
HOUSE BILL 2445

State of Washington

68th Legislature

2024 Regular Session

By Representatives Ryu and Tharinger

Read first time 01/22/24. Referred to Committee on Innovation, Community & Economic Development, & Veterans.

1 AN ACT Relating to leasing authority of the state parks and
2 recreation commission; and amending RCW 79A.05.025 and 79A.05.030.

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

4 **Sec. 1.** RCW 79A.05.025 and 2020 c 123 s 1 are each amended to
5 read as follows:

6 (1) The commission shall elect one of its members as chair. The
7 commission may be convened at such times as the chair deems
8 necessary, and a majority shall constitute a quorum for the
9 transaction of business.

10 (2) ~~((a) Except as provided in (b) of this subsection, the)~~ The
11 lease of parkland or property for a period exceeding ~~((twenty))~~ 20
12 years requires the affirmative vote of at least five members of the
13 commission.

14 ~~((b) With the affirmative vote of at least five members of the~~
15 ~~commission, the commission may enter into a lease for up to sixty-two~~
16 ~~years for property at Saint Edward state park. The commission may~~
17 ~~only enter into a lease under the provisions of this subsection~~
18 ~~(2)(b) if the commission finds that the department of commerce study~~
19 ~~required by section 3, chapter 103, Laws of 2016 fails to identify an~~
20 ~~economically viable public or nonprofit use for the property that is~~
21 ~~consistent with the state parks and recreation commission's mission~~

1 ~~and could proceed on a reasonable timeline. The lease at Saint Edward~~
2 ~~state park may only include the following:~~

- 3 ~~(i) The main seminary building;~~
- 4 ~~(ii) The pool building;~~
- 5 ~~(iii) The gymnasium;~~
- 6 ~~(iv) The parking lot located in between locations identified in~~
7 ~~(b)(i), (ii), and (iii) of this subsection;~~
- 8 ~~(v) The parking lot immediately north of the gymnasium; and~~
- 9 ~~(vi) Associated property immediately adjacent to the areas listed~~
10 ~~in (b)(i) through (v) of this subsection.)~~

11 **Sec. 2.** RCW 79A.05.030 and 2020 c 123 s 2 are each amended to
12 read as follows:

13 The commission shall:

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

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

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

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

29 (5) Grant concessions or leases in state parks and parkways upon
30 such rentals, fees, or percentage of income or profits and for such
31 terms, in no event longer than ~~((eighty))~~ 80 years ~~((, except for a~~
32 ~~lease associated with land or property described in RCW~~
33 ~~79A.05.025(2)(b) which may not exceed sixty-two years,))~~ and upon
34 such conditions as shall be approved by the commission.

35 (a) Leases exceeding a ~~((twenty-year))~~ 20-year term, or the
36 amendment or modification of these leases, shall require a vote
37 consistent with RCW 79A.05.025(2).

38 (b) If, during the term of any concession or lease, it is the
39 opinion of the commission that it would be in the best interest of

1 the state, the commission may, with the consent of the concessionaire
2 or lessee, alter and amend the terms and conditions of such
3 concession or lease.

4 (c) Television station leases shall be subject to the provisions
5 of RCW 79A.05.085.

6 (d) The rates of concessions or leases shall be renegotiated at
7 five-year intervals. No concession shall be granted which will
8 prevent the public from having free access to the scenic attractions
9 of any park or parkway.

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.

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