
SENATE BILL 6377

State of Washington

64th Legislature

2016 Regular Session

By Senators Pearson, Jayapal, Rolfes, Takko, Dansel, Warnick, and Hewitt

Read first time 01/18/16. Referred to Committee on Natural Resources & Parks.

1 AN ACT Relating to administrative processes of the state parks
2 and recreation commission that require a majority vote of the
3 commission; amending RCW 79A.05.025 and 79A.05.175; and reenacting
4 and amending RCW 79A.05.030.

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

6 **Sec. 1.** RCW 79A.05.025 and 1999 c 249 s 202 are each amended to
7 read as follows:

8 The commission shall elect one of its members as chair. The
9 commission may be convened at such times as the chair deems
10 necessary, and (~~a majority~~) four members shall constitute a quorum
11 for the transaction of business. The affirmative vote of at least
12 four members of the commission is required to pass any proposition
13 before the commission unless the commission, by rule, requires the
14 affirmative vote of greater than four members.

15 **Sec. 2.** RCW 79A.05.030 and 2005 c 373 s 1 and 2005 c 360 s 5 are
16 each reenacted and amended to read as follows:

17 The commission shall:

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

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

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

9 (4) Clear, drain, grade, seed, and otherwise improve or beautify
10 parks and parkways, and erect structures, buildings, fireplaces, and
11 comfort stations and build and maintain paths, trails, and roadways
12 through or on parks and parkways.

13 (5) Grant concessions or leases in state parks and parkways(~~(7)~~)
14 upon such rentals, fees, or percentage of income or profits and for
15 such terms, in no event longer than (~~fifty~~) eighty years, and upon
16 such conditions as shall be approved by the commission(~~(: PROVIDED,~~
17 ~~That))~~). However, leases exceeding a twenty-year term, or the
18 amendment or modification of these leases, shall require a
19 ((unanimous vote of the commission: PROVIDED FURTHER, That if, during
20 the term of any concession or lease, it is the opinion of the
21 commission that it would be in the best interest of the state, the
22 commission may, with the consent of the concessionaire or lessee,
23 alter and amend the terms and conditions of such concession or lease:
24 PROVIDED FURTHER, That)) majority vote by its authorized membership
25 following an opportunity for public review and comment on potential
26 environmental impacts of any lease subject to review under chapter
27 43.21C RCW. Further, television station leases shall be subject to
28 the provisions of RCW 79A.05.085(~~(7)~~) only: PROVIDED FURTHER, That
29 the rates of such concessions or leases shall be (~~renegotiated at~~
30 five-year intervals)) reviewed at least every five years and, at the
31 discretion of the commission, modified to reflect changes in market
32 conditions. No concession shall be granted which will prevent the
33 public from having free access to the scenic attractions of any park
34 or parkway.

35 (6) Employ such assistance as it deems necessary. Commission
36 expenses relating to its use of volunteer assistance shall be limited
37 to premiums or assessments for the insurance of volunteers by the
38 department of labor and industries, compensation of staff who assist
39 volunteers, materials and equipment used in authorized volunteer
40 projects, training, reimbursement of volunteer travel as provided in

1 RCW 43.03.050 and 43.03.060, and other reasonable expenses relating
2 to volunteer recognition. The commission, at its discretion, may
3 waive commission fees otherwise applicable to volunteers. The
4 commission shall not use volunteers to replace or supplant classified
5 positions. The use of volunteers may not lead to the elimination of
6 any employees or permanent positions in the bargaining unit.

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

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

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

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

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

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

38 (10) Adopt rules establishing the requirements for a criminal
39 history record information search for the following: Job applicants,
40 volunteers, and independent contractors who have unsupervised access

1 to children or vulnerable adults, or who will be responsible for
2 collecting or disbursing cash or processing credit/debit card
3 transactions. These background checks will be done through the
4 Washington state patrol criminal identification section and may
5 include a national check from the federal bureau of investigation,
6 which shall be through the submission of fingerprints. A permanent
7 employee of the commission, employed as of July 24, 2005, is exempt
8 from the provisions of this subsection.

9 **Sec. 3.** RCW 79A.05.175 and 2007 c 145 s 1 are each amended to
10 read as follows:

11 Whenever the commission finds that any land under its control
12 cannot advantageously be used for park purposes, it is authorized to
13 dispose of such land by the method provided in this section or by the
14 method provided in RCW 79A.05.170. If such lands are school or other
15 grant lands, control thereof shall be relinquished by resolution of
16 the commission to the proper state officials. If such lands were
17 acquired under restrictive conveyances by which the state may hold
18 them only so long as they are used for park purposes, they may be
19 returned to the donor or grantors by the commission. All other such
20 lands may be either sold by the commission to the highest bidder or
21 exchanged for other lands of equal value by the commission, and all
22 conveyance documents shall be executed by the governor. All such
23 exchanges shall be accompanied by a transfer fee, to be set by the
24 commission and paid by the other party to the transfer; such fee
25 shall be paid into the parkland acquisition account established under
26 RCW 79A.05.170. The commission may accept sealed bids, electronic
27 bids, or oral bids at auction. Bids on all sales shall be solicited
28 at least twenty days in advance of the sale date by an advertisement
29 appearing at least once a week for two consecutive weeks in a
30 newspaper of general circulation in the county in which the land to
31 be sold is located. If the commission feels that no bid received
32 adequately reflects the fair value of the land to be sold, it may
33 reject all bids, and may call for new bids. All proceeds derived from
34 the sale of such park property shall be paid into the park land
35 acquisition account. All land considered for exchange shall be
36 evaluated by the commission to determine its adaptability to park
37 usage. The equal value of all lands exchanged shall first be
38 determined by the appraisals to the satisfaction of the commission.

1 (~~No sale or exchange of state park lands shall be made without the~~
2 ~~unanimous consent of the commission.~~)

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