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**SUBSTITUTE HOUSE BILL 1883**

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**State of Washington                      61st Legislature                      2009 Regular Session**

**By** House Local Government & Housing (originally sponsored by Representatives Morris and Quall)

READ FIRST TIME 02/20/09.

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

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

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

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

11            (2)(a) A metropolitan park district may only be created within a  
12 county subject to the jurisdiction of a boundary review board and may  
13 include territory located in portions or all of one or more cities  
14 ((or)), unincorporated county areas, or other counties((~~, or one or~~  
15 more cities and counties,)) subject to boundary review board  
16 jurisdiction when created or enlarged as provided in this chapter.

17            (b) No metropolitan park district may be located within a county  
18 that is not subject to the jurisdiction of a boundary review board.

1 (3) The creation of a metropolitan park district must comply with  
2 all applicable goals and requirements of chapter 43.21C RCW. All  
3 expenses incurred related to compliance with chapter 43.21C RCW must be  
4 borne by the initiator of the metropolitan park district proposal.

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

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

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

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

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

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

1 district. (~~Where the petition is for creation of a district in more~~  
2 ~~than one county, the petition shall be filed with the county auditor of~~  
3 ~~the county having the greater area of the proposed district, and a copy~~  
4 ~~filed with each other county auditor of the other counties covering the~~  
5 ~~proposed district.~~)

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

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

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

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

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

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

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

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

31 (1) The creation of a metropolitan park district whose boundaries  
32 are located within a single county, and an annexation by, or  
33 dissolution or disincorporation of, a metropolitan park district may be  
34 subject to potential review by a boundary review board under chapter  
35 36.93 RCW.

1       (2) The proposed creation of a metropolitan park district with  
2 territory in more than one county must undergo boundary review board  
3 review under chapter 36.93 RCW. The review required under this  
4 subsection (2) requires that the inclusion of each such territory in a  
5 multicounty metropolitan park district be subject to separate review by  
6 a boundary review board having jurisdiction over that individual  
7 territory. If one of the territories proposed for inclusion in the  
8 metropolitan park district is located in a county without a boundary  
9 review board, then that county must form a boundary review board under  
10 chapter 36.93 RCW in order to conduct the requisite review.

11       (3) If a metropolitan park district includes territory in more than  
12 one county, or when the creation, annexation, dissolution, or  
13 disincorporation of a metropolitan park district affects land in more  
14 than one county, all actions subject to review by a boundary review  
15 board must be reviewed separately by the boundary review board of each  
16 affected county. The decision of each separate boundary review board  
17 applies only to the portions of the metropolitan park district located  
18 within that county's borders.

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

21       (1)(a) Except for metropolitan park districts initiated by a  
22 citizens petition under RCW 35.61.020(3) after the effective date of  
23 this section, a metropolitan park district has the right of eminent  
24 domain, and may purchase, acquire and condemn lands lying within or  
25 without the boundaries of said park district, for public parks,  
26 parkways, boulevards, aviation landings and playgrounds, and may  
27 condemn such lands to widen, alter and extend streets, avenues,  
28 boulevards, parkways, aviation landings and playgrounds, to enlarge and  
29 extend existing parks, and to acquire lands for the establishment of  
30 new parks, boulevards, parkways, aviation landings and playgrounds.  
31 The right of eminent domain shall be exercised and instituted pursuant  
32 to resolution of the board of metropolitan park commissioners and  
33 conducted in the same manner and under the same procedure as is or may  
34 be provided by law for the exercise of the power of eminent domain by  
35 incorporated cities and towns of the state of Washington in the  
36 acquisition of property rights(~~(+ PROVIDED, HOWEVER)~~). However, funds

1 to pay for condemnation allowed by this section shall be raised only as  
2 specified in this chapter.

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

6 (2)(a) The board of metropolitan park commissioners shall have  
7 power to employ counsel, and to regulate, manage and control the parks,  
8 parkways, boulevards, streets, avenues, aviation landings and  
9 playgrounds under its control, and to provide for park police, for a  
10 secretary of the board of metropolitan park commissioners and for all  
11 necessary employees, to fix their salaries and duties.

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

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

37 (4) For all employees, volunteers, or independent contractors, who  
38 may, in the course of their work or volunteer activity with the park

1 district, have unsupervised access to children or vulnerable adults, or  
2 be responsible for collecting or disbursing cash or processing  
3 credit/debit card transactions, park districts shall establish by  
4 resolution the requirements for a record check through the Washington  
5 state patrol criminal identification system under RCW 43.43.830 through  
6 43.43.834, 10.97.030, and 10.97.050 and through the federal bureau of  
7 investigation, including a fingerprint check using a complete  
8 Washington state criminal identification fingerprint card. The park  
9 district shall provide a copy of the record report to the employee,  
10 volunteer, or independent contractor. When necessary, as determined by  
11 the park district, prospective employees, volunteers, or independent  
12 contractors may be employed on a conditional basis pending completion  
13 of the investigation. If the prospective employee, volunteer, or  
14 independent contractor has had a record check within the previous  
15 twelve months, the park district may waive the requirement upon  
16 receiving a copy of the record. The park district may in its  
17 discretion require that the prospective employee, volunteer, or  
18 independent contractor pay the costs associated with the record check.

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