

2 **SHB 2557** - S COMM AMD

3 By Committee on Natural Resources, Parks & Shorelines

4 ADOPTED 03/02/02

5 Strike everything after the enacting clause and insert the
6 following:

7 "Sec. 1. RCW 35.61.010 and 1994 c 81 s 60 are each amended to read
8 as follows:

9 ~~((Cities of five thousand or more population and such contiguous
10 property the residents of which may decide in favor thereof in the
11 manner set forth in this chapter may create))~~ A metropolitan park
12 district may be created for the management, control, improvement,
13 maintenance, and acquisition of parks, parkways, ~~((and))~~ boulevards,
14 and recreational facilities. A metropolitan park district may include
15 territory located in portions or all of one or more cities or counties,
16 or one or more cities and counties, when created or enlarged as
17 provided in this chapter.

18 **Sec. 2.** RCW 35.61.020 and 1965 c 7 s 35.61.020 are each amended to
19 read as follows:

20 (1) When proposed by citizen petition or by local government
21 resolution as provided in this section, a ballot proposition
22 authorizing the creation of a metropolitan park district shall be
23 submitted by resolution to the voters of the area proposed to be
24 included in the district at any general election, or at any special
25 election which may be called for that purpose~~((, or at any city
26 election held in the city in all of the various voting precincts
27 thereof, the city council or commission may, or on petition of fifteen
28 percent of the qualified electors of the city based upon the
29 registration for the last preceding general city election, shall by
30 ordinance, submit to the voters of the city the proposition of creating
31 a metropolitan park district, the limits of which shall be coextensive
32 with the limits of the city as now or hereafter established, inclusive
33 of territory annexed to and forming a part of the city))~~.

34 (2) The ballot proposition shall be submitted if the governing body
35 of each city in which all or a portion of the proposed district is

1 located, and the legislative authority of each county in which all or
2 a portion of the proposed district is located within the unincorporated
3 portion of the county, each adopts a resolution submitting the
4 proposition to create a metropolitan park district.

5 (3) As an alternative to the method provided under subsection (2)
6 of this section, the ballot proposition shall be submitted if a
7 petition proposing creation of a metropolitan park district is
8 submitted to the county auditor of each county in which all or a
9 portion of the proposed district is located that is signed by at least
10 fifteen percent of the registered voters residing in the area to be
11 included within the proposed district. Where the petition is for
12 creation of a district in more than one county, the petition shall be
13 filed with the county auditor of the county having the greater area of
14 the proposed district, and a copy filed with each other county auditor
15 of the other counties covering the proposed district.

16 Territory by virtue of its annexation to any city ((having
17 heretofore created)) whose territory lies entirely within a park
18 district shall be deemed to be within the limits of the metropolitan
19 park district. ((The city council or commission shall submit the
20 proposition at a special election to be called therefor when the
21 petition so requests.)) Such an extension of a park district's
22 boundaries shall not be subject to review by a boundary review board
23 independent of the board's review of the city annexation of territory.

24 **Sec. 3.** RCW 35.61.030 and 1985 c 469 s 32 are each amended to read
25 as follows:

26 ~~((In submitting the question to the voters for their approval or~~
27 ~~rejection, the city council or commission shall pass an ordinance~~
28 ~~declaring its intention to submit the proposition of creating a~~
29 ~~metropolitan park district to the qualified voters of the city. The~~
30 ~~ordinance shall be published once a week for two consecutive weeks in~~
31 ~~the official newspaper of the city, and the city council or commission~~
32 ~~shall cause to be placed upon the ballot for the election, at the~~
33 ~~proper place,))~~

34 (1) Except as provided in subsection (2) of this section for review
35 by a boundary review board, the ballot proposition authorizing creation
36 of a metropolitan park district that is submitted to voters for their
37 approval or rejection shall appear on the ballot of the next general
38 election or at the next special election date specified under RCW

1 29.13.020 occurring sixty or more days after the last resolution
2 proposing the creation of the park district is adopted or the date the
3 county auditor certifies that the petition proposing the creation of
4 the park district contains sufficient valid signatures. Where the
5 petition or copy thereof is filed with two or more county auditors in
6 the case of a proposed district in two or more counties, the county
7 auditors shall confer and issue a joint certification upon finding that
8 the required number of signatures on the petition has been obtained.

9 (2) Where the proposed district is located wholly or in part in a
10 county in which a boundary review board has been created, notice of the
11 proposal to create a metropolitan park district shall be filed with the
12 boundary review board as provided under RCW 36.93.090 and the special
13 election at which a ballot proposition authorizing creation of the park
14 district shall be held on the special election date specified under RCW
15 29.13.020 that is sixty or more days after the date the boundary review
16 board is deemed to have approved the proposal, approves the proposal,
17 or modifies and approves the proposal. The creation of a metropolitan
18 park district is not subject to review by a boundary review board if
19 the proposed district only includes one or more cities and in such
20 cases the special election at which a ballot proposition authorizing
21 creation of the park district shall be held as if a boundary review
22 board does not exist in the county or counties.

23 (3) The petition proposing the creation of a metropolitan park
24 district, or the resolution submitting the question to the voters,
25 shall choose and describe the composition of the initial board of
26 commissioners of the district that is proposed under RCW 35.61.050 and
27 shall choose a name for the district. The proposition ((which)) shall
28 ((be expressed in)) include the following terms:

29 | "For the formation of a metropolitan park district to be governed
30 by [insert board composition described in ballot proposition]."

31 | "Against the formation of a metropolitan park district."

32 **Sec. 4.** RCW 35.61.040 and 1965 c 7 s 35.61.040 are each amended to
33 read as follows:

34 If ((at an election)) a majority of the voters voting ((thereon))
35 on the ballot proposition authorizing the creation of the metropolitan
36 park district vote in favor of the formation of a metropolitan park

1 district, the metropolitan park district shall ~~((then))~~ be ~~((and~~
2 ~~become))~~ created as a municipal corporation effective immediately upon
3 certification of the election results and its name shall be
4 ~~(("Metropolitan Park District of (inserting the name of the~~
5 ~~city)."))~~ that designated in the ballot proposition.

6 **Sec. 5.** RCW 35.61.050 and 1994 c 223 s 23 are each amended to read
7 as follows:

8 (1) The resolution or petition submitting the ballot proposition
9 shall designate the composition of the board of metropolitan park
10 commissioners from among the alternatives provided under subsections
11 (2) through (4) of this section. The ballot proposition shall clearly
12 describe the designated composition of the board.

13 (2) The commissioners of the district may be selected by election,
14 in which case at the same election at which the proposition is
15 submitted to the voters as to whether a metropolitan park district is
16 to be formed, five park commissioners shall be elected. The election
17 of park commissioners shall be null and void if the metropolitan park
18 district is not created. Candidates shall run for specific commission
19 positions. No primary shall be held to nominate candidates. The
20 person receiving the greatest number of votes for each position shall
21 be elected as a commissioner. The staggering of the terms of office
22 shall occur as follows: ~~((+1))~~ (a) The two persons who are elected
23 receiving the two greatest numbers of votes shall be elected to six-
24 year terms of office if the election is held in an odd-numbered year or
25 five-year terms of office if the election is held in an even-numbered
26 year; ~~((+2))~~ (b) the two persons who are elected receiving the next
27 two greatest numbers of votes shall be elected to four-year terms of
28 office if the election is held in an odd-numbered year or three-year
29 terms of office if the election is held in an even-numbered year; and
30 ~~((+3))~~ (c) the other person who is elected shall be elected to a two-
31 year term of office if the election is held in an odd-numbered year or
32 a one-year term of office if the election is held in an even-numbered
33 year. The initial commissioners shall take office immediately when
34 they are elected and qualified, and for purposes of computing their
35 terms of office the terms shall be assumed to commence on the first day
36 of January in the year after they are elected. Thereafter, all
37 commissioners shall be elected to six-year terms of office. All
38 commissioners shall serve until their respective successors are elected

1 and qualified and assume office in accordance with RCW 29.04.170.
2 Vacancies shall occur and shall be filled as provided in chapter 42.12
3 RCW.

4 (3) In a district wholly located within a city or within the
5 unincorporated area of a county, the governing body of such city or
6 legislative authority of such county may be designated to serve in an
7 ex officio capacity as the board of metropolitan park commissioners,
8 provided that when creation of the district is proposed by citizen
9 petition, the city or county approves by resolution such designation.

10 (4) Where the proposed district is located within more than one
11 city, more than one county, or any combination of cities and counties,
12 each city governing body and county legislative authority may be
13 designated to collectively serve ex officio as the board of
14 metropolitan park commissioners through selection of one or more
15 members from each to serve as the board, provided that when creation of
16 the district is proposed by citizen petition, each city governing body
17 and county legislative authority approve by resolution such
18 designation. Within six months of the date of certification of
19 election results approving creation of the district, the size and
20 membership of the board shall be determined through interlocal
21 agreement of each city and county. The interlocal agreement shall
22 specify the method for filling vacancies on the board.

23 (5) Metropolitan park districts created by a vote of the people
24 prior to the effective date of this act may not change the composition
25 and method of selection of their governing authority without approval
26 of the voters. Should such a change be desired, the board of park
27 commissioners shall submit a ballot proposition to the voters of the
28 metropolitan park district.

29 **Sec. 6.** RCW 35.61.150 and 1998 c 121 s 1 are each amended to read
30 as follows:

31 Metropolitan park commissioners selected by election according to
32 RCW 35.61.050(2) shall perform their duties and may provide, by
33 resolution passed by the commissioners, for the payment of compensation
34 to each of its commissioners at a rate of up to seventy dollars for
35 each day or portion of a day devoted to the business of the district.
36 However, the compensation for each commissioner must not exceed six
37 thousand seven hundred twenty dollars per year.

1 Any commissioner may waive all or any portion of his or her
2 compensation payable under this section as to any month or months
3 during his or her term of office, by a written waiver filed with the
4 clerk of the board. The waiver, to be effective, must be filed any
5 time after the commissioner's election and prior to the date on which
6 the compensation would otherwise be paid. The waiver shall specify the
7 month or period of months for which it is made.

8 **Sec. 7.** RCW 84.52.010 and 1995 2nd sp.s. c 13 s 4 are each amended
9 to read as follows:

10 Except as is permitted under RCW 84.55.050, all taxes shall be
11 levied or voted in specific amounts.

12 The rate percent of all taxes for state and county purposes, and
13 purposes of taxing districts coextensive with the county, shall be
14 determined, calculated and fixed by the county assessors of the
15 respective counties, within the limitations provided by law, upon the
16 assessed valuation of the property of the county, as shown by the
17 completed tax rolls of the county, and the rate percent of all taxes
18 levied for purposes of taxing districts within any county shall be
19 determined, calculated and fixed by the county assessors of the
20 respective counties, within the limitations provided by law, upon the
21 assessed valuation of the property of the taxing districts
22 respectively.

23 When a county assessor finds that the aggregate rate of tax levy on
24 any property, that is subject to the limitations set forth in RCW
25 84.52.043 or 84.52.050, exceeds the limitations provided in either of
26 these sections, the assessor shall recompute and establish a
27 consolidated levy in the following manner:

28 (1) The full certified rates of tax levy for state, county, county
29 road district, and city or town purposes shall be extended on the tax
30 rolls in amounts not exceeding the limitations established by law;
31 however any state levy shall take precedence over all other levies and
32 shall not be reduced for any purpose other than that required by RCW
33 84.55.010. If, as a result of the levies imposed under RCW 84.52.069,
34 84.34.230, the portion of the levy by a metropolitan park district that
35 was protected under RCW 84.52.120, and 84.52.105, the combined rate of
36 regular property tax levies that are subject to the one percent
37 limitation exceeds one percent of the true and fair value of any
38 property, then these levies shall be reduced as follows: (a) The

1 portion of the levy by a metropolitan park district that is protected
2 under RCW 84.52.120 shall be reduced until the combined rate no longer
3 exceeds one percent of the true and fair value of any property or shall
4 be eliminated; (b) if the combined rate of regular property tax levies
5 that are subject to the one percent limitation still exceeds one
6 percent of the true and fair value of any property, then the levies
7 imposed under RCW 84.34.230, 84.52.105, and any portion of the levy
8 imposed under RCW 84.52.069 that is in excess of thirty cents per
9 thousand dollars of assessed value, shall be reduced on a pro rata
10 basis until the combined rate no longer exceeds one percent of the true
11 and fair value of any property or shall be eliminated; and (c) if the
12 combined rate of regular property tax levies that are subject to the
13 one percent limitation still exceeds one percent of the true and fair
14 value of any property, then the thirty cents per thousand dollars of
15 assessed value of tax levy imposed under RCW 84.52.069 shall be reduced
16 until the combined rate no longer exceeds one percent of the true and
17 fair value of any property or eliminated.

18 (2) The certified rates of tax levy subject to these limitations by
19 all junior taxing districts imposing taxes on such property shall be
20 reduced or eliminated as follows to bring the consolidated levy of
21 taxes on such property within the provisions of these limitations:

22 (a) First, the certified property tax levy rates of those junior
23 taxing districts authorized under RCW 36.68.525, 36.69.145, and
24 67.38.130 shall be reduced on a pro rata basis or eliminated;

25 (b) Second, if the consolidated tax levy rate still exceeds these
26 limitations, the certified property tax levy rates of flood control
27 zone districts shall be reduced on a pro rata basis or eliminated;

28 (c) Third, if the consolidated tax levy rate still exceeds these
29 limitations, the certified property tax levy rates of all other junior
30 taxing districts, other than fire protection districts, library
31 districts, the first fifty cent per thousand dollars of assessed
32 valuation levies for metropolitan park districts, and the first fifty
33 cent per thousand dollars of assessed valuation levies for public
34 hospital districts, shall be reduced on a pro rata basis or eliminated;

35 (d) Fourth, if the consolidated tax levy rate still exceeds these
36 limitations, the first fifty cent per thousand dollars of assessed
37 valuation levies for metropolitan park districts created on or after
38 January 1, 2002, shall be reduced on a pro rata basis or eliminated;

1 (e) Fifth, if the consolidated tax levy rate still exceeds these
2 limitations, the certified property tax levy rates authorized to fire
3 protection districts under RCW 52.16.140 and 52.16.160 shall be reduced
4 on a pro rata basis or eliminated; and

5 (~~(e) Fifth~~) (f) Sixth, if the consolidated tax levy rate still
6 exceeds these limitations, the certified property tax levy rates
7 authorized for fire protection districts under RCW 52.16.130, library
8 districts, metropolitan park districts created before January 1, 2002,
9 under their first fifty cent per thousand dollars of assessed valuation
10 levy, and public hospital districts under their first fifty cent per
11 thousand dollars of assessed valuation levy, shall be reduced on a pro
12 rata basis or eliminated.

13 In determining whether the aggregate rate of tax levy on any
14 property, that is subject to the limitations set forth in RCW
15 84.52.050, exceeds the limitations provided in that section, the
16 assessor shall use the hypothetical state levy, as apportioned to the
17 county under RCW 84.48.080, that was computed under RCW 84.48.080
18 without regard to the reduction under RCW 84.55.012."

19 **SHB 2557** - S COMM AMD

20 By Committee on Natural Resources, Parks & Shorelines

21 ADOPTED 03/02/02

22 On page 1, line 1 of the title, after "districts;" strike the
23 remainder of the title and insert "and amending RCW 35.61.010,
24 35.61.020, 35.61.030, 35.61.040, 35.61.050, 35.61.150, and 84.52.010."

--- END ---