
HOUSE BILL 1043

State of Washington

61st Legislature

2009 Regular Session

By Representatives Morris and Chase

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1 AN ACT Relating to metropolitan park districts; amending RCW
2 35.61.010, 35.61.020, 35.61.001, and 35.61.130; and adding a new
3 section to chapter 35.61 RCW.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 **Sec. 1.** RCW 35.61.010 and 2002 c 88 s 1 are each amended to read
6 as follows:

7 (1) A metropolitan park district may be created for the management,
8 control, improvement, maintenance, and acquisition of parks, parkways,
9 boulevards, and recreational facilities.

10 (2)(a) A metropolitan park district may only be created in a home
11 rule charter county and may include territory located in portions or
12 all of one or more cities ((~~or~~)), unincorporated county areas, or other
13 home rule charter counties((~~, or one or more cities and counties,~~))
14 when created or enlarged as provided in this chapter.

15 (b) No metropolitan park district may be located within a county
16 other than a home rule charter county.

17 (3) The creation of a metropolitan park district must comply with
18 all applicable goals and requirements of chapter 43.21C RCW. All

1 expenses incurred related to compliance with chapter 43.21C RCW must be
2 borne by the initiator of the metropolitan park district proposal.

3 (4) The creation of a metropolitan park district must be consistent
4 with all goals and requirements of chapter 36.93 RCW. All expenses
5 incurred related to compliance with chapter 36.93 RCW must be borne by
6 the initiator of the metropolitan park district proposal.

7 **Sec. 2.** RCW 35.61.020 and 2002 c 88 s 2 are each amended to read
8 as follows:

9 (1)(a) When proposed by citizen petition or by local government
10 resolution as provided in this section, a ballot proposition
11 authorizing the creation of a metropolitan park district shall be
12 submitted by resolution to the voters of the area proposed to be
13 included in the district at any general election, or at any special
14 election which may be called for that purpose.

15 (b) If the proposed metropolitan park district includes territory
16 in more than one county, a separate ballot proposition authorizing the
17 metropolitan park district must be submitted to the applicable voters
18 in each county. To be considered approved, the creation of a proposed
19 metropolitan park district must receive a majority of affirmative votes
20 in each county, with the results of each county tabulated separate from
21 the other impacted county or counties.

22 (2) The ballot proposition shall be submitted if the governing body
23 of each city in which all or a portion of the proposed district is
24 located, and the legislative authority of each county in which all or
25 a portion of the proposed district is located within the unincorporated
26 portion of the county, each separately adopts a resolution submitting
27 the proposition to create a metropolitan park district.

28 (3) As an alternative to the method provided under subsection (2)
29 of this section, the ballot proposition shall be submitted, except as
30 provided in section 3 of this act, if a petition proposing creation of
31 a metropolitan park district is separately submitted to the county
32 auditor of each county in which all or a portion of the proposed
33 district is located (~~that is~~). To be considered valid, the petition
34 must be signed by at least fifteen percent of the registered voters
35 residing in the area of each county to be included within the proposed
36 district. (~~Where the petition is for creation of a district in more~~
37 ~~than one county, the petition shall be filed with the county auditor of~~

1 ~~the county having the greater area of the proposed district, and a copy~~
2 ~~filed with each other county auditor of the other counties covering the~~
3 ~~proposed district.)~~)

4 (4) All petitions prepared under this section must be consistent
5 with RCW 35.21.005 and Title 29A RCW.

6 (5) Territory by virtue of its annexation to any city whose
7 territory lies entirely within a park district shall be deemed to be
8 within the limits of the metropolitan park district. Such an extension
9 of a park district's boundaries shall not be subject to review by a
10 boundary review board independent of the board's review of the city
11 annexation of territory.

12 NEW SECTION. Sec. 3. A new section is added to chapter 35.61 RCW
13 to read as follows:

14 A proposal to create a metropolitan park district that is initiated
15 by a citizens petition under RCW 35.61.020(3) that contains at least
16 seventy-five percent of the same territory of a previously failed
17 proposal may not be submitted for a vote within five years of the date
18 of the last action of the previously failed proposal if the earlier
19 proposal failed due to:

20 (1) Not garnering separately the required number of signatures
21 within each county of a proposed metropolitan park district's
22 boundaries on a petition;

23 (2) Rejection, denial, or nonapproval of the proposed district by
24 the boundary review boards of the respective county or counties; or

25 (3) Nonapproval by an election held in accordance with this chapter
26 and Title 29A RCW.

27 **Sec. 4.** RCW 35.61.001 and 1989 c 84 s 31 are each amended to read
28 as follows:

29 (1) The creation of a metropolitan park district, and an annexation
30 by, or dissolution or disincorporation of, a metropolitan park district
31 may be subject to potential review by a boundary review board under
32 chapter 36.93 RCW.

33 (2) If a metropolitan park district includes territory in more than
34 one county, or when the creation, annexation, dissolution, or
35 disincorporation of a metropolitan park district affects land in more
36 than one county, all actions subject to review by a boundary review

1 board must be reviewed separately by the boundary review board of each
2 affected county. The decision of each separate boundary review board
3 applies only to the portions of the metropolitan park district located
4 within that county's borders.

5 **Sec. 5.** RCW 35.61.130 and 2006 c 222 s 1 are each amended to read
6 as follows:

7 (1)(a) Except for metropolitan park districts initiated by a
8 citizens petition under RCW 35.61.020(3) after the effective date of
9 this section, a metropolitan park district has the right of eminent
10 domain, and may purchase, acquire and condemn lands lying within or
11 without the boundaries of said park district, for public parks,
12 parkways, boulevards, aviation landings and playgrounds, and may
13 condemn such lands to widen, alter and extend streets, avenues,
14 boulevards, parkways, aviation landings and playgrounds, to enlarge and
15 extend existing parks, and to acquire lands for the establishment of
16 new parks, boulevards, parkways, aviation landings and playgrounds.
17 The right of eminent domain shall be exercised and instituted pursuant
18 to resolution of the board of metropolitan park commissioners and
19 conducted in the same manner and under the same procedure as is or may
20 be provided by law for the exercise of the power of eminent domain by
21 incorporated cities and towns of the state of Washington in the
22 acquisition of property rights(~~(+—PROVIDED,)~~)). However, funds to pay
23 for condemnation allowed by this section shall be raised only as
24 specified in this chapter.

25 (b) Metropolitan park districts initiated by a citizens petition
26 under RCW 35.61.020(3) after the effective date of this section do not
27 have the right of eminent domain.

28 (2)(a) The board of metropolitan park commissioners shall have
29 power to employ counsel, and to regulate, manage and control the parks,
30 parkways, boulevards, streets, avenues, aviation landings and
31 playgrounds under its control, and to provide for park police, for a
32 secretary of the board of metropolitan park commissioners and for all
33 necessary employees, to fix their salaries and duties.

34 (b) The authority of the board of metropolitan park commissioners
35 does not supersede, replace, or conflict with the authority of any
36 other taxing district.

1 (3) The board of metropolitan park commissioners shall have power
2 to improve, acquire, extend and maintain, open and lay out, parks,
3 parkways, boulevards, avenues, aviation landings and playgrounds,
4 within or without the park district, and to authorize, conduct and
5 manage the letting of boats, or other amusement apparatus, the
6 operation of bath houses, the purchase and sale of foodstuffs or other
7 merchandise, the giving of vocal or instrumental concerts or other
8 entertainments, the establishment and maintenance of aviation landings
9 and playgrounds, and generally the management and conduct of such forms
10 of recreation or business as it shall judge desirable or beneficial for
11 the public, or for the production of revenue for expenditure for park
12 purposes; and may pay out moneys for the maintenance and improvement of
13 any such parks, parkways, boulevards, avenues, aviation landings and
14 playgrounds as now exist, or may hereafter be acquired, within or
15 without the limits of said city and for the purchase of lands within or
16 without the limits of said city, whenever it deems the purchase to be
17 for the benefit of the public and for the interest of the park
18 district, and for the maintenance and improvement thereof and for all
19 expenses incidental to its duties: PROVIDED, That all parks,
20 boulevards, parkways, aviation landings and playgrounds shall be
21 subject to the police regulations of the city within whose limits they
22 lie.

23 (4) For all employees, volunteers, or independent contractors, who
24 may, in the course of their work or volunteer activity with the park
25 district, have unsupervised access to children or vulnerable adults, or
26 be responsible for collecting or disbursing cash or processing
27 credit/debit card transactions, park districts shall establish by
28 resolution the requirements for a record check through the Washington
29 state patrol criminal identification system under RCW 43.43.830 through
30 43.43.834, 10.97.030, and 10.97.050 and through the federal bureau of
31 investigation, including a fingerprint check using a complete
32 Washington state criminal identification fingerprint card. The park
33 district shall provide a copy of the record report to the employee,
34 volunteer, or independent contractor. When necessary, as determined by
35 the park district, prospective employees, volunteers, or independent
36 contractors may be employed on a conditional basis pending completion
37 of the investigation. If the prospective employee, volunteer, or
38 independent contractor has had a record check within the previous

1 twelve months, the park district may waive the requirement upon
2 receiving a copy of the record. The park district may in its
3 discretion require that the prospective employee, volunteer, or
4 independent contractor pay the costs associated with the record check.

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