

**FORMATTING NOTE:**

In initiatives, legislative bills and other proposed measures, language that is to be deleted from current statutes is represented by a "strikethrough" character and language that is to be added is underlined. Because these special characters cannot be formatted in all Internet browsers, a different set of symbols is used for presenting these proposals on-line. The symbols are as follows:

- Text that is surrounded by (~~- text here -~~) is text that will be DELETED FROM the existing statute if the proposed measure is approved.
- Text that is surrounded by {+ text here +} is text that will be ADDED TO the existing statute if the proposed measure is approved.
- {+ NEW SECTION+} (found at the beginning of a section or paragraph) indicates that ALL of the text in that section will become law if the proposed measure is approved.

\* \* \*

**INITIATIVE 241**

AN ACT Relating to public parks and recreation; amending RCW 77.12.220, 79A.50.080, 79A.05.135, 79A.25.140, 47.01.300, 47.05.010, 47.12.010, 78.04.010, 79A.05.080, 79A.05.085, 80.01.040, 80.28.220, 80.36.010, 80.50.120, 81.36.010, 90.16.030, 90.16.100, 79A.25.070, 46.09.170, 46.10.170, 79A.05.215, 82.08.020, 84.52.010, 82.14.050, 82.14.060, and 43.135.055; reenacting and amending RCW 79A.05.030; adding new sections to chapter 35.21 RCW; adding new sections to chapter 35.61 RCW; adding new sections to chapter 36.68 RCW; adding a new section to chapter 36.69 RCW; adding a new section to chapter 8.28 RCW; adding a new section to chapter 82.08 RCW; adding new sections to chapter 84.52 RCW; adding new sections to chapter 82.14 RCW; adding new sections to chapter 82.46 RCW; adding a new section to chapter 36.01 RCW; adding a new section to chapter 79A.25 RCW; adding a new section to chapter 41.26 RCW; adding a new section to chapter 41.40 RCW; adding a new chapter to Title 79A RCW; and creating a new section.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF WASHINGTON:

INTRODUCTION

{+ NEW SECTION. +} Sec. 1. It is the intent of the people to reaffirm their support for public parks and recreation as vital services provided by both state and local government, independently and collaboratively, and frequently in cooperation with the federal government, the tribes, and private entities. The people find that the subject of public parks and recreation is a single subject, as the efforts made by state and local governments to preserve, provide, perpetuate, and protect public park and recreation facilities, services, users, and staff necessarily overlap and commingle, and an effective effort to address the public park and recreation needs of the state of Washington must necessarily address the spectrum of effort from local, to regional, to state-wide focus. The program put forth by the people to address public parks and recreation for the benefit of the people necessarily addresses, as separate facets of a unitary whole, many interrelated aspects of the single state and local program for public parks and recreation established as public policy for the

state of Washington and its subordinate political units.

PART ONE  
PRESERVING PUBLIC PARKS AND RECREATION

{+ NEW SECTION. +} Sec. 101. The people find that lands and facilities that have been, or will be, committed to public park use and recreation activities are a precious resource and are often difficult, if not impossible, to replace. The people note that many of our most significant park and recreation resources were donated, and are both an inheritance from our predecessors and an obligation upon the people to preserve for our posterity. The people further note the wealth our older communities enjoy in possessing fine public park and recreation facilities donated from territorial days to the modern era, and the struggle facing newer communities as they strive to match these resources to meet their emerging needs. The people finally note that many interests see public parklands and recreational resources as something to be exploited for other purposes, often without adequate consideration of alternatives and without due regard for the value of the public park and recreation resource. The people declare that it is the public policy of the state of Washington, governing all agencies of the state and its political subdivisions, that publicly owned lands and facilities committed to park and recreation use shall not be alienated from that use without the unanimous consent of the governing or legislative body into whose care the land or facility has been committed through fee ownership, lease, easement, or any other vehicle of conveyance, unless another statute explicitly provides for a lesser standard for alienation of publicly owned land or facilities from park and recreation use.

{+ NEW SECTION. +} Sec. 102. A new section is added to chapter 35.21 RCW to read as follows:

The legislative authority of any city or town is the sole and final determiner in accordance with applicable statutes as to the public necessity for alienating from park and recreation use any publicly owned lands committed into its care and dedicated to park and recreation use.

{+ NEW SECTION. +} Sec. 103. A new section is added to chapter 35.61 RCW to read as follows:

The commission is the sole and final determiner in accordance with applicable statutes as to the public necessity for alienating from park and recreation use any publicly owned lands committed into its care and dedicated to park and recreation use.

{+ NEW SECTION. +} Sec. 104. A new section is added to chapter 36.68 RCW to read as follows:

The legislative authority of any county is the sole and final determiner in accordance with applicable statutes as to the public necessity for alienating from park and recreation use any publicly owned lands committed into its care and dedicated to park and recreation use.

{+ NEW SECTION. +} Sec. 105. A new section is added to chapter 36.68 RCW under the subchapter heading "park and recreation service areas" to read as follows:

The governing body of any park and recreation service area is the

sole and final determiner in accordance with applicable statutes as to the public necessity for alienating from park and recreation use any publicly owned lands committed into its care and dedicated to park and recreation use.

{+ NEW SECTION. +} Sec. 106. A new section is added to chapter 36.69 RCW to read as follows:

The park and recreation district board of commissioners is the sole and final determiner in accordance with applicable statutes as to the public necessity for alienating from park and recreation use any publicly owned lands committed into its care and dedicated to park and recreation use.

Sec. 107. RCW 77.12.220 and 2000 c 107 s 219 are each amended to read as follows:

For purposes of this title, the commission may make agreements to obtain real or personal property or to transfer or convey property held by the state to the United States or its agencies or instrumentalities, units of local government of this state, public service companies, or other persons, if in the judgment of the commission and the attorney general the transfer and conveyance is consistent with public interest. For purposes of this section, "local government" means any city, town, county, special district, municipal corporation, or quasi-municipal corporation.

If the commission agrees to a transfer or conveyance under this section or to a sale or return of real property under RCW 77.12.210, the director shall certify, with the attorney general, to the governor that the agreement has been made. The certification shall describe the real property. The governor then may execute and the secretary of state attest and deliver to the appropriate entity or person the instrument necessary to fulfill the agreement.

{+ The commission is the sole and final determiner in accordance with applicable statutes as to the public necessity for alienating from park and recreation use any publicly owned lands committed into its care and dedicated to park and recreation use. +}

Sec. 108. RCW 79A.50.080 and 1969 ex.s. c 247 s 1 are each amended to read as follows:

In order to maximize outdoor recreation {+ and other public park and recreation +} opportunities for the people of the state of Washington and allow for the full utilization of state owned land, all state departments and agencies are authorized and directed to cooperate together in fully utilizing the public lands. All state departments and agencies, vested with statutory authority for utilizing land for outdoor recreation{+ , other public park and recreation, +} or other beneficial public uses, are authorized and directed to apply to another state department or agency holding suitable public lands for permission of use. The department or agency applied to is authorized and directed to grant permission of use to the applying department or agency if the public use of the public land would be consistent with the existing and continuing principal uses. Trust lands may be withdrawn for outdoor recreation {+ and other public park and recreation +} purposes from sale or lease for other purposes by the department of natural resources pursuant to this section subject to the constraints imposed by the Washington state Constitution and the federal enabling statute. The decision regarding such consistency with existing and continuing principal uses shall be made by the agency owning or controlling such

lands and which decision shall be final.

Sec. 109. RCW 79A.05.135 and 1965 c 8 s 43.51.120 are each amended to read as follows:

All state parks and parkways, subject to the provisions of this chapter are set apart and dedicated as public parks and parkways for the benefit and enjoyment of all the people of this state{+ , and shall not be alienated from park and recreation use or taken or considered for other purposes by any agency of the state or its political subdivisions, or by any private entity, without the prior unanimous consent of the commission, unless otherwise explicitly provided by statute referencing this section +}.

Sec. 110. RCW 79A.25.140 and 1967 ex.s. c 62 s 6 are each amended to read as follows:

The committee for outdoor recreation shall make no commitment nor enter into any agreement until it has determined that sufficient funds are available to meet project costs. It is the legislative intent that, to such extent as may be necessary to assure the proper operation and maintenance of areas and facilities acquired or developed pursuant to any program participated in by this state under authority of this chapter, such areas and facilities shall be publicly maintained for outdoor recreation purposes. When requested by a state agency or public body, the committee may enter into and administer agreements with the United States or any appropriate agency thereof for planning, acquisition, and development projects involving participating federal-aid funds on behalf of any state agency, public body, or subdivision of this state: PROVIDED, That recipients of funds give necessary assurances to the committee that they have available sufficient matching funds to meet their shares, if any, of the cost of the project and that the acquired or developed areas will be operated and maintained at the expense of such state agency, public body, or subdivision for public outdoor recreation use.

{+ The committee shall, in compliance with section 101 of this act, take such actions and make and enforce such conditions as it deems necessary to preserve park and recreation use of publicly owned lands dedicated to outdoor recreation and other public park and recreation usages. +}

{+ NEW SECTION. +} Sec. 111. A new section is added to chapter 8.28 RCW to read as follows:

Whenever any land, real estate, premises, or other property owned by the state of Washington or any political subdivision of the state and dedicated to public park and recreation use shall be involved in or affected by any eminent domain, condemnation, local improvement, or other special assessment proceeding whatsoever, in addition to the notices elsewhere provided by law, the officer or board required by law to give notice of the proceedings shall first determine if the proceedings are in accord with the public policy enunciated in section 101 of this act and in conformity with sections 102 through 106 of this act and RCW 77.12.220, 79A.50.080, 79.08.1072, 79A.05.135, 79A.25.140, 47.01.300, 47.05.010, 47.12.010, 78.04.010, 79A.05.030, 79A.05.080, 79A.05.085, 80.28.220, 80.36.010, 80.50.120, 81.36.010, 90.16.030, and 90.16.100. The officer or board shall provide notice of the determination to the governing or legislative body into whose care the land or facility has been committed at least twenty days in advance of any hearing, including a written notice setting forth the nature of the

proceedings, the description of the public property sought to be involved in the proceeding or affected thereby, and the amount of the proposed assessment.

Sec. 112. RCW 47.01.300 and 1994 c 258 s 4 are each amended to read as follows:

The department shall, in cooperation with environmental regulatory authorities {+ and, when appropriate, park and recreation authorities +}:

(1) Identify and document environmental {+ and public park and recreation +} resources in the development of the state-wide multimodal plan under RCW 47.06.040;

(2) Allow for public comment regarding changes to the criteria used for prioritizing projects under chapter 47.05 RCW before final adoption of the changes by the commission;

(3) {+ Apply to the appropriate park and recreation authority before including any public park and recreation resource within a project, and reimburse any park and recreation authority for all costs incurred by that authority for participating in any phase of consideration of a project that includes, or negatively impacts, public parks or recreation facilities;

(4) +} Use an environmental review as part of the project prospectus identifying potential environmental impacts, mitigation, and costs during the early project identification and selection phase, submit the prospectus to the relevant environmental regulatory authorities, and maintain a record of comments and proposed revisions received from the authorities;

(({- (4) -})) {+ (5) +} Actively work with the relevant environmental regulatory authorities during the design alternative analysis process and seek written concurrence from the authorities that they agree with the preferred design alternative selected;

(({- (5) -})) {+ (6) +} Develop a uniform methodology, in consultation with relevant environmental regulatory authorities, for submitting plans and specifications detailing project elements that impact environmental resources, and proposed mitigation measures, to the relevant environmental regulatory authorities during the preliminary specifications and engineering phase of project development;

(({- (6) -})) {+ (7) +} Screen construction projects to determine which projects will require complex or multiple permits. The permitting authorities shall develop methods for initiating review of the permit applications for the projects before the final design of the projects;

(({- (7) -})) {+ (8) +} Conduct special prebid meetings for those projects that are environmentally complex; and

(({- (8) -})) {+ (9) +} Review environmental considerations related to particular projects during the preconstruction meeting held with the contractor who is awarded the bid.

Sec. 113. RCW 47.05.010 and 1993 c 490 s 1 are each amended to read as follows:

The legislature finds that solutions to state highway deficiencies have become increasingly complex and diverse and that anticipated transportation revenues will fall substantially short of the amount required to satisfy all transportation needs. Difficult investment trade-offs will be required.

It is the intent of the legislature that investment of state transportation funds to address deficiencies on the state highway

system be based on a policy of priority programming having as its basis the rational selection of projects and services according to factual need and an evaluation of life cycle costs and benefits and which are systematically scheduled to carry out defined objectives within available revenue.

The priority programming system shall ensure preservation of the existing state highway system, provide mobility for people and goods, support the state's economy, {+ preserve and protect public park and recreation facilities, +} and promote environmental protection and energy conservation.

The priority programming system shall implement the state-owned highway component of the state-wide multimodal transportation plan, consistent with local and regional transportation plans, by targeting state transportation investment to appropriate multimodal solutions which address identified state highway system deficiencies.

The priority programming system for improvements shall incorporate a broad range of solutions that are identified in the state-wide multimodal transportation plan as appropriate to address state highway system deficiencies including but not limited to highway expansion, efficiency improvements, nonmotorized transportation facilities, high occupancy vehicle facilities, transit facilities and services, rail facilities and services, and transportation demand management programs.

Sec. 114. RCW 47.12.010 and 1977 ex.s. c 151 s 46 are each amended to read as follows:

Whenever it is necessary to secure any lands or interests in land{+, other than publicly owned lands dedicated to park and recreation use, +} for a right of way for any state highway, or for the drainage thereof or construction of a protection therefor or so as to afford unobstructed vision therefor toward any railroad crossing or another public highway crossing or any point of danger to public travel or to provide a visual or sound buffer between highways and adjacent properties or for the purpose of acquiring sand pits, gravel pits, borrow pits, stone quarries, or any other land for the extraction of materials for construction or maintenance or both, or for any site for the erection upon and use as a maintenance camp, of any state highway, or any site for other necessary structures or for structures for the health and accommodation of persons traveling or stopping upon the state highways of this state, or any site for the construction and maintenance of structures and facilities adjacent to, under, upon, within, or above the right of way of any state highway for exclusive or nonexclusive use by an urban public transportation system, or for any other highway purpose, together with right of way to reach such property and gain access thereto, the department of transportation is authorized to acquire such lands or interests in land in behalf of the state by gift, purchase, or condemnation. In case of condemnation to secure such lands or interests in land, the action shall be brought in the name of the state of Washington in the manner provided for the acquiring of property for the public uses of the state, and in such action the selection of the lands or interests in land by the secretary of transportation shall, in the absence of bad faith, arbitrary, capricious, or fraudulent action, be conclusive upon the court and judge before which the action is brought that said lands or interests in land are necessary for public use for the purposes sought. The cost and expense of such lands or interests in land may be paid as a part of the cost of the state highway for which such right of way, drainage, unobstructed vision, sand pits, gravel pits, borrow pits, stone

quarries, maintenance camp sites, and structure sites or other lands are acquired. {+ Whenever it shall seem necessary to secure any lands or interests in land that are publicly owned lands dedicated to park and recreation use, the secretary shall apply to the governing or legislative body into whose care the lands have been committed, and the governing or legislative body is the sole and final determiner in accordance with applicable statutes as to the public necessity for alienating the lands from park and recreation use. +}

Sec. 115. RCW 78.04.010 and 1897 c 60 s 1 are each amended to read as follows:

The right of eminent domain{+ , other than to publicly owned lands dedicated to park and recreation use, +} is hereby extended to all corporations incorporated or that may hereafter be incorporated under the laws of this state or any state or territory of the United States, and doing business in this state, for the purpose of acquiring, owning or operating mines, mills or reduction works, or mining or milling gold and silver or other minerals, which may desire to erect and operate surface tramways or elevated cable tramways for the purpose of carrying, conveying or transporting the products of such mines, mills or reduction works.

Sec. 116. RCW 79A.05.030 and 1999 c 249 s 302, 1999 c 155 s 1, and 1999 c 59 s 1 are each reenacted and amended to read as follows:

The commission shall:

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

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

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

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

(5) Grant concessions or leases in state parks and parkways, upon such rentals, fees, or percentage of income or profits and for such terms, in no event longer than fifty years, and upon such conditions as shall be approved by the commission: PROVIDED, That leases exceeding a twenty-year term shall require a unanimous vote of the commission: PROVIDED FURTHER, That if, during the term of any concession or lease, it is the opinion of the commission that it would be in the best interest of the state, the commission may, with the consent of the concessionaire or lessee, alter and amend the terms and conditions of such concession or lease({- : PROVIDED FURTHER, That television station leases shall be subject to the provisions of RCW 79A.05.085, only: PROVIDED FURTHER, That the rates of such concessions or leases shall be renegotiated at five-year intervals -}). No concession shall be granted which will prevent the public from having free access to the scenic attractions of any park or parkway.

(6) Employ such assistance as it deems necessary. Commission expenses relating to its use of volunteer assistance shall be limited

to premiums or assessments for the insurance of volunteers by the department of labor and industries, compensation of staff who assist volunteers, materials and equipment used in authorized volunteer projects, training, reimbursement of volunteer travel as provided in RCW 43.03.050 and 43.03.060, and other reasonable expenses relating to volunteer recognition. The commission, at its discretion, may waive commission fees otherwise applicable to volunteers. The commission shall not use volunteers to replace or supplant classified positions. The use of volunteers may not lead to the elimination of any employees or permanent positions in the bargaining unit.

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

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

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

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

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

Sec. 117. RCW 79A.05.080 and 1965 c 8 s 43.51.062 are each amended to read as follows:

The state parks and recreation commission is hereby authorized to lease{+ , in the manner and under the terms it deems best for park and recreation purposes, +} the use of such areas in Mount Spokane state park, Steptoe Butte state park, Kamiak Butte state park or any other state park for television stations as the commission may decide are suitable for that purpose: PROVIDED, That this authority shall not extend to school lands or lands held by the state of Washington for educational purposes.

Sec. 118. RCW 79A.05.085 and 1974 ex.s. c 151 s 1 are each amended to read as follows:

The commission shall determine the fair market value for television station leases based upon independent appraisals and existing leases for television stations shall be extended at said fair market rental for at least one period of not more than twenty years: PROVIDED, That the rates in said leases shall be renegotiated at five year intervals: PROVIDED FURTHER, That said stations shall permit the attachment of antennae of publicly operated broadcast and microwave stations where

electronically practical to combine the towers: PROVIDED FURTHER, That notwithstanding any term to the contrary in any lease, this section shall not preclude the commission from prescribing new and reasonable lease terms relating to the modification, placement or design of facilities operated by or for a station, and any extension of a lease granted under this section shall be subject to this proviso: PROVIDED FURTHER, That notwithstanding any other provision of law the director in his {+ or her +} discretion may waive any requirement that any environmental impact statement or environmental assessment be submitted as to any lease negotiated and signed between January 1, 1974 and December 31, 1974. {+ The commission shall have full authority, for all leases entered into or extended after January 1, 2002, to require relocation or colocation of towers to accommodate all broadcast and other media in the best interests of park and recreation use of lands managed by the commission. +}

Sec. 119. RCW 80.01.040 and 1985 c 450 s 10 are each amended to read as follows:

The utilities and transportation commission shall:

(1) Exercise all the powers and perform all the duties prescribed therefor by this title and by Title 81 RCW, or by any other law.

(2) Regulate in the public interest, as provided by the public service laws, the rates, services, facilities, and practices of all persons engaging in the transportation by whatever means of persons or property within this state for compensation, and related activities; including, but not limited to, air transportation companies, auto transportation companies, express companies, freight and freight line companies, motor freight companies, motor transportation agents, private car companies, railway companies, sleeping car companies, steamboat companies, street railway companies, toll bridge companies, storage warehousemen, and wharfingers and warehousemen.

(3) Regulate in the public interest, as provided by the public service laws, the rates, services, facilities, and practices of all persons engaging within this state in the business of supplying any utility service or commodity to the public for compensation, and related activities; including, but not limited to, electrical companies, gas companies, irrigation companies, telecommunications companies, and water companies.

(4) {+ Ensure that regulated persons, in exercising their powers of eminent domain, comply with the public policy of the state of Washington preserving publicly owned lands dedicated to park and recreation use.

(5) +} Make such rules (({- and regulations -})) as may be necessary to carry out its other powers and duties.

Sec. 120. RCW 80.28.220 and 1961 c 14 s 80.28.220 are each amended to read as follows:

Every corporation having for one of its principal purposes the transmission, distribution, sale, or furnishing of natural gas or other type gas for light, heat, or power and holding and owning a certificate of public convenience and necessity from the utilities and transportation commission authorizing the operation of a gas plant, may appropriate, by condemnation, lands and property and interests therein, {+ other than publicly owned lands dedicated to park and recreation use, +} for the transmission, distribution, sale, or furnishing of such natural gas or other type gas through gas mains or pipelines under the provisions of chapter 8.20 RCW.

Sec. 121. RCW 80.36.010 and 1985 c 450 s 15 are each amended to read as follows:

The right of eminent domain{+ , other than to publicly owned land dedicated to park and recreation use, +} is hereby extended to all telecommunications companies organized or doing business in this state.

Sec. 122. RCW 80.50.120 and 1977 ex.s. c 371 s 10 are each amended to read as follows:

(1) Subject to the conditions set forth therein any certification shall bind the state and each of its departments, agencies, divisions, bureaus, commissions, boards, and political subdivisions, whether a member of the council or not, as to the approval of the site and the construction and operation of the proposed energy facility.

(2) The certification shall authorize the person named therein to construct and operate the proposed energy facility subject only to the conditions set forth in such certification.

(3) The issuance of a certification shall be in lieu of any permit, certificate or similar document required by any department, agency, division, bureau, commission, board, or political subdivision of this state, whether a member of the council or not.

{+ (4) Notwithstanding any other provision of this chapter, the council shall not certify an energy facility on lands managed by the parks and recreation commission unless the council first requests and obtains the commission's approval, nor shall the council certify an energy facility on any other publicly owned lands dedicated to park and recreation use unless the council first requests and obtains the approval of the governing or legislative body into whose care the lands have been committed. +}

Sec. 123. RCW 81.36.010 and 1961 c 14 s 81.36.010 are each amended to read as follows:

Every corporation organized for the construction of any railway, macadamized road, plank road, clay road, canal or bridge, is hereby authorized and empowered to appropriate, by condemnation, land and any interest in land or contract right relating thereto, including any leasehold interest therein and any rights-of-way for tunnels beneath the surface of the land, and any elevated rights-of-way above the surface thereof, including lands granted to the state for university, school or other purposes, and also tide and shore lands belonging to the state (but not including harbor areas), which may be necessary for the line of such road, railway or canal, or site of such bridge, not exceeding two hundred feet in width, besides a sufficient quantity thereof for toll houses, workshops, materials for construction, excavations and embankments and a right-of-way over adjacent lands or property, to enable such corporation to construct and prepare its road, railway, canal or bridge, and to make proper drains; and in case of a canal, whenever the court shall deem it necessary, to appropriate a sufficient quantity of land, including lands granted to the state for university, school or other purposes, in addition to that before specified in this section, for the construction and excavation of such canal and of the slopes and bermes thereof, not exceeding one thousand feet in total width; and in case of a railway to appropriate a sufficient quantity of any such land, including lands granted to the state for university, schools and other purposes and also tide and shore lands belonging to the state (but not including harbor areas) in addition to that before specified in this section, for the necessary side tracks, depots and water stations, and the right to conduct water

thereto by aqueduct, and for yards, terminal, transfer and switching grounds, docks and warehouses required for receiving, delivering, storage and handling of freight, and such land, or any interest therein, as may be necessary for the security and safety of the public in the construction, maintenance and operation of its railways; compensation therefor to be made to the owner thereof irrespective of any benefit from any improvement proposed by such corporation, in the manner provided by law: AND PROVIDED FURTHER, That if such corporation locate the bed of such railway or canal upon any part of the track now occupied by any established state or county road, said corporation shall be responsible to the state or county in which such state or county road so appropriated is located, for all expenses incurred by the state or county in relocating and opening the part of such road so appropriated. The term land as herein used {+ does not include publicly owned lands dedicated to park and recreation use, but +} includes tide and shore lands but not harbor areas; it also includes any interest in land or contract right relating thereto, including any leasehold interest therein.

Sec. 124. RCW 90.16.030 and 1901 c 143 s 1 are each amended to read as follows:

The right of eminent domain{+ , other than to publicly owned lands dedicated to park and recreation use, +} for the purpose of appropriating real estate is hereby extended to all corporations that are now or that may hereafter be incorporated under the laws of this state, or of any state or territory of the United States and doing business in this state, for the purpose of conveying water by ditches, flumes, pipe lines, tunnels or any other means for the utilization of water power: PROVIDED, HOWEVER, That said right of eminent domain shall not be exercised in respect to any residence or business structure or structures.

Sec. 125. RCW 90.16.100 and Code 1881 s 2472 are each amended to read as follows:

All corporations, authorized to do business in the state, and who have been, or may hereafter be organized, for the purpose of erecting and maintaining flumes and aqueducts to convey water for consumption or for mining, irrigation, milling or other industrial purposes, shall have the same right to appropriate lands{+ , other than publicly owned lands dedicated to park and recreation use, +} for necessary corporate purposes, and under the same (({- regulations -})) {+ rules +} and instructions as are provided for other corporations; and such corporations organized for such purposes, in order to carry out the object of their incorporation, are authorized to take and use any water not otherwise legally appropriated.

PART TWO  
PROVIDING FOR PUBLIC PARKS AND RECREATION

{+ NEW SECTION. +} Sec. 201. The people find that public parks and recreation have not been adequately funded on either the state or local level. It is the intent of the people to recapture revenues that properly belong to recreational uses, to dedicate additional revenues to the support of the state and local agencies that maintain and operate park and recreation facilities, and to protect those revenues from direct or indirect diversion to other uses.

Sec. 202. RCW 79A.25.070 and 2000 c 11 s 73 are each amended to read as follows:

Upon expiration of the time limited by RCW 82.36.330 for claiming of refunds of tax on marine fuel, the state of Washington shall succeed to the right to such refunds. The director of licensing, after taking into account past and anticipated claims for refunds from and deposits to the marine fuel tax refund account and the costs of carrying out the provisions of RCW 79A.25.030, shall request the state treasurer to transfer (({- monthly from the marine fuel tax refund account an amount equal to the proportion of the moneys in the account representing the motor vehicle fuel tax rate under RCW 82.36.025 in effect on January 1, 1990, to the recreation resource account and the remainder to the motor vehicle fund -})) {+ to the recreation resource account moneys in the marine fuel tax refund account that are not required for payment of the refund claims or costs, and the state treasurer shall make the transfer +}.

Sec. 203. RCW 46.09.170 and 1995 c 166 s 9 are each amended to read as follows:

(1) From time to time, but at least once each year, the state treasurer shall refund from the motor vehicle fund one percent of the motor vehicle fuel tax revenues collected under chapter 82.36 RCW, (({- based on the tax rate in effect January 1, 1990, -})) less proper deductions for refunds and costs of collection as provided in RCW 46.68.090. The treasurer shall place these funds in the general fund as follows:

(a) Forty percent shall be credited to the ORV and nonhighway vehicle account and administered by the department of natural resources solely for planning, maintenance, and management of ORV recreation facilities, nonhighway roads, and nonhighway road recreation facilities. The funds under this subsection shall be expended in accordance with the following limitations:

(i) Not more than five percent may be expended for information programs under this chapter;

(ii) Not less than ten percent and not more than fifty percent may be expended for ORV recreation facilities;

(iii) Not more than twenty-five percent may be expended for maintenance of nonhighway roads;

(iv) Not more than fifty percent may be expended for nonhighway road recreation facilities;

(v) Ten percent shall be transferred to the interagency committee for outdoor recreation for grants to law enforcement agencies in those counties where the department of natural resources maintains ORV facilities. This amount is in addition to those distributions made by the interagency committee for outdoor recreation under (d)(i) of this subsection;

(b) Three and one-half percent shall be credited to the ORV and nonhighway vehicle account and administered by the department of fish and wildlife solely for the acquisition, planning, development, maintenance, and management of nonhighway roads and recreation facilities;

(c) Two percent shall be credited to the ORV and nonhighway vehicle account and administered by the parks and recreation commission solely for the maintenance and management of ORV use areas and facilities; and

(d) Fifty-four and one-half percent, together with the funds received by the interagency committee for outdoor recreation under RCW 46.09.110, shall be credited to the nonhighway and off-road vehicle

activities program account to be administered by the committee for planning, acquisition, development, maintenance, and management of ORV recreation facilities and nonhighway road recreation facilities; ORV user education and information; and ORV law enforcement programs. The funds under this subsection shall be expended in accordance with the following limitations:

(i) Not more than twenty percent may be expended for ORV education, information, and law enforcement programs under this chapter;

(ii) Not less than an amount equal to the funds received by the interagency committee for outdoor recreation under RCW 46.09.110 and not more than sixty percent may be expended for ORV recreation facilities;

(iii) Not more than twenty percent may be expended for nonhighway road recreation facilities.

(2) On a yearly basis an agency may not, except as provided in RCW 46.09.110, expend more than ten percent of the funds it receives under this chapter for general administration expenses incurred in carrying out this chapter.

Sec. 204. RCW 46.10.170 and 1994 c 262 s 4 are each amended to read as follows:

From time to time, but at least once each four years, the department shall determine the amount of moneys paid to it as motor vehicle fuel tax that is tax on snowmobile fuel. Such determination shall use one hundred thirty-five gallons as the average yearly fuel usage per snowmobile({- , -})) {+ and +} the number of registered snowmobiles during the calendar year under determination({- , and the fuel tax rate in effect January 1, 1990 -})).

{+ NEW SECTION. +} Sec. 205. The people recognize the need to secure an adequate revenue base for the operation, maintenance, and improvement of the state parks system. It is the intent of the people, by dedicating a portion of the general revenues of the state to state parks, to provide sufficient revenues for state parks to meet the existing and identified needs of the state parks operating, capital, and transportation budget appropriations previously met by direct appropriation to the state parks and recreation commission from the general revenues of the state of Washington, including general transportation revenues and capital bond moneys supported by the general fund. In addition, the people recognize the need for additional support for other state and local government agencies that provide for parks and recreation. It is the intent of the people, by dedicating an additional portion of the general revenues of the state to parks and recreation, and providing for local options for revenue for parks and recreation which could be matched by state revenues, to provide for operating and maintenance needs for parks and recreation in addition to existing state and local efforts and revenues.

Sec. 206. RCW 79A.05.215 and 1995 c 211 s 7 are each amended to read as follows:

The state parks renewal and stewardship account is created in the state treasury. Except as otherwise provided in this chapter, all receipts from user fees, concessions, leases, and other state park-based activities{+ , all revenues derived under RCW 82.08.020(3), and all interest earnings derived from the balances in the account +} shall be deposited into the account. Expenditures from the account may {+ only +} be used for operating state parks, developing and renovating

park facilities, undertaking deferred maintenance, {+ making capital investments in the state parks, maintaining state parks roads, +} enhancing park stewardship, and other state park purposes. Expenditures from the account may be made only after appropriation by the legislature.

{+ NEW SECTION. +} Sec. 207. The public parks and recreation enhancement account is created in the state treasury. All revenues derived under RCW 82.08.020(4), and all interest earnings derived from the balances in the account, shall be deposited into the account. Expenditures from the account may be used only for the enhancement of parks and recreation, including the purposes of sections 302, 303, and 402 of this act, by the state parks and recreation commission, the department of natural resources, the department of fish and wildlife, the interagency committee for outdoor recreation, and to match park and recreation enhancement efforts by metropolitan park districts, cities, and counties that have either opted to use any of the local options for additional revenues provided in RCW 82.14.400 and sections 210 through 212, 214 through 216, and 219 through 221 of this act and which have not decreased the commitment of existing revenues below the level committed in the fiscal year prior to the adoption of the local option, or have increased park and recreation expenditures from existing general revenues. Expenditures from the account may be made only after appropriation by the legislature, and shall not supplant existing funds. Unappropriated balances may, by legislative action, be transferred to the general fund.

Sec. 208. RCW 82.08.020 and 1998 c 321 s 36 are each amended to read as follows:

(1) There is levied and there shall be collected a tax on each retail sale in this state equal to six and (({- five-tenths -})) {+ three-tenths +} percent of the selling price.

(2) There is levied and there shall be collected an additional tax on each retail car rental, regardless of whether the vehicle is licensed in this state, equal to five and nine-tenths percent of the selling price. The revenue collected under this subsection shall be deposited and distributed in the same manner as motor vehicle excise tax revenue collected under RCW 82.44.020(1).

(3) {+ There is levied and there shall be collected a tax on each retail sale in this state equal to one-tenth percent of the selling price. The revenue collected under this subsection shall be deposited in the state parks renewal and stewardship account created in RCW 79A.05.215.

(4) There is levied and there shall be collected a tax on each retail sale in this state equal to one-tenth percent of the selling price. The revenue collected under this subsection shall be deposited in the public parks and recreation enhancement account created in section 207 of this act.

(5) {+} The taxes imposed under this chapter shall apply to successive retail sales of the same property.

(({- (4) -})) {+ (6) +} The rates provided in this section apply to taxes imposed under chapter 82.12 RCW as provided in RCW 82.12.020.

{+ NEW SECTION. +} Sec. 209. A new section is added to chapter 82.08 RCW to read as follows:

RCW 43.135.035(4) does not apply to the amendments made to RCW

82.08.020 by section 208 of this act.

{+ NEW SECTION. +} Sec. 210. A new section is added to chapter 84.52 RCW to read as follows:

(1) For the purpose of acquisition, construction, remodeling, equipping, repairing, maintaining, and operating any park and recreation facilities the legislative authority of any county may, subject to section 213 of this act, levy an annual regular property tax assessment not exceeding fifty cents per thousand dollars of assessed valuation in the unincorporated portions of the county.

(2) The levy under this section is in addition to the levy of a county under RCW 84.52.043.

(3) The limitation in RCW 84.55.010 does not apply to the first levy imposed under this section.

{+ NEW SECTION. +} Sec. 211. A new section is added to chapter 82.14 RCW to read as follows:

(1) For the purpose of acquisition, construction, remodeling, equipping, repairing, maintaining, and operating any park and recreation facilities the legislative authority of any county that is not levying a property tax pursuant to section 210 of this act may, subject to section 213 of this act, levy and collect a sales and use tax in the county at the rate of one-tenth of one percent of the selling price in the case of a sales tax, or value of the article used, in the case of a use tax.

(2) The tax authorized in this section is in addition to any other taxes authorized by law and shall be collected from those persons who are taxable by the state under chapters 82.08 and 82.12 RCW upon the occurrence of any taxable event within the county.

{+ NEW SECTION. +} Sec. 212. A new section is added to chapter 82.46 RCW to read as follows:

(1) For the purpose of acquisition, construction, remodeling, equipping, repairing, maintaining, and operating any park and recreation facilities the legislative authority of any county that is not levying a property tax pursuant to section 210 of this act nor a sales and use tax pursuant to section 211 of this act may, subject to section 213 of this act and in addition to any tax otherwise authorized, impose an excise tax on each sale of real property in the unincorporated area of the county at the rate of one-tenth of one percent of the selling price.

(2) Taxes imposed under this section shall be collected from persons who are taxable by the state under chapter 82.45 RCW upon the occurrence of any taxable event within the unincorporated areas of the county.

(3) Taxes imposed under this section shall comply with all applicable rules, laws, and court decisions regarding real estate excise taxes as imposed by the state under chapter 82.45 RCW.

{+ NEW SECTION. +} Sec. 213. A new section is added to chapter 36.01 RCW to read as follows:

(1) A county shall have no authority to levy taxes under section 210, 211, or 212 of this act until that power is activated by vote of the voters in the unincorporated portions of the county at a regular or special election called for that purpose. The ballot proposition whether to activate the county's regular taxing power under either section 210, 211, or 212 of this act shall propose an initial regular

tax rate or amount and shall also propose a maximum regular tax rate or amount.

(2) Any county placing on the ballot a proposition to authorize the levy of taxes under section 210, 211, or 212 of this act shall, in the ballot resolution or ordinance, agree to continue, for so long as the county levies general taxes under section 210, 211, or 212 of this act, to appropriate annually for park and recreation purposes, from sources other than general taxes levied under section 210, 211, or 212 of this act, at least the same dollar amount the county appropriated for park and recreation purposes in the fiscal year prior to the submission of the proposition to the voters.

{+ NEW SECTION. +} Sec. 214. A new section is added to chapter 84.52 RCW to read as follows:

(1) For the purpose of acquisition, construction, remodeling, equipping, repairing, maintaining, and operating any park and recreation facilities the legislative authority of any city that is not in a metropolitan park district may, subject to section 217 of this act, levy an annual regular property tax assessment not exceeding fifty cents per thousand dollars of assessed valuation in the city.

(2) The levy under this section is in addition to the levy of a city under RCW 84.52.043 and 41.16.060.

(3) The limitation in RCW 84.55.010 does not apply to the first levy imposed under this section.

{+ NEW SECTION. +} Sec. 215. A new section is added to chapter 82.14 RCW to read as follows:

(1) For the purpose of acquisition, construction, remodeling, equipping, repairing, maintaining, and operating any park and recreation facilities the legislative authority of any city that is not in a metropolitan park district and not levying a property tax pursuant to section 214 of this act may, subject to section 217 of this act, levy and collect a sales and use tax in the city in the amount of one-tenth of one percent of the selling price in the case of a sales tax, or value of the article used, in the case of a use tax. However, in the event a county shall impose a sales and use tax pursuant to section 211 of this act, the rate of the tax imposed under this section by any city or town therein shall not exceed eighty-five one-thousandths of one percent.

(2) The tax authorized in this section is in addition to any other taxes authorized by law and shall be collected from those persons who are taxable by the state under chapters 82.08 and 82.12 RCW upon the occurrence of any taxable event within the city.

{+ NEW SECTION. +} Sec. 216. A new section is added to chapter 82.46 RCW to read as follows:

(1) For the purpose of acquisition, construction, remodeling, equipping, repairing, maintaining, and operating any park and recreation facilities the legislative authority of any city that is not in a metropolitan park district and not levying a property tax pursuant to section 214 of this act nor a sales and use tax pursuant to section 215 of this act may, subject to section 217 of this act and in addition to any tax otherwise authorized, impose an excise tax on each sale of real property in the corporate limits of the city at the rate of one-tenth of one percent of the selling price.

(2) Taxes imposed under this section shall be collected from persons who are taxable by the state under chapter 82.45 RCW upon the

occurrence of any taxable event within the corporate limits of the city.

(3) Taxes imposed under this section shall comply with all applicable rules, laws, and court decisions regarding real estate excise taxes as imposed by the state under chapter 82.45 RCW.

{+ NEW SECTION. +} Sec. 217. A new section is added to chapter 35.21 RCW to read as follows:

(1) A city shall have no authority to levy taxes under section 214, 215, or 216 of this act until that power is activated by vote of the city's voters at a regular or special election called for that purpose. The ballot proposition whether to activate the city's regular taxing power under either section 214, 215, or 216 of this act shall propose an initial regular tax rate or amount and shall also propose a maximum regular tax rate or amount.

(2) Any city placing on the ballot a proposition to authorize the levy of taxes under section 214, 215, or 216 of this act shall, in the ballot ordinance, agree to continue, for so long as the city levies general taxes under section 214, 215, or 216 of this act, to appropriate annually for park and recreation purposes, from sources other than general taxes levied under section 214, 215, or 216 of this act, at least the same dollar amount the city appropriated for park and recreation purposes in the fiscal year prior to the submission of the proposition to the voters.

Sec. RCW 84.52.010 and 1995 2nd sp.s. c 13 s 4 are each amended to read as follows:

Except as is permitted under RCW 84.55.050, all taxes shall be levied or voted in specific amounts.

The rate percent of all taxes for state and county purposes, and purposes of taxing districts coextensive with the county, shall be determined, calculated and fixed by the county assessors of the respective counties, within the limitations provided by law, upon the assessed valuation of the property of the county, as shown by the completed tax rolls of the county, and the rate percent of all taxes levied for purposes of taxing districts within any county shall be determined, calculated and fixed by the county assessors of the respective counties, within the limitations provided by law, upon the assessed valuation of the property of the taxing districts respectively.

When a county assessor finds that the aggregate rate of tax levy on any property, that is subject to the limitations set forth in RCW 84.52.043 or 84.52.050, exceeds the limitations provided in either of these sections, the assessor shall recompute and establish a consolidated levy in the following manner:

(1) The full certified rates of tax levy for state, county, county road district, and city or town purposes shall be extended on the tax rolls in amounts not exceeding the limitations established by law; however any state levy shall take precedence over all other levies and shall not be reduced for any purpose other than that required by RCW 84.55.010. If, as a result of the levies imposed under RCW 84.52.069, 84.34.230, the portion of the levy by a metropolitan park district that was protected under RCW 84.52.120, and 84.52.105, the combined rate of regular property tax levies that are subject to the one percent limitation exceeds one percent of the true and fair value of any property, then these levies shall be reduced as follows: (a) The portion of the levy by a metropolitan park district that is protected

under RCW 84.52.120 shall be reduced until the combined rate no longer exceeds one percent of the true and fair value of any property or shall be eliminated; (b){+ (i) if the combined rate of regular property tax levies that are subject to the one percent limitation still exceeds one percent of the true and fair value of any property in the unincorporated portion of a county, then the levy by a county under section 210 of this act shall be reduced until the combined rate no longer exceeds one percent of the true and fair value of any property or shall be eliminated; (ii) if the combined rate of regular property tax levies that are subject to the one percent limitation still exceeds one percent of the true and fair value of any property in a city, then the levy by a city under section 214 of this act shall be reduced until the combined rate no longer exceeds one percent of the true and fair value of any property or shall be eliminated; (c) +} if the combined rate of regular property tax levies that are subject to the one percent limitation still exceeds one percent of the true and fair value of any property, then the levies imposed under RCW 84.34.230, 84.52.105, and any portion of the levy imposed under RCW 84.52.069 that is in excess of thirty cents per thousand dollars of assessed value, shall be reduced on a pro rata basis until the combined rate no longer exceeds one percent of the true and fair value of any property or shall be eliminated; and (({- (c) -})) {+ (d) +} if the combined rate of regular property tax levies that are subject to the one percent limitation still exceeds one percent of the true and fair value of any property, then the thirty cents per thousand dollars of assessed value of tax levy imposed under RCW 84.52.069 shall be reduced until the combined rate no longer exceeds one percent of the true and fair value of any property or eliminated.

(2) The certified rates of tax levy subject to these limitations by {+ counties levying under section 210 of this act, cities levying under section 214 of this act, and by +} all junior taxing districts imposing taxes on such property shall be reduced or eliminated as follows to bring the consolidated levy of taxes on such property within the provisions of these limitations:

(a) First, {+ the levy of a county under section 210 of this act or of a city under section 214 of this act shall be reduced or eliminated;

(b) Second, if the consolidated tax levy rate still exceeds these limitations, +} the certified property tax levy rates of those junior taxing districts authorized under RCW 36.68.525, 36.69.145, and 67.38.130 shall be reduced on a pro rata basis or eliminated;

(({- (b) Second -})) {+ (c) Third +}, if the consolidated tax levy rate still exceeds these limitations, the certified property tax levy rates of flood control zone districts shall be reduced on a pro rata basis or eliminated;

(({- (c) Third -})) {+ (d) Fourth +}, if the consolidated tax levy rate still exceeds these limitations, the certified property tax levy rates of all other junior taxing districts, other than fire protection districts, library districts, the first fifty cent per thousand dollars of assessed valuation levies for metropolitan park districts, and the first fifty cent per thousand dollars of assessed valuation levies for public hospital districts, shall be reduced on a pro rata basis or eliminated;

(({- (d) Fourth -})) {+ (e) Fifth +}, if the consolidated tax levy rate still exceeds these limitations, the certified property tax levy rates authorized to fire protection districts under RCW 52.16.140 and 52.16.160 shall be reduced on a pro rata basis or eliminated; and

(({- (e) Fifth -})) {+ (f) Sixth +}, if the consolidated tax levy

rate still exceeds these limitations, the certified property tax levy rates authorized for fire protection districts under RCW 52.16.130, library districts, metropolitan park districts under their first fifty cent per thousand dollars of assessed valuation levy, and public hospital districts under their first fifty cent per thousand dollars of assessed valuation levy, shall be reduced on a pro rata basis or eliminated.

In determining whether the aggregate rate of tax levy on any property, that is subject to the limitations set forth in RCW 84.52.050, exceeds the limitations provided in that section, the assessor shall use the hypothetical state levy, as apportioned to the county under RCW 84.48.080, that was computed under RCW 84.48.080 without regard to the reduction under RCW 84.55.012.

{+ NEW SECTION. +} Sec. 219. A new section is added to chapter 82.14 RCW to read as follows:

(1) Upon the joint request of a metropolitan park district, or a city or cities within a county, and a county legislative authority, the county shall submit an authorizing proposition to the county voters, fixing and imposing a sales and use tax in accordance with this chapter for the purposes designated in subsection (4) of this section and identified in the joint request. Such proposition must be placed on a ballot for a special or general election to be held no later than one year after the date of the joint request.

(2) The proposition is approved if it receives the votes of a majority of those voting on the proposition.

(3) The tax authorized in this section is in addition to any other taxes authorized by law and shall be collected from those persons who are taxable by the state under chapters 82.08 and 82.12 RCW upon the occurrence of any taxable event within the county. The rate of tax shall equal no more than one-tenth of one percent of the selling price in the case of a sales tax, or value of the article used, in the case of a use tax.

(4) Moneys received from any tax imposed under this section shall be used solely for the purpose of providing funds for:

(a) Costs associated with financing, design, acquisition, construction, equipping, operating, maintaining, remodeling, repairing, reequipping, or improvement of zoo, aquarium, and wildlife preservation and display facilities that are currently accredited by the American zoo and aquarium association or that have been accredited within three years prior to the submission of the proposition to the people and the costs are necessary to regain accreditation; and

(b) Costs related to parks located within a county described in subsection (1) of this section.

(5) The department of revenue shall perform the collection of such taxes on behalf of the county at no cost to the county.

(6) The joint request and the authorizing proposition shall include provisions for funding those costs included within subsection (4)(a) and (b) of this section, including provisions for allocations of the revenues generated annually to:

(a) A metropolitan park district and any city for the purposes authorized in subsection (4)(a) of this section;

(b) The county and any metropolitan park district or city within the county operating regional facilities; and

(c) At least thirty-five percent to be distributed on a per capita basis as set out in the most recent population figures for unincorporated and incorporated areas only within that county, as

determined by the office of financial management, solely for parks and recreation as follows: To any metropolitan park district, to cities and towns not contained within a metropolitan park district, and the remainder to the county.

(7) Moneys received under this section may not be used to replace or supplant existing funding.

(8) Funds shall be distributed monthly as received by the county treasurer to the county, and any metropolitan park district, cities, and towns located within the county, in the manner set out as provided in subsection (6) of this section.

{+ NEW SECTION. +} Sec. 220. A new section is added to chapter 35.61 RCW to read as follows:

The people find that the proration of property tax levies has prevented metropolitan park districts from receiving the level of financial support authorized by the voters. A metropolitan park district that is levying a regular annual property tax assessment of no more than fifty cents per thousand of assessed valuation is authorized to submit to the voters of the district, at a regular or special election called for that purpose, a proposition authorizing the metropolitan park district to levy, in lieu of a regular annual property tax assessment exceeding fifty cents per thousand of assessed valuation, a sales and use tax in the amount of one-tenth percent, as provided for in section 221 of this act.

{+ NEW SECTION. +} Sec. 221. A new section is added to chapter 82.14 RCW to read as follows:

The governing body of any metropolitan park district may, in accordance with section 220 of this act, levy a sales and use tax in accordance with the terms of this chapter. The tax shall be collected from those persons who are taxable by the state pursuant to chapters 82.08 and 82.12 RCW, upon the occurrence of any taxable event within the metropolitan park district as the case may be. The rate of the tax imposed by a metropolitan park district shall be one-tenth of one percent of the selling price, in the case of a sales tax, or value of the article used, in the case of a use tax.

{+ NEW SECTION. +} Sec. 222. A new section is added to chapter 82.14 RCW to read as follows:

(1) Any county ordinance adopted under section 213 of this act shall contain, in addition to all other provisions required to conform to this chapter, a provision allowing a credit against the county tax imposed under section 211 of this act for the full amount of any city sales or use tax imposed under section 215 of this act upon the same taxable event.

(2) A city wholly contained within a metropolitan park district, and a county containing a metropolitan park district, may provide that any sales and use tax imposed by a metropolitan park district under sections 220 and 221 of this act be credited against the city and county taxes imposed under RCW 82.14.030(2).

Sec. 223. RCW 82.14.050 and 1999 c 165 s 14 are each amended to read as follows:

The counties, cities, and transportation authorities under RCW 82.14.045{+ , metropolitan park districts under sections 220 and 221 of this act, +} and public facilities districts under chapter 36.100 and 35.57 RCW shall contract, prior to the effective date of a resolution or ordinance imposing a sales and use tax, the administration and

collection to the state department of revenue, which shall deduct a percentage amount, as provided by contract, not to exceed two percent of the taxes collected for administration and collection expenses incurred by the department. The remainder of any portion of any tax authorized by this chapter which is collected by the department of revenue shall be deposited by the state department of revenue in the local sales and use tax account hereby created in the state treasury. Moneys in the local sales and use tax account may be spent only for distribution to counties, cities, transportation authorities, {+ metropolitan park districts, +} and public facilities districts imposing a sales and use tax. All administrative provisions in chapters 82.03, 82.08, 82.12, and 82.32 RCW, as they now exist or may hereafter be amended, shall, insofar as they are applicable to state sales and use taxes, be applicable to taxes imposed pursuant to this chapter. Except as provided in RCW 43.08.190, all earnings of investments of balances in the local sales and use tax account shall be credited to the local sales and use tax account and distributed to the counties, cities, transportation authorities, {+ metropolitan park districts, +} and public facilities districts monthly.

Sec. 224. RCW 82.14.060 and 1991 c 207 s 3 are each amended to read as follows:

Monthly the state treasurer shall make distribution from the local sales and use tax account to the counties, cities, transportation authorities, {+ metropolitan park districts, +} and public facilities districts the amount of tax collected on behalf of each taxing authority, less the deduction provided for in RCW 82.14.050. The state treasurer shall make the distribution under this section without appropriation.

In the event that any ordinance or resolution imposes a sales and use tax at a rate in excess of the applicable limits contained herein, such ordinance or resolution shall not be considered void in toto, but only with respect to that portion of the rate which is in excess of the applicable limits contained herein.

Sec. 225. RCW 43.135.055 and 1997 c 303 s 2 are each amended to read as follows:

(1) No fee may increase in any fiscal year by a percentage in excess of the fiscal growth factor for that fiscal year without prior legislative approval.

(2) This section does not apply to{+ : (a) A +}n assessment made by an agricultural commodity commission or board created by state statute or created under a marketing agreement or order under chapter 15.65 or 15.66 RCW if the assessment is approved by referendum in accordance with the provisions of the statutes creating the commission or board or chapter 15.65 or 15.66 RCW for approving such assessments{+ ; (b) market-based fees for goods or services, or fees for recreational programs, provided by the state parks and recreation commission, when adopted by the commission in accordance with its authority under RCW 79A.05.070; or (c) market-based fees for recreational goods or services, or fees for recreational programs, provided by the department of natural resources, the department of fish and wildlife, the interagency committee for outdoor recreation, a metropolitan park district, a city, a county, or a park and recreation district +}.

{+ NEW SECTION. +} Sec. 301. The people find that a large portion of the state's public park and recreation facilities, both at the state and local levels, were developed many decades ago and are in dire need of renovation, relocation, restoration, or replacement. In addition, the people find that there is a growing need for expansion of the public park and recreation facilities to meet the needs of a growing population. The people find that state and local governments have been unable to provide for necessary capital investment in parks and recreation, both for new development to meet the needs of an expanding population, and for capital renovation to update, repair, rebuild, or replace existing park and recreation facilities as they age. It is the intent of the people to provide for a comprehensive study of the public park and recreation capital needs of the state of Washington, at the state, regional, and local levels, and to provide guidance to the legislature for its development of a plan to meet those needs on an ongoing basis, including long-term commitment of additional state resources.

{+ NEW SECTION. +} Sec. 302. A new section is added to chapter 79A.25 RCW to read as follows:

The committee is to conduct a series of studies to assist the legislature in determining the full extent of public parks and recreation needs. The legislature is to provide, by appropriation from the parks and recreation enhancement account, sufficient funds for the committee to perform the following studies by the indicated dates:

(1) By December 1, 2002, the committee shall complete a survey and report to the legislature regarding state park and recreation facilities, and local park and recreation facilities of regional significance, which are within a decade of the end of their useful economic and functional life without significant capital investment.

(2) By June 30, 2004, the committee shall complete a survey and report to the legislature regarding the complete state of public park and recreation facilities, both state and local, then existing within the state. The report shall note the type of public park or recreation facility, the estimated remaining useful economic and functional life, the need for future significant capital investment in the park or facility, and which public entity is primarily responsible under current law for maintaining the park or facility.

(3) On a staggered basis, to be completed no later than June 30, 2010, the committee shall survey and report to the legislature on recreational needs and opportunities in:

- (a) The west slope Cascade foothills and adjoining areas;
- (b) The salt and fresh water bodies, rivers, and streams of the state, and adjacent shorelines and upland areas;
- (c) The east slope Cascade foothills and regions of north central and northeastern Washington;
- (d) The Columbia Basin, Columbia and Snake river valleys, and regions of south central and southeastern Washington;
- (e) The Columbia River Gorge and southwest Washington;
- (f) The Pacific coast, Olympic Peninsula, west Puget Sound and Hood Canal regions; and
- (g) The urban and suburban centers of the state.

{+ NEW SECTION. +} Sec. 303. The legislature may create a joint committee on public parks and recreation to coordinate with the interagency committee for outdoor recreation and other entities in

order to further the purposes of this act. The costs of the joint committee may be paid by appropriation from the public parks and recreation enhancement account.

{+ NEW SECTION. +} Sec. 304. The legislature shall, upon receiving the reports from the committee provided for in section 302 of this act, prepare and adopt plans for meeting the needs identified in the reports. The legislature shall determine by law a method for integrating these needs into the capital plans of the state, shall periodically review how the state is meeting the identified need and shall, no later than the 2011 regular legislative session, prepare, and if necessary submit to the people for their approval or rejection at the regular general election in November 2011, a plan for proceeding with meeting the public park and recreation needs of the state for the ensuing decade.

PART FOUR  
PROTECTING PUBLIC PARKS AND RECREATION

{+ NEW SECTION. +} Sec. 401. The people find that the growing complexity of our society has thrust upon public park and recreation agencies, at both the state and local levels of government, new responsibilities that must be safely carried out by park and recreation staff historically not trained, equipped, or expected to carry out these responsibilities. It is the intent of the people to maintain parks and recreation as a leisure activity safe for families and individuals, and provide for the safety of park and recreation staff and the public using park and recreation facilities, through the proper training, equipping, empowerment, and recognition of the new duties and roles of park and recreation staff at both the state and local levels, combined with suitable and necessary adjustments in compensation, benefits, and status for public park and recreation employees.

{+ NEW SECTION. +} Sec. 402. In allocating resources for public parks and recreation, the legislature shall take notice of those staffing, equipment, training, compensation, and benefit needs necessary to secure public safety and professional park and recreation staff. The legislature shall, with the assistance of the state parks and recreation commission, other appropriate state and local agencies, and professional and labor organizations representing public park and recreation staff, develop a plan for meeting these public and employee safety needs no later than June 30, 2005.

{+ NEW SECTION. +} Sec. 403. A new section is added to chapter 41.26 RCW to read as follows:

(1) In addition to the definition of "employer" for plan 2 members in RCW 41.26.030, the following entities, to the extent that the entity employs any law enforcement officer, shall be considered an "employer" for plan 2 members for the purposes of this chapter:

- (a) The state parks and recreation commission; and
- (b) A metropolitan park district.

(2) In addition to the definition of "law enforcement officer" in RCW 41.26.030, a person commissioned and employed as a state parks and recreation commission law enforcement officer or commissioned and employed by a county, city, or metropolitan park district as a park police officer shall be considered a "law enforcement officer" for the purposes of this chapter.

(3) The inclusion of the state parks and recreation commission as a limited authority law enforcement agency in RCW 41.26.030(32) shall not preclude the inclusion in plan 2 of any law enforcement officer as defined in this section and employed by the state parks and recreation commission.

{+ NEW SECTION. +} Sec. 404. A new section is added to chapter 41.40 RCW to read as follows:

(1) An employee who was a member on or before January 1, 2002, and, on January 1, 2002, is employed by the state parks and recreation commission as a law enforcement officer, as defined in section 403 of this act, has the following options:

(a) The employee may remain a member of the retirement system, notwithstanding the definition of law enforcement officer under section 403 of this act; or

(b) The member may make an irrevocable choice, filed in writing with the department no later than January 1, 2003, to transfer to the law enforcement officers' and fire fighters' retirement system plan 2 as defined in RCW 41.26.030. An employee transferring membership under this subsection (1)(b) shall be a dual member as provided in RCW 41.54.010.

(2)(a) If the department determines that transfers of service credit and accumulated contributions between the state's retirement systems are permitted by federal law without the employee or the retirement system fund incurring adverse income tax liability as a result of the transfer, an employee who transferred membership under subsection (1)(b) of this section may choose to transfer service credit as a law enforcement officer previously earned under the retirement system, to the law enforcement officers' and fire fighters' retirement system plan 2, by making an irrevocable choice filed in writing with the department within one year of the department's announcement of the ability to make such a transfer.

(b) Any law enforcement officer choosing to transfer under this subsection shall have transferred from the retirement system to the law enforcement officers' and fire fighters' retirement system plan 2: (i) All the employee's applicable accumulated contributions and employer contributions attributed to such employee; and (ii) all applicable months of service, as defined in RCW 41.26.030(14)(b), credited to the employee under this chapter, as though such service was rendered as a member of the law enforcement officers' and fire fighters' retirement system.

(c) For the applicable period of service, the employee shall pay the difference between the contributions the employee paid to the retirement system, and the contributions that would have been paid by the employee had the employee been a member of the law enforcement officers' and fire fighters' retirement system, plus interest as determined by the director.

(d) For the applicable period of service, the employer shall pay the difference between the employer contributions paid to the retirement system, and the combined employer and state contributions which would have been payable to the law enforcement officers' and fire fighters' retirement system, plus interest as determined by the director. The amount of interest determined by the director to be paid by the employer shall be sufficient to ensure that the contribution level of current members of the law enforcement officers' and fire fighters' retirement system will not increase due to this transfer. For the purpose of this subsection (2)(d), the state contribution shall

not include the contribution related to the amortization of the costs of the law enforcement officers' and fire fighters' retirement system plan 1 as required by chapter 41.45 RCW.

(e) An individual who transfers service credit and contributions under this subsection shall be permanently excluded from the retirement system for all service as a law enforcement officer.

PART FIVE  
MISCELLANEOUS PROVISIONS

{+ NEW SECTION. +} Sec. 501. Sections 1, 101, 201, 205, 207, 301, 303, 304, 401, and 402 of this act constitute a new chapter in Title 79A RCW.

{+ NEW SECTION. +} Sec. 502. Part headings used in this act are not any part of the law.

{+ NEW SECTION. +} Sec. 503. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

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