

CERTIFICATION OF ENROLLMENT

SUBSTITUTE HOUSE BILL 1517

Chapter 212, Laws of 1995

54th Legislature
1995 Regular Session

CLARIFICATION OF AUTHORITY OF LOCAL GOVERNMENTS'
RECEIPT AND EXPENDITURE OF FEDERAL AND PRIVATE FUNDS

EFFECTIVE DATE: 5/3/95

Passed by the House April 19, 1995
Yeas 94 Nays 2

CLYDE BALLARD

**Speaker of the
House of Representatives**

Passed by the Senate April 4, 1995
Yeas 46 Nays 0

JOEL PRITCHARD

President of the Senate

Approved May 3, 1995

MIKE LOWRY

Governor of the State of Washington

CERTIFICATE

I, Timothy A. Martin, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 1517** as passed by the House of Representatives and the Senate on the dates hereon set forth.

TIMOTHY A. MARTIN

Chief Clerk

FILED

May 3, 1995 - 11:38 a.m.

**Secretary of State
State of Washington**

SUBSTITUTE HOUSE BILL 1517

AS AMENDED BY THE SENATE

Passed Legislature - 1995 Regular Session

State of Washington 54th Legislature 1995 Regular Session

By House Committee on Capital Budget (originally sponsored by Representatives L. Thomas, Rust, Horn, Sommers and Ballasiotes)

Read first time 02/28/95.

1 AN ACT Relating to the receipt and expenditure of federal and
2 private funds by local governments; amending RCW 35.21.735; creating
3 new sections; and declaring an emergency.

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

5 NEW SECTION. **Sec. 1.** The purpose of this act is to assist
6 community and economic development by clarifying the authority of all
7 cities, towns, counties, and public corporations to engage in federally
8 guaranteed "conduit financings" and to specify procedures that may be
9 used for such conduit financings. Generally, in such a conduit
10 financing a municipality borrows funds from the federal government or
11 from private sources with the help of federal guarantees, without
12 pledging the credit or tax revenues of the municipality, and then lends
13 the proceeds for private projects that both fulfill public purposes,
14 such as community and economic development, and provide the revenues to
15 retire the municipal borrowings. Such conduit financings include
16 issuance by municipalities of federally guaranteed notes under section
17 108 of the housing and community development act of 1974, as amended,
18 to finance projects eligible under federal community development block
19 grant regulations.

1 **Sec. 2.** RCW 35.21.735 and 1985 c 332 s 3 are each amended to read
2 as follows:

3 (1) The legislature hereby declares that carrying out the purposes
4 of federal grants or programs is both a public purpose and an
5 appropriate function for (~~such~~) a city, town, county, or public
6 corporation. The provisions of RCW 35.21.730 through 35.21.755 and RCW
7 35.21.660 and 35.21.670 and the enabling authority herein conferred to
8 implement these provisions shall be construed to accomplish the
9 purposes of RCW 35.21.730 through 35.21.755.

10 (2) All cities, towns (~~and~~), counties, and public corporations
11 shall have the power and authority to enter into agreements with the
12 United States or any agency or department thereof, or any agency of the
13 state government or its political subdivisions, and pursuant to such
14 agreements may receive and expend, or cause to be received and expended
15 by a custodian or trustee, federal or private funds for any lawful
16 public purpose. Pursuant to any such agreement, a city, town, county,
17 or public corporation may issue bonds, notes, or other evidences of
18 indebtedness that are guaranteed or otherwise secured by funds or other
19 instruments provided by or through the federal government or by the
20 federal government or an agency or instrumentality thereof under
21 section 108 of the housing and community development act of 1974 (42
22 U.S.C. Sec. 5308), as amended, or its successor, and may agree to repay
23 and reimburse for any liability thereon any guarantor of any such
24 bonds, notes, or other evidences of indebtedness issued by such
25 jurisdiction or public corporation, or issued by any other public
26 entity. For purposes of this subsection federal housing mortgage
27 insurance shall not constitute a federal guarantee or security.

28 (3) A city, town, county, or public corporation may pledge, as
29 security for any such bonds, notes, or other evidences of indebtedness
30 or for its obligations to repay or reimburse any guarantor thereof, its
31 right, title, and interest in and to any or all of the following: (a)
32 Any federal grants or payments received or that may be received in the
33 future; (b) any of the following that may be obtained directly or
34 indirectly from the use of any federal or private funds received as
35 authorized in this section: (i) Property and interests therein, and
36 (ii) revenues; (c) any payments received or owing from any person
37 resulting from the lending of any federal or private funds received as
38 authorized in this section; (d) any proceeds under (a), (b), or (c) of
39 this subsection and any securities or investments in which (a), (b), or

1 (c) of this subsection or proceeds thereof may be invested; (e) any
2 interest or other earnings on (a), (b), (c), or (d) of this subsection.
3 (4) A city, town, county, or public corporation may establish one
4 or more special funds relating to any or all of the sources listed in
5 subsection (3)(a) through (e) of this section and pay or cause to be
6 paid from such fund the principal, interest, premium if any, and other
7 amounts payable on any bonds, notes, or other evidences of indebtedness
8 authorized under this section, and pay or cause to be paid any amounts
9 owing on any obligations for repayment or reimbursement of guarantors
10 of any such bonds, notes, or other evidences of indebtedness. A city,
11 town, county, or public corporation may contract with a financial
12 institution either to act as trustee or custodian to receive,
13 administer, and expend any federal or private funds, or to collect,
14 administer, and make payments from any special fund as authorized under
15 this section, or both, and to perform other duties and functions in
16 connection with the transactions authorized under this section. If the
17 bonds, notes, or other evidences of indebtedness and related agreements
18 comply with subsection (6) of this section, then any such funds held by
19 any such trustee or custodian, or by a public corporation, shall not
20 constitute public moneys or funds of any city, town, or county and at
21 all times shall be kept segregated and set apart from other funds.
22 (5) For purposes of this section, "lawful public purpose" includes,
23 without limitation, any use of funds, including loans thereof to public
24 or private parties, authorized by the agreements with the United States
25 or any department or agency thereof under which federal or private
26 funds are obtained, or authorized under the federal laws and
27 regulations pertinent to such agreements.
28 (6) If any such federal or private funds are loaned or granted to
29 any private party or used to guarantee any obligations of any private
30 party, then any bonds, notes, other evidences of indebtedness issued or
31 entered into for the purpose of receiving or causing the receipt of
32 such federal or private funds, and any agreements to repay or reimburse
33 guarantors, shall not be obligations of any city, town, or county and
34 shall be payable only from a special fund as authorized in this section
35 or from any of the security pledged pursuant to the authority of this
36 section, or both. Any bonds, notes, or other evidences of indebtedness
37 to which this subsection applies shall contain a recital to the effect
38 that they are not obligations of the city, town, or county or the state
39 of Washington and that neither the faith and credit nor the taxing

1 power of the state or any municipal corporation or subdivision of the
2 state or any agency of any of the foregoing, is pledged to the payment
3 of principal, interest, or premium, if any, thereon. Any bonds, notes,
4 other evidences of indebtedness, or other obligations to which this
5 subsection applies shall not be included in any computation for
6 purposes of limitations on indebtedness. To the extent expressly
7 agreed in writing by a city, town, county, or public corporation, this
8 subsection shall not apply to bonds, notes, or other evidences of
9 indebtedness issued for, or obligations incurred for, the necessary
10 support of the poor and infirm by that city, town, county, or public
11 corporation.

12 (7) Any bonds, notes, or other evidences of indebtedness issued by,
13 or reimbursement obligations incurred by, a city, town, county, or
14 public corporation consistent with the provisions of this section but
15 prior to the effective date of this section, and any loans or pledges
16 made by a city, town, or county in connection therewith substantially
17 consistent with the provisions of this section but prior to the
18 effective date of this section, are deemed authorized and shall not be
19 held void, voidable, or invalid due to any lack of authority under the
20 laws of this state.

21 NEW SECTION. Sec. 3. If any provision of this act or its
22 application to any person or circumstance is held invalid, the
23 remainder of the act or the application of the provision to other
24 persons or circumstances is not affected.

25 NEW SECTION. Sec. 4. The authority granted by this act is
26 additional and supplemental to any other authority of any city, town,
27 county, or public corporation. Nothing in this act may be construed to
28 imply that any of the power or authority granted hereby was not
29 available to any city, town, county, or public corporation under prior
30 law. Any previous actions consistent with the provisions of this act
31 are ratified and confirmed.

32 NEW SECTION. Sec. 5. This act is necessary for the immediate
33 preservation of the public peace, health, or safety, or support of the
34 state government and its existing public institutions, and shall take
35 effect immediately.

Passed the House April 19, 1995.
Passed the Senate April 4, 1995.
Approved by the Governor May 3, 1995.
Filed in Office of Secretary of State May 3, 1995.