

HB 2601 - S COMM AMD
By Committee on Ways & Means

ADOPTED 03/05/2020

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

3 **"Sec. 1.** RCW 79A.05.025 and 2016 c 103 s 1 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 parkland or property for a period exceeding twenty years requires the
11 (~~unanimous consent~~) affirmative vote of at least five members of
12 the commission.

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

- 23 (i) The main seminary building;
24 (ii) The pool building;
25 (iii) The gymnasium;
26 (iv) The parking lot located in between locations identified in
27 (b) (i), (ii), and (iii) of this subsection;
28 (v) The parking lot immediately north of the gymnasium; and
29 (vi) Associated property immediately adjacent to the areas listed
30 in (b) (i) through (v) of this subsection.

1 **Sec. 2.** RCW 79A.05.030 and 2016 c 103 s 2 are each amended to
2 read as follows:

3 The commission shall:

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

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

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

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

19 (5) Grant concessions or leases in state parks and parkways upon
20 such rentals, fees, or percentage of income or profits and for such
21 terms, in no event longer than (~~fifty~~) eighty years, except for a
22 lease associated with land or property described in RCW
23 79A.05.025(2)(b) which may not exceed sixty-two years, and upon such
24 conditions as shall be approved by the commission.

25 (a) Leases exceeding a twenty-year term, or the amendment or
26 modification of these leases, shall require a vote consistent with
27 RCW 79A.05.025(2).

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

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

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

39 (6) Employ such assistance as it deems necessary. Commission
40 expenses relating to its use of volunteer assistance shall be limited

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

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

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

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

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

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

38 (9) Within allowable resources, maintain policies that increase
39 the number of people who have access to free or low-cost recreational

1 opportunities for physical activity, including noncompetitive
2 physical activity.

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

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14 On page 1, line 2 of the title, after "leases;" strike the
15 remainder of the title and insert "and amending RCW 79A.05.025 and
16 79A.05.030."

EFFECT: Increases the number of State Parks Commission members
required to approve leases in excess of 20 years from four members to
five members.

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