

CHAPTER 93

[House Bill No. 275]

INTERFUND TRANSFERS--STATE TRADE FAIR FUND,
STATE GENERAL FUND

AN ACT Relating to revenue and the state trade fair fund; and creating new sections.

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

NEW SECTION. Section 1. The sum of one hundred twenty-seven thousand dollars shall be transferred from the state trade fair fund to the general fund on a date to be agreed upon by the director of the department of commerce and economic development and the state treasurer which date shall, in no event, be later than June 30, 1973.

NEW SECTION. Sec. 2. In addition to the sum transferred in section 1 of this act, additional funds determined to be surplus funds by the director of the department of commerce and economic development may be transferred from the state trade fair fund to the general fund upon the recommendation of the director of the department of commerce and economic development and the state treasurer.

NEW SECTION. Sec. 3. This act shall not be construed to interfere with the state financial aid made available under the provisions of RCW 43.31.790 through 43.31.860 regardless of whether such aid was made available before or after the effective date of this act.

NEW SECTION. Sec. 4. This act shall be construed to supersede any provision of existing law to the contrary.

Passed the House February 2, 1972.

Passed the Senate February 18, 1972.

Approved by the Governor February 22, 1972.

Filed in Office of Secretary of State February 23, 1972.

CHAPTER 94

[Senate Bill No. 263]

PARK AND RECREATION DISTRICTS--
RECREATIONAL FACILITIES--REVENUE BONDS

AN ACT Relating to park and recreation districts; amending section 36.69.010, chapter 4, Laws of 1963 as last amended by section 1, chapter 26, Laws of 1969 and RCW 36.69.010; amending section 36.69.130, chapter 4, Laws of 1963 as last amended by section 4, chapter 26, Laws of 1969 and RCW 36.69.130; and adding new sections to chapter 4, Laws of 1963 and to chapter

36.69 RCW.

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

Section 1. Section 36.69.010, chapter 4, Laws of 1963 as last amended by section 1, chapter 26, Laws of 1969 and RCW 36.69.010 are each amended to read as follows:

Park and recreation districts are hereby authorized to be formed in each and every class of county as municipal corporations for the purpose of providing leisure time activities and facilities (~~(7 including swimming pools)~~) and recreational facilities, of a nonprofit nature as a public service to the residents of the geographical areas included within their boundaries.

The term "recreational facilities" means parks, playgrounds, gymnasiums, swimming pools, field houses, bathing beaches, stadiums, golf courses, automobile race tracks and drag strips, coliseums for the display of spectator sports, public campgrounds, boat ramps and launching sites, public hunting and fishing areas, arboretums, bicycle and bridle paths, and other recreational facilities.

Sec. 2. Section 36.69.130, chapter 4, Laws of 1963 as last amended by section 4, chapter 26, Laws of 1969 and RCW 36.69.130 are each amended to read as follows:

Park and recreation districts shall have such powers as are necessary to carry out the purpose for which they are created, including, but not being limited to, the power: (1) To acquire and hold real and personal property; (2) to dispose of real and personal property only by unanimous vote of the district commissioners; (3) to make contracts; (4) to sue and be sued; (5) to borrow money to the extent and in the manner authorized by this chapter; (6) to grant concessions; (7) to make or establish charges, fees, rates, rentals and the like for the use of facilities (including recreational facilities) or for participation; (8) to make and enforce rules and regulations governing the use of property, facilities or equipment and the conduct of persons thereon; (9) to contract with any municipal corporation, governmental, or private agencies for the conduct of park and recreation programs; (10) to operate jointly with other governmental units any facilities or property including participation in the acquisition; (11) to hold in trust or manage public property useful to the accomplishment of their objectives; (12) to establish cumulative reserve funds in the manner and for the purposes prescribed by law for cities; (13) to acquire, construct, reconstruct, maintain, repair, add to, and operate recreational facilities; and, ~~((13))~~ (14) to make improvements or to acquire property by the local improvement method in the manner prescribed by this chapter: PROVIDED, That such improvement or acquisition is within the scope of the purposes granted to such park and recreation

district.

NEW SECTION. Sec. 3. There is added to chapter 4, Laws of 1963 and to chapter 36.69 RCW a new section to read as follows:

The board of parks and recreation commissioners is hereby authorized for the purpose of carrying out the lawful powers granted to park and recreation districts by the laws of the state to contract indebtedness and to issue revenue bonds evidencing such indebtedness in conformity with this chapter.

NEW SECTION. Sec. 4. There is added to chapter 4, Laws of 1963 and to chapter 36.69 RCW a new section to read as follows:

All such revenue bonds authorized under the terms of this chapter may be issued and sold by the district from time to time and in such amounts as is deemed necessary by the board of park and recreation commissioners of each district to provide sufficient funds for the carrying out of all district powers, without limiting the generality thereof, including the following: Acquisition; construction; reconstruction; maintenance; repair; additions; operations of recreational facilities; parking facilities as a part of a recreational facility; and any other district purpose from which revenues can be derived. Included in the costs thereof shall be any necessary engineering, inspection, accounting, fiscal, and legal expenses, the cost of issuance of bonds, including printing, engraving and advertising and other similar expenses, and the proceeds of such bond issue are hereby made available for all such purposes.

NEW SECTION. Sec. 5. There is added to chapter 4, Laws of 1963 and to chapter 36.69 RCW a new section to read as follows:

When revenue bonds are issued for authorized purposes, said bonds shall be either registered as to principal only or shall be bearer bonds; shall be in such denominations, shall be numbered, shall bear such date, shall be payable at such time or times up to a maximum period of not to exceed thirty years and payable at the office of the county treasurer, and such other places as determined by the park and recreation commissioners of the district; shall bear interest payable semiannually and evidenced to maturity by coupons attached to said bonds bearing a coupon interest rate or rates as authorized by the board of park and recreation commissioners; shall be executed by the chairman of the board of park and recreation commissioners, and attested by the secretary of the board, and the seal of such board shall be affixed to each bond, but not to the coupon; and may have facsimile signatures of the chairman and the secretary imprinted on the interest coupons in lieu of original signatures.

NEW SECTION. Sec. 6. There is added to chapter 4, Laws of

1963 and to chapter 36.69 RCW a new section to read as follows:

Bonds issued under the provisions of this chapter shall be payable solely out of the operating revenues of the park and recreation district. Such bonds shall be authorized by resolution adopted by the board of park and recreation commissioners, which resolution shall create a special fund or funds into which the board of park and recreation commissioners may obligate and bind the district to set aside and pay any part or parts of, or all of, or a fixed proportion of, or fixed amounts of gross revenue received by the district from moneys for services or activities as stated in the resolution, for the purpose of paying the principal of and interest on such bonds as the same shall become due, and if deemed necessary to maintain adequate reserves therefor. Such fund or funds shall be drawn upon solely for the purpose of paying the principal and interest upon the bonds issued pursuant to this chapter.

The bonds shall be negotiable instruments within the provision and intent of the negotiable instruments law of this state, even though they shall be payable solely from such special fund or funds, and the tax revenue of the district may not be used to pay, secure, or guarantee the payment of the principal of and interest on such bonds. The bonds and the coupons attached thereto shall state upon their face that they are payable solely from such special fund or funds. If the county fails to set aside and pay into such fund or funds, the payments provided for in such resolution, the holder of any such bonds may bring suit to compel compliance with the provisions of the resolution.

NEW SECTION. Sec. 7. There is added to chapter 4, Laws of 1963 and to chapter 36.69 RCW a new section to read as follows:

The board of park and recreation commissioners may provide covenants as it may deem necessary to secure the payment of the principal of and interest on such bonds and may, but shall not be required to, include covenants to create a reserve fund or account and to authorize the payment or deposit of certain moneys therein for the purpose of securing the payment of such principal and interest; to establish, maintain, and collect rates, charges, fees, rentals, and the like on the facilities and service the income of which is pledged for the payment of such bonds, sufficient to pay or secure the payment of such principal and interest and to maintain an adequate coverage over annual debt service; and to make any and all other covenants not inconsistent with the provisions of this chapter which will increase the marketability of such bonds. The board may also provide that revenue bonds payable out of the same source or sources may later be sold on a parity with any revenue bonds being issued and sold. The provisions of this chapter and any resolution

or resolutions providing for the authorization, issuance, and sale of such bonds shall constitute a contract with the holder of such bonds, and the provisions thereof shall be enforceable by any owner or holder of such bonds by mandamus or any appropriate suit, action or proceeding at law or in equity in any court of competent jurisdiction.

NEW SECTION. Sec. 8. There is added to chapter 4, Laws of 1963 and to chapter 36.69 RCW a new section to read as follows:

The board of parks and recreation commissioners of any district may by resolution, from time to time, provide for the issuance of funding or refunding revenue bonds to fund or refund any outstanding revenue bonds and any premiums due thereon, and matured coupons evidencing interest upon any such bonds at or before the maturity of such bonds, and parts or all of various series and issues of outstanding revenue bonds and matured coupons in the amount thereof to be funded or refunded.

The board shall create a special fund for the sole purpose of paying the principal of and interest on such funding or refunding revenue bonds, into which fund the board shall obligate and bind the district to set aside and pay any part or parts of, or all of, or a fixed proportion of, or a fixed amount of the revenue of the recreational facility of the district sufficient to pay such principal and interest as the same shall become due, and if deemed necessary to maintain adequate reserves therefor.

Such funding or refunding bonds shall be negotiable instruments within the provisions and intent of the negotiable instruments law of this state, and the tax revenue of the district may not be used to pay, secure, or guarantee the payment of the principal of and interest on such bonds.

The district may exchange such funding or refunding bonds for the bonds, and coupons being funded or refunded, or it may sell such funding or refunding bonds in the manner, at such price and at such rate or rates of interest as the board shall deem to be for the best interest of the district and its inhabitants, either at public or private sale.

The provisions of this chapter relating to the terms, conditions, covenants, issuance, and sale of revenue bonds shall be applicable to such funding or refunding bonds except as may be otherwise specifically provided in this section.

NEW SECTION. Sec. 9. There is added to chapter 4, Laws of 1963 and to chapter 36.69 RCW a new section to read as follows:

This chapter shall be complete authority for the issuance of the revenue bonds hereby authorized, and shall be liberally construed to accomplish its purposes. Any restrictions, limitations or

regulations relative to the issuance of such revenue bonds contained in any other act shall not apply to the bonds issued under this chapter. Any act inconsistent herewith shall be deemed modified to conform with the provisions of this chapter for the purpose of this chapter only.

Passed the Senate January 31, 1972.

Passed the House February 12, 1972.

Approved by the Governor February 22, 1972.

Filed in Office of Secretary of State February 23, 1972.

CHAPTER 95

[Substitute Senate Bill No. 272]

INTERGOVERNMENTAL DISPOSITION OF PROPERTY

AN ACT Relating to the intergovernmental disposition of property; and amending section 1, chapter 133, Laws of 1953, and RCW 39.33.010.

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

Section 1. Section 1, chapter 133, Laws of 1953 and RCW 39.33.010 are each amended to read as follows:

(~~Notwithstanding any provision of law to the contrary,~~) (1) The state or any municipality or any political subdivision thereof, may sell, transfer, exchange, lease or otherwise dispose of any property, real or personal, or property rights, including but not limited to the title to real property, to the state or any municipality or any political subdivision thereof on such terms and conditions as may be mutually agreed upon by the proper authorities of the state and/or the subdivisions concerned: PROVIDED, That such property is determined by decree of the superior court in the county where such property is located, after publication of notice of hearing is given as fixed and directed by such court, to be either necessary, or surplus or excess to the future foreseeable needs of the state or of such municipality or any political subdivision thereof concerned, which requests authority to transfer such property.

(2) This section shall be deemed to provide an alternative method for the doing of the things authorized herein, and shall not be construed as imposing any additional condition upon the exercise of any other powers vested in the state, municipalities or political subdivisions.

(3) No intergovernmental transfer, lease, or other disposition of property made pursuant to any other provision of law prior to the