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HOUSE BILL 2601

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State of Washington

66th Legislature

2020 Regular Session

By Representatives Tharinger and Barkis; by request of Parks and Recreation Commission

1 AN ACT Relating to the authority of the parks and recreation  
2 commission to approve leases; and amending RCW 79A.05.025 and  
3 79A.05.030.

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

5 **Sec. 1.** RCW 79A.05.025 and 2016 c 103 s 1 are each amended to  
6 read as follows:

7 (1) The commission shall elect one of its members as chair. The  
8 commission may be convened at such times as the chair deems  
9 necessary, and a majority shall constitute a quorum for the  
10 transaction of business.

11 (2)(a) Except as provided in (b) of this subsection, the lease of  
12 parkland or property for a period exceeding twenty years requires the  
13 (~~unanimous consent~~) affirmative vote of at least four members of  
14 the commission.

15 (b) With the affirmative vote of at least five members of the  
16 commission, the commission may enter into a lease for up to sixty-two  
17 years for property at Saint Edward state park. The commission may  
18 only enter into a lease under the provisions of this subsection

19 (2)(b) if the commission finds that the department of commerce study  
20 required by section 3, chapter 103, Laws of 2016 fails to identify an  
21 economically viable public or nonprofit use for the property that is

1 consistent with the state parks and recreation commission's mission  
2 and could proceed on a reasonable timeline. The lease at Saint Edward  
3 state park may only include the following:

- 4 (i) The main seminary building;
- 5 (ii) The pool building;
- 6 (iii) The gymnasium;
- 7 (iv) The parking lot located in between locations identified in  
8 (b) (i), (ii), and (iii) of this subsection;
- 9 (v) The parking lot immediately north of the gymnasium; and
- 10 (vi) Associated property immediately adjacent to the areas listed  
11 in (b) (i) through (v) of this subsection.

12 **Sec. 2.** RCW 79A.05.030 and 2016 c 103 s 2 are each amended to  
13 read as follows:

14 The commission shall:

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

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

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

26 (4) Clear, drain, grade, seed, and otherwise improve or beautify  
27 parks and parkways, and erect structures, buildings, fireplaces, and  
28 comfort stations and build and maintain paths, trails, and roadways  
29 through or on parks and parkways.

30 (5) Grant concessions or leases in state parks and parkways upon  
31 such rentals, fees, or percentage of income or profits and for such  
32 terms, in no event longer than (~~fifty~~) eighty years, except for a  
33 lease associated with land or property described in RCW  
34 79A.05.025(2)(b) which may not exceed sixty-two years, and upon such  
35 conditions as shall be approved by the commission.

36 (a) Leases exceeding a twenty-year term, or the amendment or  
37 modification of these leases, shall require a vote consistent with  
38 RCW 79A.05.025(2).

1 (b) If, during the term of any concession or lease, it is the  
2 opinion of the commission that it would be in the best interest of  
3 the state, the commission may, with the consent of the concessionaire  
4 or lessee, alter and amend the terms and conditions of such  
5 concession or lease.

6 (c) Television station leases shall be subject to the provisions  
7 of RCW 79A.05.085.

8 (d) The rates of concessions or leases shall be renegotiated at  
9 five-year intervals. No concession shall be granted which will  
10 prevent the public from having free access to the scenic attractions  
11 of any park or parkway.

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

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

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

36 (b) Moneys used for the purchase of the option agreement are from  
37 (i) funds appropriated therefor, or (ii) funds appropriated for  
38 undesignated land acquisitions, or (iii) funds deemed by the  
39 commission to be in excess of the amount necessary for the purposes  
40 for which they were appropriated; and

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

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

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

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

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