and to hold and control the same, and enjoy the rents, issues and profits thereof, until the lien hereby created can be enforced in a civil action in the same manner and under the same proceedings as given in the foreclosure of a mortgage on real estate. This section shall apply to all bonds heretofore issued or any contract heretofore made with the United States, or which may hereafter be issued or made by any district: PROVIDED, That when any such contract made after the effective date of this 1981 act between any district and the United States or the state of Washington covers only the real property in a portion or portions of the district, all payments due or to become due to the United States or the state of Washington shall be paid by revenue derived from an annual assessment upon the real property only in that portion or portions of the district covered by the contract and the real property shall be and remain liable to be assessed for such payments until fully paid and any assessment lien which attaches thereto shall be the exclusive lien notwithstanding other liens provided for in this section. In the event of a contract between the district and the United States or the state of Washington accompanying which bonds of the district have not been deposited with the United States or the state of Washington as provided in RCW 87.03.140 and the contract covers real property in only a portion or portions of the district, the question of whether the district should enter the contract shall be submitted only to those qualified electors who hold title or evidence of title to real property within that portion or portions of the district and in the same manner as provided in RCW 87.03.200.

NEW SECTION. Sec. 17. Section 8, chapter 171, Laws of 1939 and RCW 87.03.365 are each repealed.

NEW SECTION. Sec. 18. This act shall take effect December 1, 1981, and shall apply to assessments made in 1981 and thereafter.

Passed the Senate April 25, 1981.

Passed the House April 16, 1981.

Approved by the Governor May 14, 1981.

Filed in Office of Secretary of State May 14, 1981.

CHAPTER 210

[Substitute Senate Bill No. 3360]
PARK AND RECREATION SERVICE AREAS—PARK AND RECREATION
DISTRICTS, REGULAR, EXCESS TAX LEVIES—ROAD DISTRICTS, EXCESS
TAX LEVIES

AN ACT Relating to parks and recreation; amending section 1, chapter 218, Laws of 1963 as amended by section 1, chapter 76, Laws of 1965 ex. sess. and RCW 36.68.400; amending section 2, chapter 218, Laws of 1963 as amended by section 2, chapter 76, Laws of 1965 ex. sess. and RCW 36.68.410; amending section 3, chapter 218, Laws of 1963 and RCW 36.68.420; amending section 5, chapter 218, Laws of 1963 and RCW 36.68.440; amending section 6, chapter 218, Laws of 1963 and RCW 36.68.450; amending section 8, chapter 218, Laws of 1963 and RCW 36.68.470; amending section 9, chapter 218, Laws of

1963 as amended by section 38, chapter 195, Laws of 1973 1st ex. sess. and RCW 36.68.480; amending section 10, chapter 218, Laws of 1963 and RCW 36.68.490; amending section 11, chapter 218, Laws of 1963 and RCW 36.68.500; amending section 13, chapter 218, Laws of 1963 as last amended by section 39, chapter 195, Laws of 1973 1st ex. sess. and RCW 36.68.520; amending section 14, chapter 218, Laws of 1963 and RCW 36.68.550; amending section 17, chapter 218, Laws of 1963 and RCW 36.68.550; amending section 17, chapter 218, Laws of 1963 and RCW 36.68.560; amending section 18, chapter 218, Laws of 1963 and RCW 36.68.560; amending section 19, chapter 218, Laws of 1963 and RCW 36.68.580; amending section 21, chapter 218, Laws of 1963 and RCW 36.68.600; amending section 36.69.140, chapter 4, Laws of 1963 as last amended by section 1, chapter 90, Laws of 1961 as last amended by section 1, chapter 15, Laws of 1961 as last amended by section 1, chapter 325, Laws of 1961 are section 10 chapter 36.69 RCW; repealing section 15, chapter 218, Laws of 1963 and RCW 36.68.540; and declaring an emergency.

Be it enacted by the Legislature of the State of Washington:

Section 1. Section 1, chapter 218, Laws of 1963 as amended by section 1, chapter 76, Laws of 1965 ex. sess. and RCW 36.68.400 are each amended to read as follows:

Any county shall have the power to create ((county)) park and recreation service areas for the purpose of financing the acquisition, construction, improvement, maintenance or operation of neighborhood park, senior citizen activities centers and recreational facilities which shall be owned or leased by the county and administered as other county parks or shall be owned or leased and administered by a city or town. The service ((districts)) areas created as hereinafter set forth may finance any of the following park purposes: (1) Acquisition or lease of park sites and buildings; (2) construction of improvements upon county park allocated lands or city or town park lands which will promote leisure time and recreational activities of ((county)) residents on a neighborhood basis, including but not limited to the construction of field houses, swimming pools, tennis courts, playfields, and other facilities; ((the)) (3) maintenance of any ((county-owned)) park or recreational facility owned or leased by a county, city, or town, including the purchase of athletic equipment and supplies and the upkeep of park buildings, grounds and facilities; and ((to finance the cost of)) (4) engaging custodial, recreational and park program personnel at any ((countyowned)) park or recreational facility owned or leased by a county, city, or town. ((Local)) A park and recreation service area((s)) shall be a quasimunicipal corporation, an independent taxing "authority" within the meaning of section 1, Article 7 of the Constitution, and a "taxing district((s))" within the meaning of section 2, Article 7 of the Constitution ((as amended by Amendment 17)).

A park and recreation service area shall constitute a body corporate and shall possess all the usual powers of a corporation for public purposes as well as all other powers that may now or hereafter be specifically conferred by statute.

The county legislative authority shall be the governing body of any park and recreation service area which is created within the county. The voters of

a park and recreation service area shall be all registered voters residing within the service area.

A multicounty park and recreation service area shall be governed as provided in an interlocal agreement adopted pursuant to chapter 39.34 RCW.

Sec. 2. Section 2, chapter 218, Laws of 1963 as amended by section 2, chapter 76, Laws of 1965 ex. sess. and RCW 36.68.410 are each amended to read as follows:

((Local)) Park and recreation service areas may be initiated in any unincorporated area of any county by resolution adopted by the ((board of)) county ((commissioners)) legislative authority or by a petition signed by ten percent of the registered voters within the proposed park and recreation service area. Incorporated areas may be included under RCW 36.68.610 and 36.68.620.

Sec. 3. Section 3, chapter 218, Laws of 1963 and RCW 36.68.420 are each amended to read as follows:

Any resolution or petition initiating a ((local)) proposed park and recreation service area shall set forth the boundaries of the service ((district)) area with certainty, describe the purpose or purposes for which the service area is to be formed, and contain an estimate of the initial cost of any capital improvements or services to be authorized in the service area.

"Initial costs" as used herein shall include the estimated cost during the first year of operation of:

- (1) Land to be acquired or leased for ((county)) neighborhood park purposes by the service area to establish a park or park facility specified in the resolution or petition;
- (2) Capital improvements specified in the objectives or purposes of the service area;
 - (3) Forming the service area; and
- (4) Personnel, maintenance or operation of any ((county)) park facility within the service area as specified by the resolution or petition.
- Sec. 4. Section 5, chapter 218, Laws of 1963 and RCW 36.68.440 are each amended to read as follows:

Upon accepting a petition to form a ((local)) park and recreation service area, or upon passage of a resolution to establish such a service area, the ((board of)) county ((commissioners)) legislative authority shall order a full investigation for the purpose or purposes of the proposed service area to determine the feasibility of forming the same and to determine the estimated initial costs involved in obtaining the objectives set forth in the petition or resolution. The ((board shall require that the)) reports on the feasibility and the cost of the proposed service area shall be made available to the ((board)) county legislative authority, and ((that)) copies of such reports shall be filed with the clerk of the ((board)) county legislative authority not

more than eighty days after the ((board)) county legislative authority first directs that the studies and reports be undertaken. The ((board)) county legislative authority shall also provide by resolution that within twenty days after receiving the reports a public hearing shall be held at the county seat or at some convenient location within the proposed service area. At least five days before the hearing, the ((board)) county legislative authority shall give notice of the hearing not less than twice in a legal newspaper of general circulation in the county. The notice shall describe the boundaries of the proposed service area, the purpose or purposes of the proposed service area, the estimated initial costs, indicate that the reports and other materials prepared at the order of the ((board)) county legislative authority are available in the office of the clerk of the ((board)) county legislative authority for the study and review of any interested party, and set the time, date and place of the hearing.

Sec. 5. Section 6, chapter 218, Laws of 1963 and RCW 36.68.450 are each amended to read as follows:

At the hearing, the ((board of)) county ((commissioners)) legislative authority shall first provide for an explanation of the objectives of the proposed park and recreation service area and the estimated initial costs thereof. The ((board)) county legislative authority shall permit any resident or property owner of the proposed service area to appear and be heard, and may permit property owners in contiguous areas to include their property within the proposed service area in the event that they make their request for inclusion in writing. The ((board)) county legislative authority shall examine all reports on the feasibility of the proposed service area and its initial costs and may, if they deem it necessary, recess the hearing for not more than twenty days to obtain any additional information necessary to arrive at the findings provided for in RCW 36.68.420.

Sec. 6. Section 8, chapter 218, Laws of 1963 and RCW 36.68.470 are each amended to read as follows:

(1) Upon making findings under the provisions of RCW 36.68.460, the ((board of)) county ((commissioners)) legislative authority shall, by resolution, order an election of the ((property owners or)) voters of the ((district)) proposed park and recreation service area to determine if the service area shall be formed. The ((commissioners)) county legislative authority shall in their resolution direct the county auditor to set the ((date of the)) election((, the date to be not more than sixty days following the conclusion of the hearing and the making of findings as provided for in RCW 36.68.420 and 36.68.460)) to be held at the next general election or at a special election held for such purpose; describe the purposes of the proposed service area; set forth the estimated cost of any initial improvements or services to be financed by the service area should it be formed; describe the method of financing the initial improvements or services described in the resolution or

petition; and order that notice of election be published in a newspaper of general circulation in the county at least twice prior to the election date.

(2) A proposition to form a park and recreation service area shall be submitted to the voters of the proposed service area. Upon approval by a majority of the voters voting on the proposition, a park and recreation service area shall be established. The proposition submitted to the voters by the county auditor on the ballot shall be in substantially the following form:

FORMATION OF PARK AND RECREATION SERVICE AREA

Shall a park and recreation service area be established for the area described in a resolution of the legislative authority of county, adopted on the day of 19, to provide financing for neighborhood park facilities, improvements, and services?

Yes No

Sec. 7. Section 9, chapter 218, Laws of 1963 as amended by section 38, chapter 195, Laws of 1973 1st ex. sess. and RCW 36.68.480 are each amended to read as follows:

If the petition or resolution initiating the formation of the proposed <u>park</u> and <u>recreation</u> service area proposes that the initial improvements of services are to be financed by ((a special)) an annual excess levy or bond retirement levies, a special election for that purpose shall be conducted at the <u>same election</u> within the boundaries of the <u>proposed</u> service area. A <u>proposition</u> for an annual excess levy or bond retirement levies may also be submitted to the voters at any general or special election. ((All registered voters within the service area shall be eligible to vote on the proposition. The county auditor, for the purpose of the special election, may combine or divide precincts in order to provide the greatest convenience to voters of the service area.

The county auditor, in submitting the issue to the voters for their approval or rejection, shall submit and express two propositions on the ballot in substantially the following form:

(1) FORMATION OF LOCAL SERVICE AREA

Shall a county service area be established for the area described in a resolution of the board of commissioners of county, adopted on the day of 19..., to provide financing for neighborhood park facilities, improvements and services?

Yes No

(2) SPECIAL LEVY (SPECIAL BOND ISSUE)

Shall the county commissioners, for the purposes of "...... local service area No." or "(name of district) local service area of county", levy a general tax of dollars per thousand dollars of assessed value for one year upon taxable property within said

service area in excess of the constitutional and/or statutory tax limits for authorized purposes of the service area?

OR shall the county commissioners for the purposes of local park service area No. issue dollars of general obligation bonds for a period of not to exceed twenty years and levy a tax of approximately dollars per thousand dollars of assessed value upon all taxable property in said service area to pay the interest on and to retire said bonds; said levy to be excess of the constitutional and/or statutory tax limits?

Sec. 8. Section 10, chapter 218, Laws of 1963 and RCW 36.68.490 are each amended to read as follows:

In order for the ((service area to be established and the special)) annual excess tax levy proposition or bond retirement ((levy)) levies proposition to be approved, voters exceeding in number at least sixty percent of the number of voters who cast ballots for the office of county ((commissioner)) legislative authority within the park and recreation area, or within the proposed service area, in the last preceding general election ((of county commissioners)) for that office must cast ballots ((at the service area election and)) on the tax levy proposition, and of all the votes cast at the election at least sixty percent of said votes must ((favor the establishment of the service area and the levy of the special one—year tax or the special levy for the retirement of the specified bond issue)) approve the annual excess tax levy or the bond retirement levies.

Sec. 9. Section 11, chapter 218, Laws of 1963 and RCW 36.68.500 are each amended to read as follows:

If the formation of the service area is approved by the voters ((of the area under the provisions of RCW 36.68.480 and 36.68.490)), the county ((commissioners)) legislative authority shall by resolution declare the service area to be formed and direct the county treasurer to be the treasurer of the service area. Expenditures of the service area shall be made upon warrants drawn by the county auditor pursuant to vouchers approved by the ((board of county commissioners)) governing body of the service area.

Sec. 10. Section 13, chapter 218, Laws of 1963 as last amended by section 39, chapter 195, Laws of 1973 1st ex. sess. and RCW 36.68.520 are each amended to read as follows:

A <u>park and recreation</u> service area shall not have power to levy an annual authorized levy, but it shall have the power to levy a tax upon the property included within the service ((district)) <u>area</u> in the manner prescribed ((for cities for the purpose of exceeding the limitations established)) by section 2, Article 7 of the Constitution and by RCW 84.52.052.

The special voted levy may be either for operating fund or for capital outlay, or for a cumulative reserve fund.

A service area may issue general obligation((s)) bonds for capital purposes only, not to exceed an amount, together with any outstanding general obligation indebtedness, equal to three-eighths of one percent of the value of the taxable property within the district, and may provide for the retirement thereof by levies in excess of dollar rate in accordance with the provisions of Article 7, section 2 of the Constitution and RCW 84.52.056: PROVIDED, That such districts may issue bonds equal to two and one-half percent of the value of the taxable property within the district, as the term "value of the taxable property" is defined in RCW 39.36.015, when such bonds are approved by the voters of the district at a special election called for the purpose.

Sec. 11. Section 14, chapter 218, Laws of 1963 and RCW 36.68.530 are each amended to read as follows:

The ((board of county commissioners)) governing body of each park and recreation service area shall annually compile a budget for each service area in a form prescribed by the state division of municipal corporations for the ensuing calendar year which shall, to the extent that anticipated income is actually realized, constitute the appropriations for the service area. The budget may include an amount to accumulate a reserve for a stated capital purpose. In compiling the budget, all available funds and anticipated income shall be taken into consideration, including contributions or contractual payments from school districts, cities, or towns, county or any other governmental entity, gifts and donations, special tax levy, fees and charges, proceeds of bond issues, and cumulative reserve funds.

NEW SECTION. Sec. 12. There is added to chapter 36.68 RCW a new section to read as follows:

Park and recreation service areas may fund all or a portion of the salaries and benefits of county park employees who perform work on county park and recreation facilities within the service area and may fund all or a portion of the salaries and benefits of city or town park employees who perform work on city or town park and recreation facilities within the service area.

Sec. 13. Section 16, chapter 218, Laws of 1963 and RCW 36.68.550 are each amended to read as follows:

The county ((commissioners may establish)) legislative authority may allow admission fees or other direct charges ((to be)) which are paid by persons using county park facilities((, as hereinafter defined, which have been financed in whole or in part by a)) located within a park and recreation service area to be transferred to a park and recreation service area. Such direct charges to users may be made for the use of or admission to swimming pools, field houses, tennis and handball courts, bathhouses, swimming beaches, boat launching, storage or moorage facilities, ski lifts, picnic areas and other similar recreation facilities, and for parking lots used

in conjunction with such facilities. All funds collected under the provisions of this section shall be deposited to the fund of the service area established in the office of the county treasurer, to be disbursed under the service area budget as approved by the ((board)) governing body of the park and recreation service area.

Sec. 14. Section 17, chapter 218, Laws of 1963 and RCW 36.68.560 are each amended to read as follows:

The ((board)) county legislative authority may((, as with other county park properties and facilities, grant)) transfer the proceeds from concessions for food and other services((: PROVIDED, That the proceeds from any concessions)) accruing to the county from park or park facilities which ((have been financed in part or wholly from service area funds shall be deposited)) are located in a park and recreation service area to the fund of the service area in the office of the county treasurer to be disbursed under the service area budget ((as approved by the board)).

Sec. 15. Section 18, chapter 218, Laws of 1963 and RCW 36.68.570 are each amended to read as follows:

((The board)) A park and recreation service area may reimburse ((from service funds)) the county for any charge incurred by the county current expense fund which is properly an expense of the service area, including reasonable administrative costs incurred by the offices of county treasurer and the county auditor in providing accounting, clerical or other services for the benefit of the service area. ((The board may provide for the payment of any personnel engaged in activities financed by service area funds from current expense or salary funds, and reimburse current expense or salary funds from service area funds.)) The ((board)) county legislative authority shall, where a county purchasing department has been established, provide for the purchase of all supplies and equipment for a park and recreation service area through the department.

Sec. 16. Section 19, chapter 218, Laws of 1963 and RCW 36.68.580 are each amended to read as follows:

Any park facility or park acquired, improved or otherwise financed in whole or in part by ((local)) park and recreation service area funds shall be owned by the county and/or the city or town in which the park or facility is located. The county may make expenditures from its current expense funds budgeted for park purposes for the maintenance, operation or capital improvement of any county park or park facility acquired, improved, or otherwise financed in whole or in part by park and recreation service area funds. Similarly, a city or town may make expenditures for any city or town park or park facility acquired, improved, or otherwise financed in whole or in part by park and recreation service area funds.

Sec. 17. Section 21, chapter 218, Laws of 1963 and RCW 36.68.600 are each amended to read as follows:

((The)) A county may exercise any of the powers enumerated in chapter 67.20 RCW with respect to any park and recreation facility financed in whole or part from ((local)) park and recreation service area funds.

NEW SECTION. Sec. 18. There is added to chapter 36.69 RCW a new section to read as follows:

A park and recreation district may impose a regular property tax levy in an amount equal to fifteen cents or less per thousand dollars of assessed value of property in the district in each year for five consecutive years when specifically authorized so to do by a majority of at least three-fifths of the voters thereof voting on the proposition to levy such additional tax submitted not more than twelve months prior to the date on which the proposed levy is to be made and not oftener than twice in such twelve month period, either at a special election or at the regular election of the district, at which election the number of persons voting "yes" on the proposition shall constitute three-fifths of a number equal to forty per centum of the total votes cast in such district at the last preceding general election when the number of electors voting on the proposition does not exceed forty per centum of the total votes cast in such taxing district in the last preceding general election. In the event park and recreation districts are levying property taxes, which in combination with property taxes levied by other taxing districts result in taxes in excess of the one percent limitation provided for in Article 7, Section 1, of our state constitution, the park and recreation district property tax levy shall be reduced or eliminated before the property tax levies of other taxing districts are reduced.

Sec. 19. Section 36.69.140, chapter 4, Laws of 1963 as last amended by section 1, chapter 90, Laws of 1977 ex. sess. and RCW 36.69.140 are each amended to read as follows:

A park and recreation district shall ((not have power to levy a regular property tax levy, but it shall)) have the power to levy an excess levy upon the property included within the district, in the manner prescribed by Article VII, section 2, of the Constitution and by RCW 84.52.052. Such excess levy may be either for operating funds or for capital outlay, or for a cumulative reserve fund. A park and recreation district may issue general obligation bonds for capital purposes only, not to exceed an amount, together with any outstanding general obligation indebtedness equal to three-eighths of one percent of the value of the taxable property within such district, as the term "value of the taxable property" is defined in RCW 39.36.015((5)). A park and recreation district may additionally issue bonds equal to one and one-fourth percent of the value of the taxable property within the district, as the term "value of the taxable property" is defined in RCW 39.36.015, when such bonds are approved by three-fifths of the voters of the district at a general or special election called for that purpose and may provide for the retirement thereof by levies in excess of dollar rate limitations in accordance with the provisions of RCW 84.52.056((: PROVIDED, That)). When

authorized by the voters of the district, the district may issue interest bearing warrants payable out of and to the extent of excess levies authorized in the year in which the excess levy was approved.

Sec. 20. Section 84.52.052, chapter 15, Laws of 1961 as last amended by section 1, chapter 325, Laws of 1977 ex. sess. and RCW 84.52.052 are each amended to read as follows:

The limitations imposed by RCW 84.52.050 through 84.52.056, and RCW 84.52.043 shall not prevent the levy of additional taxes by any taxing district except school districts in which a larger levy is necessary in order to prevent the impairment of the obligation of contracts. Any county, metropolitan park district, park and recreation service area, park and recreation district ((in class AA counties and counties of the second, eighth and ninth class)), sewer district, water district, public hospital district, road district, rural county library district, intercounty rural library district, fire protection district, cemetery district, city, or town may levy taxes at a rate in excess of the rate specified in RCW 84.52.050 through 84.52.056 and RCW 84.52-.043, or RCW 84.55.010 through 84.55.050, when authorized so to do by the electors of such county, metropolitan park district, park and recreation service area, park and recreation district ((in class AA counties and counties of the second, eighth and ninth class)), sewer district, water district, public hospital district, road district, rural county library district, intercounty rural library district, fire protection district, cemetery district, city, or town in the manner set forth in Article VII, section 2(a) of the Constitution of this state, as amended by Amendment ((59)) 64 and as thereafter amended, at a special or general election to be held in the year in which the levy is made.

A special election may be called and the time therefor fixed by the ((board of county commissioners or other)) county legislative authority, or council, board of commissioners, or other governing body of any metropolitan park district, park and recreation service area, park and recreation district ((in class AA counties and counties of the second, eighth and ninth class)), sewer district, water district, public hospital district, road district, rural county library district, intercounty rural library district, fire protection district, cemetery district, city or town, by giving notice thereof by publication in the manner provided by law for giving notices of general elections, at which special election the proposition authorizing such excess levy shall be submitted in such form as to enable the voters favoring the proposition to vote "yes" and those opposed thereto to vote "no".

<u>NEW SECTION.</u> Sec. 21. 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.

NEW SECTION. Sec. 22. Section 15, chapter 218, Laws of 1963 and RCW 36.68.540 are each repealed.

<u>NEW SECTION</u>. Sec. 23. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the Senate April 25, 1981.
Passed the House April 24, 1981.
Approved by the Governor May 14, 1981.
Filed in Office of Secretary of State May 14, 1981.

CHAPTER 211

[Engrossed Senate Bill No. 3362]
PORT DISTRICTS AND COUNTIES——REWARDS

AN ACT Relating to port districts and counties; and amending section 1, page 124, Laws of 1886 as last amended by section 1, chapter 53, Laws of 1979 ex. sess. and RCW 10.85.030.

Be it enacted by the Legislature of the State of Washington:

Section 1. Section 1, page 124, Laws of 1886 as last amended by section 1, chapter 53, Laws of 1979 ex. sess. and RCW 10.85.030 are each amended to read as follows:

The legislative authority of any county in the state or a port commission, when in its opinion the public good requires it, is hereby authorized to offer and pay a suitable reward((, not to exceed two hundred fifty dollars in any one case;)) to any person or persons for information leading to:

- (a) The arrest of a specified person or persons convicted of or charged with any criminal offense; or
- (b) The arrest and conviction of a person or persons committing a specified criminal offense.

In the event of crimes against county <u>or port district</u> property, including but not limited to road signs, vehicles, buildings, or any other type of county <u>or port district</u> property, the legislative authority of any county <u>or a port commission</u> may offer and pay a suitable reward((, not to exceed two hundred fifty dollars in any one case,)) to any person or persons who shall furnish information leading to the arrest and conviction of any person of any