

2SSB 5622 - H AMD TO H AMD (H-2713.2/11) 677

By Representative Shea

OUT OF ORDER 04/21/2011

1 On page 28, after line 27 of the amendment, insert the following:

2 "Sec. 33. RCW 79A.05.030 and 2005 c 373 s 1 and 2005 c 360 § 5
3 are each reenacted and amended to read as follows:

4 The commission shall:

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

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

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

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

20 (5) Grant concessions or leases in state parks and parkways, upon
21 such rentals, fees, or percentage of income or profits and for such
22 terms, in no event longer than fifty years, and upon such conditions
23 as shall be approved by the commission: PROVIDED, That leases
24 exceeding a twenty-year term shall require a unanimous vote of the
25 commission: PROVIDED FURTHER, That if, during the term of any
26 concession or lease, it is the opinion of the commission that it would
27 be in the best interest of the state, the commission may, with the

1 consent of the concessionaire or lessee, alter and amend the terms and
2 conditions of such concession or lease: PROVIDED FURTHER, That
3 television station leases shall be subject to the provisions of RCW
4 79A.05.085, only: PROVIDED FURTHER, That the rates of such
5 concessions or leases shall be renegotiated at five-year intervals.
6 No concession shall be granted which will prevent the public from
7 having free access to the scenic attractions of any park or parkway.

8 (6) Employ such assistance as it deems necessary. Commission
9 expenses relating to its use of volunteer assistance shall be limited
10 to premiums or assessments for the insurance of volunteers by the
11 department of labor and industries, compensation of staff who assist
12 volunteers, materials and equipment used in authorized volunteer
13 projects, training, reimbursement of volunteer travel as provided in
14 RCW 43.03.050 and 43.03.060, and other reasonable expenses relating to
15 volunteer recognition. The commission, at its discretion, may waive
16 commission fees otherwise applicable to volunteers. ((The commission
17 shall not use volunteers to replace or supplant classified positions.
18 The use of volunteers may not lead to the elimination of any employees
19 or permanent positions in the bargaining unit.))

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

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

32 (b) Moneys used for the purchase of the option agreement are from
33 (i) funds appropriated therefor, or (ii) funds appropriated for
34 undesignated land acquisitions, or (iii) funds deemed by the

1 commission to be in excess of the amount necessary for the purposes
2 for which they were appropriated; and

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

5 (8) Cooperate with the United States, or any county or city of
6 this state, in any matter pertaining to the acquisition, development,
7 redevelopment, renovation, care, control, or supervision of any park
8 or parkway, and enter into contracts in writing to that end. All
9 parks or parkways, to which the state contributed or in whose care,
10 control, or supervision the state participated pursuant to the
11 provisions of this section, shall be governed by the provisions
12 hereof.

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

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

28
29 Renumber the remaining sections consecutively and correct any
30 internal references accordingly.

EFFECT: Removes the restriction on the State Parks and
Recreation Commission's use of volunteers (which, under current law,
limits the use of volunteers to a level that does not replace or
supplant classified positions or lead to the elimination of any
employees or permanent positions in a bargaining unit).

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