

**2SHB 2667 - H AMD 911**

By Representative Farrell

ADOPTED 03/08/2016

1 Strike everything after the enacting clause and insert the  
2 following:

3 "Sec. 1. RCW 79A.05.025 and 1999 c 249 s 202 are each amended to  
4 read as follows:

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

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

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

22 (i) The main seminary building;

23 (ii) The pool building;

24 (iii) The gymnasium;

25 (iv) The parking lot located in between locations identified in  
26 (b)(i), (ii), and (iii) of this subsection;

27 (v) The parking lot immediately north of the gymnasium; and

28 (vi) Associated property immediately adjacent to the areas listed  
29 in (b)(i) through (v) of this subsection.

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

1 The commission shall:

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

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

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

13 (4) Clear, drain, grade, seed, and otherwise improve or beautify  
14 parks and parkways, and erect structures, buildings, fireplaces, and  
15 comfort stations and build and maintain paths, trails, and roadways  
16 through or on parks and parkways.

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

23 (a) Leases exceeding a twenty-year term, or the amendment or  
24 modification of these leases, shall require a ~~((unanimous vote of the~~  
25 ~~commission: PROVIDED FURTHER, That))~~ vote consistent with RCW  
26 79A.05.025(2).

27 (b) If, during the term of any concession or lease, it is the  
28 opinion of the commission that it would be in the best interest of  
29 the state, the commission may, with the consent of the concessionaire  
30 or lessee, alter and amend the terms and conditions of such  
31 concession or lease~~((: PROVIDED FURTHER, That))~~.

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

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

38 (6) Employ such assistance as it deems necessary. Commission  
39 expenses relating to its use of volunteer assistance shall be limited  
40 to premiums or assessments for the insurance of volunteers by the

1 department of labor and industries, compensation of staff who assist  
2 volunteers, materials and equipment used in authorized volunteer  
3 projects, training, reimbursement of volunteer travel as provided in  
4 RCW 43.03.050 and 43.03.060, and other reasonable expenses relating  
5 to volunteer recognition. The commission, at its discretion, may  
6 waive commission fees otherwise applicable to volunteers. The  
7 commission shall not use volunteers to replace or supplant classified  
8 positions. The use of volunteers may not lead to the elimination of  
9 any employees or permanent positions in the bargaining unit.

10 (7) By majority vote of its authorized membership, select and  
11 purchase or obtain options upon, lease, or otherwise acquire for and  
12 in the name of the state such tracts of land, including shore and  
13 tide lands, for park and parkway purposes as it deems proper. If the  
14 commission cannot acquire any tract at a price it deems reasonable,  
15 it may, by majority vote of its authorized membership, obtain title  
16 thereto, or any part thereof, by condemnation proceedings conducted  
17 by the attorney general as provided for the condemnation of rights-  
18 of-way for state highways. Option agreements executed under authority  
19 of this subsection shall be valid only if:

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

22 (b) Moneys used for the purchase of the option agreement are from  
23 (i) funds appropriated therefor, or (ii) funds appropriated for  
24 undesignated land acquisitions, or (iii) funds deemed by the  
25 commission to be in excess of the amount necessary for the purposes  
26 for which they were appropriated; and

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

29 (8) Cooperate with the United States, or any county or city of  
30 this state, in any matter pertaining to the acquisition, development,  
31 redevelopment, renovation, care, control, or supervision of any park  
32 or parkway, and enter into contracts in writing to that end. All  
33 parks or parkways, to which the state contributed or in whose care,  
34 control, or supervision the state participated pursuant to the  
35 provisions of this section, shall be governed by the provisions  
36 hereof.

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

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

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

- 17 (a) Existing cost estimates for building renovation;  
18 (b) Maintenance costs;  
19 (c) Traffic implications of potential uses;  
20 (d) Potential limitations in uses imposed by the United States  
21 national park service as a result of land water and conservation  
22 funding and land use codes; and  
23 (e) Data developed by the state parks and recreation commission,  
24 the city of Kenmore, and independent third parties that have  
25 previously studied potential uses of the building.

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

30 Correct the title.

EFFECT: Authorizes the parks and recreation commission  
(commission) to lease certain property at Saint Edward state park,  
including the main seminary building, the pool building, and the  
gymnasium building, for up to sixty-two years upon an affirmative  
vote of 5 of the 7 commissioners, contingent upon the results of a  
department of commerce study. Requires the department of commerce to  
complete a study by July 31, 2016, of the feasibility of potential  
public or nonprofit uses of the seminary building at Saint Edward  
state park and authorizes the commission to enter into the lease of  
Saint Edward state park for up to sixty-two years upon the

affirmative vote of 5 of the 7 commissioners only if the commission determines that the department of commerce study does not identify viable public or nonprofit uses of the property that are consistent with the commission's mission. Restores the requirement that all sales or exchanges of state parks land receive the unanimous consent of the commission. Eliminates the new requirements that the commission consider likely substantial effects of concessions on park management, the local community, existing park users, and habitat. Restores a majority of commission members, rather than four commission members, as the quorum for commission business. Eliminates the new authority for the commission to adopt a rule requiring the affirmative vote of more than four members in order to accomplish certain commission business.

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