

---

**SUBSTITUTE SENATE BILL 6377**

---

**State of Washington**

**64th Legislature**

**2016 Regular Session**

**By** Senate Natural Resources & Parks (originally sponsored by Senators Pearson, Jayapal, Rolfes, Takko, Dansel, Warnick, and Hewitt)

READ FIRST TIME 02/04/16.

1 AN ACT Relating to administrative processes of the state parks  
2 and recreation commission; amending RCW 79A.05.025, 79A.05.175, and  
3 79A.05.178; and reenacting and amending RCW 79A.05.030.

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

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

7 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))~~ four members shall constitute a quorum  
10 for the transaction of business. The affirmative vote of at least  
11 four members of the commission is required to pass any proposition  
12 before the commission unless: (1) Otherwise provided by statute; or  
13 (2) the commission, by rule, requires the affirmative vote of greater  
14 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))~~ an affirmative vote of at least five members  
25 of the commission following an opportunity for public review and  
26 comment on potential environmental impacts of any lease subject to  
27 review under chapter 43.21C RCW. Further, television station leases  
28 shall be subject to the provisions of RCW 79A.05.085~~((7))~~ only:  
29 PROVIDED FURTHER, That the rates of such concessions or leases shall  
30 be ~~((renegotiated at five-year intervals))~~ reviewed at least every  
31 five years and, at the discretion of the commission, modified to  
32 reflect changes in market conditions. No concession shall be granted  
33 which will prevent the public from having free access to the scenic  
34 attractions of any park 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~~) With  
8 authorization from the commission under RCW 79A.05.025, select and  
9 purchase or obtain options upon, lease, or otherwise acquire for and  
10 in the name of the state such tracts of land, including shore and  
11 tide lands, for park and parkway purposes as it deems proper. If the  
12 commission cannot acquire any tract at a price it deems reasonable,  
13 it may, (~~by majority vote of its authorized membership~~) with  
14 authorization under RCW 79A.05.025, obtain title thereto, or any part  
15 thereof, by condemnation proceedings conducted by the attorney  
16 general as provided for the condemnation of rights-of-way for state  
17 highways. Option agreements executed under authority of this  
18 subsection shall be valid only if:

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

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

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

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

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

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

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

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

1 usage. The equal value of all lands exchanged shall first be  
2 determined by the appraisals to the satisfaction of the commission.  
3 No sale or exchange of state park lands shall be made without ((the  
4 ~~unanimous consent~~)) an affirmative vote of at least five members of  
5 the commission.

6 **Sec. 4.** RCW 79A.05.178 and 2000 c 42 s 1 are each amended to  
7 read as follows:

8 (1) Notwithstanding any other provision of this chapter, the  
9 commission may directly dispose of up to ten contiguous acres of real  
10 property, without public auction, to resolve trespass, property  
11 ownership disputes, and boundary adjustments with adjacent private  
12 property owners. Real property to be disposed of under this section  
13 may be disposed of only after appraisal and for at least fair market  
14 value, and only if the transaction is in the best interest of the  
15 state. The commission shall cooperate with potential purchasers to  
16 arrive at a mutually agreeable sales price. If necessary,  
17 determination of fair market value may include the use of separate  
18 independent appraisals by each party and the review of the  
19 appraisals, as agreed upon by the parties. All conveyance documents  
20 shall be executed by the governor. All proceeds from the disposal of  
21 the property shall be paid into the park land acquisition account. No  
22 disposal of real property may be made without ((the ~~unanimous~~  
23 ~~consent~~)) an affirmative vote of at least five members of the  
24 commission.

25 (2) Prior to the disposal of any real property under subsection  
26 (1) of this section, the commission shall hold a public hearing on  
27 the proposal in the county where the real property, or the greatest  
28 portion of the real property, is located. At least ten days, but not  
29 more than twenty-five days, prior to the hearing, the commission  
30 shall publish a paid public notice of reasonable size in display  
31 advertising form, setting forth the date, time, and place of the  
32 hearing, at least once in one or more daily newspapers of general  
33 circulation in the county and at least once in one or more weekly  
34 newspapers circulated in the area where the real property is located.  
35 A news release concerning the public hearing must be disseminated  
36 among print and electronic media in the area where the real property  
37 is located. The public notice and news release shall also identify  
38 the real property involved in the proposed disposal and describe the  
39 purpose of the proposed disposal. A summary of the testimony

1 presented at the public hearing shall be prepared for the  
2 commission's consideration when reviewing the proposed disposal of  
3 real property.

4 (3) If there is a failure to substantially comply with the  
5 procedures set out under this section, then the agreement to dispose  
6 of the real property is subject to being declared invalid by a court  
7 of competent jurisdiction. Such a suit must be brought within one  
8 year of the date of the real property disposal agreement.

--- END ---