

CERTIFICATION OF ENROLLMENT

ENGROSSED HOUSE BILL 1086

68th Legislature
2023 Regular Session

Passed by the House April 17, 2023
Yeas 94 Nays 2

**Speaker of the House of
Representatives**

Passed by the Senate April 7, 2023
Yeas 44 Nays 4

President of the Senate

Approved

Governor of the State of Washington

CERTIFICATE

I, Bernard Dean, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **ENGROSSED HOUSE BILL 1086** as passed by the House of Representatives and the Senate on the dates hereon set forth.

Chief Clerk

FILED

**Secretary of State
State of Washington**

ENGROSSED HOUSE BILL 1086

AS AMENDED BY THE SENATE

Passed Legislature - 2023 Regular Session

State of Washington 68th Legislature 2023 Regular Session

By Representatives Shavers, Ryu, Ramel, Lekanoff, Callan, Simmons, Timmons, Thai, Paul, Santos, Ormsby, and Tharinger

Prefiled 12/27/22. Read first time 01/09/23. Referred to Committee on Local Government.

1 AN ACT Relating to increasing local governments' ability to
2 contract with community service organizations; amending RCW
3 35.21.278; and creating a new section.

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

5 NEW SECTION. **Sec. 1.** The legislature finds that office of
6 financial management forecasts are showing state population growth of
7 more than 2.2 million people by the year 2050. In the face of this
8 dramatic growth, the legislature finds that it is more important than
9 ever to help preserve, maintain, and enhance local parks, trails, and
10 open spaces that are key contributors to the state's quality of life.

11 The legislature further finds that local parks and recreation
12 agencies confronted with this growth are still dealing with severe
13 budget impacts brought on by the COVID-19 pandemic and facing a
14 pending economic slowdown, even as the utilization of parks, open
15 spaces, and trails has spiked up dramatically.

16 The legislature finds that local parks agencies desperately need
17 additional funding and tools to address the significant growth in use
18 and to better empower nonprofit and service organizations to make a
19 positive impact in their communities.

20 The legislature finds that community service organizations can
21 help local agencies bring people together in a way that fosters an

1 ethic of service, builds cohesion among residents, and provides more
2 free and accessible outdoor recreation opportunities, particularly in
3 underserved communities.

4 The legislature finds that increased use of volunteers, and
5 agreements with community service organizations, can help smaller
6 agencies stretch local dollars further and take on bigger projects
7 than they otherwise would be able to.

8 The legislature finds that one way to incentivize these types of
9 agreements with community service organizations is by modernizing the
10 state laws around contracting with such organizations, which have not
11 been updated since 1988.

12 The legislature further finds that years of inflation and growth
13 should be taken into account in updating these state laws, which
14 currently restrict many local agencies to a \$25,000 per year limit
15 for all community service organization contracts.

16 Therefore, it is the intent of the legislature to modernize the
17 state laws around contracting with community service organizations in
18 a manner that accounts for three and a half decades of growth and
19 inflationary costs, so that local parks agencies can operate with
20 more reasonable and up-to-date limits that are in keeping with
21 today's budget and cost realities. Doing so will provide local
22 agencies one additional tool to address maintenance backlogs,
23 preserve quality open spaces, and better serve communities
24 experiencing inequities and lacking access to parks and recreation
25 facilities and programs that support healthy living. The legislature
26 therefore intends to increase the dollar limit from \$25,000 to
27 \$75,000 for smaller agencies. It is the intent of the legislature
28 that this limit apply annually to all contracts entered into by an
29 agency under RCW 35.21.278 in any one year, and that this limit not
30 be interpreted to apply on a per contract basis so as to allow any
31 number of individual contracts of up to \$75,000.

32 It is the intent of the legislature that this authority be used
33 to provide additional opportunities for public service organizations
34 to meaningfully participate in the betterment of their community,
35 rather than as a way for local agencies to advantage nonprofits over
36 other businesses in public contracting.

37 **Sec. 2.** RCW 35.21.278 and 2019 c 352 s 7 are each amended to
38 read as follows:

1 (1) Without regard to competitive bidding laws for public works,
2 a county, city, town, school district, metropolitan park district,
3 park and recreation district, port district, or park and recreation
4 service area may contract with a chamber of commerce, a service
5 organization, a community, youth, or athletic association, or other
6 similar association located and providing service in the immediate
7 neighborhood, for drawing design plans, making improvements to a
8 park, school playground, public square, other public spaces, or port
9 habitat site, installing equipment or artworks, or providing
10 maintenance services for such a project, or for a facility or
11 facilities as a community or neighborhood project, or for an
12 environmental justice stewardship or sustainability project, and may
13 reimburse the contracting association its expense. The contracting
14 association may use volunteers to whom no wage or salary compensation
15 is paid in the project and provide the volunteers with clothing or
16 tools; meals or refreshments; accident/injury insurance coverage; and
17 reimbursement of their expenses. The consideration to be received by
18 the public entity through the value of the improvements, artworks,
19 equipment, or maintenance shall have a value at least equal to
20 (~~three~~) two times that of the payment to the contracting
21 association. All payments made by a public entity under the authority
22 of this section for all such contracts in any one year shall not
23 exceed (~~twenty-five thousand dollars~~) \$75,000 or two dollars per
24 resident within the boundaries of the public entity, whichever is
25 greater.

26 (2) A county, city, town, school district, metropolitan park
27 district, park and recreation district, or park and recreation
28 service area may ratify an agreement, which qualifies under
29 subsection (1) of this section and was made before June 9, 1988.

30 (3) Without regard to competitive bidding laws for public works,
31 a school district, institution of higher education, or other
32 governmental entity that includes training programs for students may
33 contract with a community service organization, nonprofit
34 organization, or other similar entity, to build tiny houses for low-
35 income housing, if the students participating in the building of the
36 tiny houses are in:

37 (a) Training in a community and technical college construction or
38 construction management program;

39 (b) A career and technical education program;

40 (c) A state-recognized apprenticeship preparation program; or

1 (d) Training under a construction career exploration program for
2 high school students administered by a nonprofit organization.

--- **END** ---