
ENGROSSED SUBSTITUTE HOUSE BILL 1883

State of Washington

61st Legislature

2009 Regular Session

By House Local Government & Housing (originally sponsored by Representatives Morris and Quall)

READ FIRST TIME 02/20/09.

1 AN ACT Relating to creating regulatory restrictions applicable to
2 metropolitan park districts; amending RCW 35.61.010, 35.61.020,
3 35.61.001, and 35.61.130; and adding a new section to chapter 35.61
4 RCW.

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

6 **Sec. 1.** RCW 35.61.010 and 2002 c 88 s 1 are each amended to read
7 as follows:

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

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

18 (3) The creation of a metropolitan park district must comply with

1 all applicable goals and requirements of chapter 43.21C RCW. All
2 expenses incurred related to compliance with chapter 43.21C RCW must be
3 borne by the initiator of the metropolitan park district proposal.

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

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

10 (1)(a) When proposed by citizen petition or by local government
11 resolution as provided in this section, a ballot proposition
12 authorizing the creation of a metropolitan park district shall be
13 submitted by resolution to the voters of the area proposed to be
14 included in the district at any general election, or at any special
15 election which may be called for that purpose.

16 (b) If the proposed metropolitan park district includes territory
17 in more than one county, a separate ballot proposition authorizing the
18 metropolitan park district must be submitted to the applicable voters
19 in each county. To be considered approved, the creation of a proposed
20 metropolitan park district must receive a majority of affirmative votes
21 in each county, with the results of each county tabulated separately
22 from the other impacted county or counties. The requirements of this
23 subsection (1)(b) do not apply to the creation of a metropolitan park
24 district located entirely within the corporate boundaries of a single
25 city.

26 (2) The ballot proposition shall be submitted if the governing body
27 of each city in which all or a portion of the proposed district is
28 located, and the legislative authority of each county in which all or
29 a portion of the proposed district is located within the unincorporated
30 portion of the county, each separately adopts a resolution submitting
31 the proposition to create a metropolitan park district.

32 (3)(a) As an alternative to the method provided under subsection
33 (2) of this section, the ballot proposition shall be submitted, except
34 as provided in section 3 of this act, if a petition proposing creation
35 of a metropolitan park district is separately submitted to the county
36 auditor of each county in which all or a portion of the proposed
37 district is located (~~that is~~). Except as provided in (b) of this

1 subsection, the petition must be signed by at least fifteen percent of
2 the registered voters residing in the area of each county to be
3 included within the proposed district. (~~Where the petition is for~~
4 ~~creation of a district in more than one county, the petition shall be~~
5 ~~filed with the county auditor of the county having the greater area of~~
6 ~~the proposed district, and a copy filed with each other county auditor~~
7 ~~of the other counties covering the proposed district.~~)

8 (b) A petition proposing the creation of a metropolitan park
9 district to be located entirely within the corporate boundaries of a
10 single city must be signed by at least fifteen percent of the
11 registered voters residing in the area to be included within the
12 proposed district.

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

15 (5) Territory by virtue of its annexation to any city whose
16 territory lies entirely within a park district shall be deemed to be
17 within the limits of the metropolitan park district. Such an extension
18 of a park district's boundaries shall not be subject to review by a
19 boundary review board independent of the board's review of the city
20 annexation of territory.

21 NEW SECTION. Sec. 3. A new section is added to chapter 35.61 RCW
22 to read as follows:

23 A proposal to create a metropolitan park district that is initiated
24 by a citizens petition under RCW 35.61.020(3) that contains at least
25 seventy-five percent of the same territory of a previously failed
26 proposal may not be submitted for a vote within five years of the date
27 of the last action of the previously failed proposal if the earlier
28 proposal failed due to:

29 (1) Not garnering separately the required number of signatures
30 within each county of a proposed metropolitan park district's
31 boundaries on a petition;

32 (2) Rejection, denial, or nonapproval of the proposed district by
33 the boundary review boards of the respective county or counties; or

34 (3) Nonapproval by an election held in accordance with this chapter
35 and Title 29A RCW.

1 **Sec. 4.** RCW 35.61.001 and 1989 c 84 s 31 are each amended to read
2 as follows:

3 (1) The creation of a metropolitan park district whose boundaries
4 are located either within a single county or within the corporate
5 boundaries of a single city, and an annexation by, or dissolution or
6 disincorporation of, a metropolitan park district may be subject to
7 potential review by a boundary review board under chapter 36.93 RCW.

8 (2) The proposed creation of a metropolitan park district with
9 territory in more than one county must undergo boundary review board
10 review under chapter 36.93 RCW. The review required under this
11 subsection (2) requires that the inclusion of each such territory in a
12 multicounty metropolitan park district be subject to separate review by
13 a boundary review board having jurisdiction over that individual
14 territory. If one of the territories proposed for inclusion in the
15 metropolitan park district is located in a county without a boundary
16 review board, then that county must form a boundary review board under
17 chapter 36.93 RCW in order to conduct the requisite review.

18 (3) If a metropolitan park district includes territory in more than
19 one county, or when the creation, annexation, dissolution, or
20 disincorporation of a metropolitan park district affects land in more
21 than one county, all actions subject to review by a boundary review
22 board must be reviewed separately by the boundary review board of each
23 affected county. The decision of each separate boundary review board
24 applies only to the portions of the metropolitan park district located
25 within that county's borders.

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

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

31 (1)(a) Except for metropolitan park districts initiated by a
32 citizens petition under RCW 35.61.020(3)(a) after the effective date of
33 this section, a metropolitan park district has the right of eminent
34 domain, and may purchase, acquire and condemn lands lying within or
35 without the boundaries of said park district, for public parks,
36 parkways, boulevards, aviation landings and playgrounds, and may
37 condemn such lands to widen, alter and extend streets, avenues,

1 boulevards, parkways, aviation landings and playgrounds, to enlarge and
2 extend existing parks, and to acquire lands for the establishment of
3 new parks, boulevards, parkways, aviation landings and playgrounds.
4 The right of eminent domain shall be exercised and instituted pursuant
5 to resolution of the board of metropolitan park commissioners and
6 conducted in the same manner and under the same procedure as is or may
7 be provided by law for the exercise of the power of eminent domain by
8 incorporated cities and towns of the state of Washington in the
9 acquisition of property rights(~~(: PROVIDED, HOWEVER)~~). However, funds
10 to pay for condemnation allowed by this section shall be raised only as
11 specified in this chapter.

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

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

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

24 (3) The board of metropolitan park commissioners shall have power
25 to improve, acquire, extend and maintain, open and lay out, parks,
26 parkways, boulevards, avenues, aviation landings and playgrounds,
27 within or without the park district, and to authorize, conduct and
28 manage the letting of boats, or other amusement apparatus, the
29 operation of bath houses, the purchase and sale of foodstuffs or other
30 merchandise, the giving of vocal or instrumental concerts or other
31 entertainments, the establishment and maintenance of aviation landings
32 and playgrounds, and generally the management and conduct of such forms
33 of recreation or business as it shall judge desirable or beneficial for
34 the public, or for the production of revenue for expenditure for park
35 purposes; and may pay out moneys for the maintenance and improvement of
36 any such parks, parkways, boulevards, avenues, aviation landings and
37 playgrounds as now exist, or may hereafter be acquired, within or
38 without the limits of said city and for the purchase of lands within or

1 without the limits of said city, whenever it deems the purchase to be
2 for the benefit of the public and for the interest of the park
3 district, and for the maintenance and improvement thereof and for all
4 expenses incidental to its duties: PROVIDED, That all parks,
5 boulevards, parkways, aviation landings and playgrounds shall be
6 subject to the police regulations of the city within whose limits they
7 lie.

8 (4) For all employees, volunteers, or independent contractors, who
9 may, in the course of their work or volunteer activity with the park
10 district, have unsupervised access to children or vulnerable adults, or
11 be responsible for collecting or disbursing cash or processing
12 credit/debit card transactions, park districts shall establish by
13 resolution the requirements for a record check through the Washington
14 state patrol criminal identification system under RCW 43.43.830 through
15 43.43.834, 10.97.030, and 10.97.050 and through the federal bureau of
16 investigation, including a fingerprint check using a complete
17 Washington state criminal identification fingerprint card. The park
18 district shall provide a copy of the record report to the employee,
19 volunteer, or independent contractor. When necessary, as determined by
20 the park district, prospective employees, volunteers, or independent
21 contractors may be employed on a conditional basis pending completion
22 of the investigation. If the prospective employee, volunteer, or
23 independent contractor has had a record check within the previous
24 twelve months, the park district may waive the requirement upon
25 receiving a copy of the record. The park district may in its
26 discretion require that the prospective employee, volunteer, or
27 independent contractor pay the costs associated with the record check.

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