

HOUSE BILL REPORT

ESHB 1883

As Passed House:

March 9, 2009

Title: An act relating to creating regulatory restrictions applicable to metropolitan park districts.

Brief Description: Creating regulatory restrictions applicable to metropolitan park districts.

Sponsors: House Committee on Local Government & Housing (originally sponsored by Representatives Morris and Quall).

Brief History:

Committee Activity:

Local Government & Housing: 2/9/09, 2/16/09 [DPS].

Floor Activity

Passed House: 3/9/09, 59-36.

Brief Summary of Engrossed Substitute Bill

- Revises numerous statutory provisions regarding the creation and regulation of metropolitan park districts (districts).
- Prohibits districts from being located in any county that is not subject to the jurisdiction of a boundary review board (BRB).
- Exempts proposed or existing districts located entirely within the corporate boundaries of a single city from the provisions of the act explicitly regulating districts with territory located in more than one county.
- Requires that the proposed creation of a district with territory in more than one county undergo a BRB review.
- Requires that a ballot proposition be submitted to eligible voters in each county with respect to the creation of a district with territory located in more than one county.
- Denies the power of eminent domain to districts whose creation was initiated by citizen petition.

HOUSE COMMITTEE ON LOCAL GOVERNMENT & HOUSING

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 7 members: Representatives Simpson, Chair; Nelson, Vice Chair; Miloscia, Springer, Upthegrove, White and Williams.

Minority Report: Do not pass. Signed by 3 members: Representatives Angel, Ranking Minority Member; Cox, Assistant Ranking Minority Member; Short.

Staff: Thamas Osborn (786-7129)

Background:

Metropolitan Park Districts.

A metropolitan park district (district) is a type of special purpose district that may be created for the management, control, improvement, maintenance, and/or acquisition of parks, parkways, boulevards, and recreational facilities. A district may include territory located in portions or in all of one or more cities or counties.

To create a district, voters who live in the area proposed to be included in the district vote on a ballot proposition that authorizes the creation of a park district. The ballot proposition is initiated either: (1) by a petition of 15 percent of the voters in the area to be; or (2) by resolution of the governing body of each city, in which all or a portion of the district is located, and each county, in which all or a portion of the proposed park district is located in the unincorporated portion of the county.

A district is authorized to acquire property from a city and/or county within its boundaries for the purpose of creating parks, playgrounds, or parkways. When a district acquires property from a city and/or county, it must assume responsibility for all indebtedness associated with such property and must pay off such debt through either taxes or bond issuance.

Boundary Review Boards.

Boundary Review Boards (BRBs) are authorized in statute to guide and control the creation and growth of municipalities in metropolitan areas. While statute provides for the establishment of BRBs in counties with at least 210,000 residents, current law provides that a BRB may be created and established in any other county. Boundary Review Board members are appointed by the Governor and local government officials from within the applicable county. Some members are appointed by the BRBs themselves from nominees of special districts within the applicable county. After initial appointments, all members serve four-year terms.

Upon receiving a timely request for review that meets statutory requirements, and following an invocation of a BRB's jurisdiction, a BRB must review and approve, disapprove, or modify certain proposed actions, including actions pertaining to the creation, incorporation, or change in the boundary of any city, town, or special purpose district. In reaching decisions on proposed actions, BRBs must satisfy public hearing requirements and must attempt to achieve objectives prescribed in statute, including the preservation of natural neighborhoods and communities, and the use of physical boundaries. Generally, decisions

on proposed actions must be made within 120 days of the BRB receiving a valid request for review.

Summary of Engrossed Substitute Bill:

A district may be created and/or located only within a county subject to the jurisdiction of a BRB. Furthermore, if the proposed district includes territories from multiple jurisdictions, each territory must separately be subject to BRB jurisdiction.

The proposed creation of a district with territory in more than one county must undergo BRB review. In addition, each territory in a multi-county district must be subject to separate review by a BRB having jurisdiction over that individual territory. If one of the territories proposed for inclusion in the district is located in a county without a BRB, then that county must form a BRB in order to conduct the requisite review.

Proposed or existing metropolitan park districts located entirely within the corporate boundaries of a single city are exempted from the provisions of the act explicitly regulating metropolitan park districts with territory located in more than one county.

The creation of a district must comply with the provisions of the State Environmental Policy Act (SEPA). The initiator of a proposal to create a district is responsible for the payment of expenses related to SEPA compliance.

The creation of a district must be consistent with the goals and requirements set forth in the statutes creating BRBs. The initiator of a proposal to create a district is responsible for the payment of expenses related to compliance with these statutes.

If a ballot measure proposes the creation of a district with territory located in more than one county, then the measure must be submitted separately to the eligible voters in each county. Approval of the measure requires the affirmative vote of the majority in each of the two or more territories located in the affected counties.

In order to be valid, a petition-initiated proposal for the creation of a district that is located in more than one county requires that separate petitions be submitted from the affected territory in each county. Each such petition must be signed by 15 percent of the registered voters in the individual territories.

Under certain specified circumstances, a petition-initiated proposal for a district that fails to be approved may not be considered again for a period of five years following the initial failure. This five-year moratorium is applicable only if the proposed district includes at least 75 percent of the same territory included in the failed proposal and the proposal failed as the result of:

- an inability to obtain the requisite signatures on the petition or petitions as required by statute;
- the rejection or denial of the proposed district by a BRB; or
- rejection by the voters.

With respect to existing or proposed districts that include territories in more than one county, all actions subject to BRB review must be reviewed independently by each BRB having jurisdiction over the affected territories. Accordingly, the decisions of each separate boundary review board apply only within the jurisdictional territory of each respective BRB.

After the effective date of this act, districts that are initiated by citizen petition do not have the right of eminent domain.

The authority of a district's board of commissioners does not supersede, replace, or conflict with the authority of any other taxing district.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) Metropolitan Park Districts (MPDs) were originally authorized in order to create the Point Defiance Zoo. The concept of MPDs is good, but current law has resulted in unintended and undesirable consequences. State law allows huge territories to be encompassed by MPDs without meaningful input from the voters. The bill creates a clearer, more workable statutory scheme that adds necessary procedural requirements and makes BRBs an essential part of the process. It would prevent the creation of unduly large MPDs that have little accountability to the public. The bill also clarifies petition requirements as well as taxing authority. The BRBs should absolutely be allowed to play a constructive role in the decision making process leading to the creation of an MPD. Also, it is important that SEPA requirements apply to the creation of MPDs.

(With concerns) The bill is unduly restrictive and would make it much more difficult for citizens to take the initiative to create a MPD. The size of a MPD is something for voters to decide and the bill places obstacles in the way of citizen decision making. MPDs are a good thing and several successful ones have been created under current law.

(Opposed) None.

Persons Testifying: (In support) Representative Morris, prime sponsor; and Roger Mitchell, North Sound Conservancy.

(With concerns) Mary Dodsworth, Washington Recreation and Parks Association.

Persons Signed In To Testify But Not Testifying: None.