative vote of greater than four members.

15 **Sec. 2.** RCW 79A.05.030 and 2005 c 373 s 1 and 2005 c 360 s 5 are
16 each reenacted and amended to read as follows:

17 The commission shall:

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

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

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

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

13 (5) Grant concessions or leases in state parks and parkways~~((7))~~
14 upon such rentals, fees, or percentage of income or profits and for
15 such terms, in no event longer than ~~((fifty))~~ eighty years, and upon
16 such conditions as shall be approved by the commission~~((: PROVIDED,~~
17 ~~That))~~.

18 (a) Leases exceeding a twenty-year term, or the amendment or
19 modification of these leases, shall require a ~~((unanimous vote of the~~
20 ~~commission: PROVIDED FURTHER, That if, during the term of any~~
21 ~~concession or lease, it is the opinion of the commission that it~~
22 ~~would be in the best interest of the state, the commission may, with~~
23 ~~the consent of the concessionaire or lessee, alter and amend the~~
24 ~~terms and conditions of such concession or lease: PROVIDED FURTHER,~~
25 ~~That))~~ majority vote by its authorized membership following an
26 opportunity for public review and comment on potential environmental
27 impacts of any lease subject to review under chapter 43.21C RCW.

28 (b) Television station leases shall be subject to the provisions
29 of RCW 79A.05.085~~((, only: PROVIDED FURTHER, That))~~.

30 (c) The rates of ~~((such))~~ concessions or leases shall be
31 ~~((renegotiated at five-year intervals. No concession shall be granted~~
32 ~~which will prevent the public from having))~~ reviewed at least every
33 five years and, at the discretion of the commission, modified to
34 reflect changes in market conditions.

35 (d) Prior to granting any concession, the commission shall
36 consider the likely substantial effects of concession operations on
37 management of the entire park, wildlife and natural habitat, and on
38 the community in which the park is located, as well as on potential
39 displacement of existing park users. For a concession that the
40 commission judges to have likely substantial effects under this

1 subsection (5)(d), the commission must provide an opportunity for
2 public review and comment prior to granting the concession.

3 (e) Every concession granted must include provisions to ensure:

4 (i) The public retains free access to the scenic attractions of
5 any park or parkway; and

6 (ii) The concessionaire operates consistently with rules and
7 commission policies on real estate management, natural resources
8 management, cultural resources management, and environmental
9 protection.

10 (6) Employ such assistance as it deems necessary. Commission
11 expenses relating to its use of volunteer assistance shall be limited
12 to premiums or assessments for the insurance of volunteers by the
13 department of labor and industries, compensation of staff who assist
14 volunteers, materials and equipment used in authorized volunteer
15 projects, training, reimbursement of volunteer travel as provided in
16 RCW 43.03.050 and 43.03.060, and other reasonable expenses relating
17 to volunteer recognition. The commission, at its discretion, may
18 waive commission fees otherwise applicable to volunteers. The
19 commission shall not use volunteers to replace or supplant classified
20 positions. The use of volunteers may not lead to the elimination of
21 any employees or permanent positions in the bargaining unit.

22 (7) By majority vote of its authorized membership select and
23 purchase or obtain options upon, lease, or otherwise acquire for and
24 in the name of the state such tracts of land, including shore and
25 tide lands, for park and parkway purposes as it deems proper. If the
26 commission cannot acquire any tract at a price it deems reasonable,
27 it may, by majority vote of its authorized membership, obtain title
28 thereto, or any part thereof, by condemnation proceedings conducted
29 by the attorney general as provided for the condemnation of rights-
30 of-way for state highways. Option agreements executed under authority
31 of this subsection shall be valid only if:

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

34 (b) Moneys used for the purchase of the option agreement are from
35 (i) funds appropriated therefor, or (ii) funds appropriated for
36 undesignated land acquisitions, or (iii) funds deemed by the
37 commission to be in excess of the amount necessary for the purposes
38 for which they were appropriated; and

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

1 (8) Cooperate with the United States, or any county or city of
2 this state, in any matter pertaining to the acquisition, development,
3 redevelopment, renovation, care, control, or supervision of any park
4 or parkway, and enter into contracts in writing to that end. All
5 parks or parkways, to which the state contributed or in whose care,
6 control, or supervision the state participated pursuant to the
7 provisions of this section, shall be governed by the provisions
8 hereof.

9 (9) Within allowable resources, maintain policies that increase
10 the number of people who have access to free or low-cost recreational
11 opportunities for physical activity, including noncompetitive
12 physical activity.

13 (10) Adopt rules establishing the requirements for a criminal
14 history record information search for the following: Job applicants,
15 volunteers, and independent contractors who have unsupervised access
16 to children or vulnerable adults, or who will be responsible for
17 collecting or disbursing cash or processing credit/debit card
18 transactions. These background checks will be done through the
19 Washington state patrol criminal identification section and may
20 include a national check from the federal bureau of investigation,
21 which shall be through the submission of fingerprints. A permanent
22 employee of the commission, employed as of July 24, 2005, is exempt
23 from the provisions of this subsection.

24 **Sec. 3.** RCW 79A.05.175 and 2007 c 145 s 1 are each amended to
25 read as follows:

26 Whenever the commission finds that any land under its control
27 cannot advantageously be used for park purposes, it is authorized to
28 dispose of such land by the method provided in this section or by the
29 method provided in RCW 79A.05.170. If such lands are school or other
30 grant lands, control thereof shall be relinquished by resolution of
31 the commission to the proper state officials. If such lands were
32 acquired under restrictive conveyances by which the state may hold
33 them only so long as they are used for park purposes, they may be
34 returned to the donor or grantors by the commission. All other such
35 lands may be either sold by the commission to the highest bidder or
36 exchanged for other lands of equal value by the commission, and all
37 conveyance documents shall be executed by the governor. All such
38 exchanges shall be accompanied by a transfer fee, to be set by the
39 commission and paid by the other party to the transfer; such fee

1 shall be paid into the parkland acquisition account established under
2 RCW 79A.05.170. The commission may accept sealed bids, electronic
3 bids, or oral bids at auction. Bids on all sales shall be solicited
4 at least twenty days in advance of the sale date by an advertisement
5 appearing at least once a week for two consecutive weeks in a
6 newspaper of general circulation in the county in which the land to
7 be sold is located. If the commission feels that no bid received
8 adequately reflects the fair value of the land to be sold, it may
9 reject all bids, and may call for new bids. All proceeds derived from
10 the sale of such park property shall be paid into the park land
11 acquisition account. All land considered for exchange shall be
12 evaluated by the commission to determine its adaptability to park
13 usage. The equal value of all lands exchanged shall first be
14 determined by the appraisals to the satisfaction of the commission.
15 (~~No sale or exchange of state park lands shall be made without the~~
16 ~~unanimous consent of the commission.~~)

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