

CERTIFICATION OF ENROLLMENT

ENGROSSED SECOND SUBSTITUTE HOUSE BILL 2667

Chapter 103, Laws of 2016

64th Legislature
2016 Regular Session

PARKS AND RECREATION COMMISSION--LEASES OF PARK LAND--SAINT EDWARD
STATE PARK

EFFECTIVE DATE: 6/9/2016

Passed by the House March 8, 2016
Yeas 93 Nays 3

FRANK CHOPP

Speaker of the House of Representatives

Passed by the Senate March 10, 2016
Yeas 45 Nays 4

BRAD OWEN

President of the Senate

Approved March 31, 2016 11:15 AM

JAY INSLEE

Governor of the State of Washington

CERTIFICATE

I, Barbara Baker, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **ENGROSSED SECOND SUBSTITUTE HOUSE BILL 2667** as passed by House of Representatives and the Senate on the dates hereon set forth.

BARBARA BAKER

Chief Clerk

FILED

April 1, 2016

**Secretary of State
State of Washington**

ENGROSSED SECOND SUBSTITUTE HOUSE BILL 2667

Passed Legislature - 2016 Regular Session

State of Washington

64th Legislature

2016 Regular Session

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

READ FIRST TIME 02/09/16.

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; reenacting and amending RCW
4 79A.05.030; and creating a new section.

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 (1) 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 shall constitute a quorum for the
11 transaction of business.

12 (2)(a) Except as provided in (b) of this subsection, the lease of
13 park land or property for a period exceeding twenty years requires
14 the unanimous consent of the commission.

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

1 with the state parks and recreation commission's mission and could
2 proceed on a reasonable timeline. The lease at Saint Edward state
3 park may only include the following:

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

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

14 The commission shall:

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

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

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

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

30 (5) Grant concessions or leases in state parks and parkways(~~(7)~~)
31 upon such rentals, fees, or percentage of income or profits and for
32 such terms, in no event longer than fifty years, except for a lease
33 associated with land or property described in RCW 79A.05.025(2)(b)
34 which may not exceed sixty-two years, and upon such conditions as
35 shall be approved by the commission(~~(7-PROVIDED, That)~~).

36 (a) Leases exceeding a twenty-year term, or the amendment or
37 modification of these leases, shall require a ((unanimous vote of the
38 commission: PROVIDED FURTHER, That)) vote consistent with RCW
39 79A.05.025(2).

1 **(b)** If, during the term of any concession or lease, it is the
2 opinion of the commission that it would be in the best interest of
3 the state, the commission may, with the consent of the concessionaire
4 or lessee, alter and amend the terms and conditions of such
5 concession or lease(~~(; PROVIDED FURTHER, That)~~).

6 **(c)** Television station leases shall be subject to the provisions
7 of RCW 79A.05.085(~~(, only; PROVIDED FURTHER, That)~~).

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

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

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

34 **(a)** The cost of the option agreement does not exceed one dollar;
35 and

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

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

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

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

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

26 NEW SECTION. **Sec. 3.** (1) The department of commerce, in
27 consultation with the state parks and recreation commission, shall
28 conduct a study on the economic feasibility of potential public or
29 nonprofit uses of the seminary building at Saint Edward state park.
30 The study must consider:

31 (a) Existing cost estimates for building renovation;

32 (b) Maintenance costs;

33 (c) Traffic implications of potential uses;

34 (d) Potential limitations in uses imposed by the United States
35 national park service as a result of land water and conservation
36 funding and land use codes; and

37 (e) Data developed by the state parks and recreation commission,
38 the city of Kenmore, and independent third parties that have
39 previously studied potential uses of the building.

1 (2) The study must be submitted to the state parks and recreation
2 commission, the governor's office, and the appropriate fiscal and
3 policy committees of the legislature by July 31, 2016. The department
4 of commerce may contract out for the study.

Passed by the House March 8, 2016.

Passed by the Senate March 10, 2016.

Approved by the Governor March 31, 2016.

Filed in Office of Secretary of State April 1, 2016.

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