
SENATE BILL 5517

State of Washington

56th Legislature

1999 Regular Session

By Senators Jacobsen, Eide, Goings and Winsley

Read first time 01/26/1999. Referred to Committee on Natural Resources, Parks & Recreation.

1 AN ACT Relating to community outdoor athletic fields; amending RCW
2 43.155.020, 43.155.030, 43.155.040, 43.155.060, 43.155.068, and
3 43.155.070; reenacting and amending RCW 43.155.050; and creating a new
4 section.

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

6 NEW SECTION. **Sec. 1.** (1) The legislature finds that families in
7 Washington need community outdoor athletic fields for both youth and
8 adults. The legislature recognizes that coordinated funding efforts
9 are needed to maintain, develop, and improve the state's community
10 outdoor athletic fields. Rapid population growth and increased
11 urbanization have caused a decline in suitable outdoor fields for
12 community athletic activities and have resulted in overcrowding and
13 deterioration of existing surfaces. Lack of adequate community outdoor
14 athletic fields directly affects the health and well-being of all
15 citizens of the state, reduces the state's economic viability, and
16 prevents Washington from maintaining and achieving the quality of life
17 that it deserves. Therefore, it is the policy of the state and its
18 agencies to maintain, develop, fund, and improve community outdoor

1 athletic fields and provide loans and grants for local governments,
2 school districts, and nonprofit organizations to provide the same.

3 (2) In carrying out this policy, the legislature intends to promote
4 the building of new community outdoor athletic fields and upgrade
5 existing community outdoor athletic fields across Washington state by
6 providing loans and grants for local governments, school districts, and
7 nonprofit organizations.

8 **Sec. 2.** RCW 43.155.020 and 1996 c 168 s 2 are each amended to read
9 as follows:

10 Unless the context clearly requires otherwise, the definitions in
11 this section shall apply throughout this chapter.

12 (1) "Board" means the public works board created in RCW 43.155.030.

13 (2) "Department" means the department of community, trade, and
14 economic development.

15 (3) "Financing guarantees" means the pledge of money in the public
16 works assistance account, or money to be received by the public works
17 assistance account, to the repayment of all or a portion of the
18 principal of or interest on obligations issued by local governments to
19 finance public works projects, or repayment of all or a portion of
20 principal or interest on loans incurred by qualified nonprofit
21 organizations.

22 (4) "Local governments" means cities, towns, counties, special
23 purpose districts, and any other municipal corporations or quasi-
24 municipal corporations in the state excluding school districts and port
25 districts unless there is a partnership formed between a school
26 district and a qualified nonprofit organization or a municipal
27 corporation; or a port district and a qualified nonprofit organization
28 or a municipal corporation.

29 (5) "Public works project" means a project of a local government,
30 or qualified nonprofit organization, for the planning, acquisition,
31 construction, repair, reconstruction, replacement, rehabilitation, or
32 improvement of streets and roads, bridges, water systems, or storm and
33 sanitary sewage systems and solid waste facilities, including recycling
34 facilities and community outdoor athletic fields.

35 (6) "Solid waste or recycling project" means remedial actions
36 necessary to bring abandoned or closed landfills into compliance with
37 regulatory requirements and the repair, restoration, and replacement of
38 existing solid waste transfer, recycling facilities, and landfill

1 projects limited to the opening of landfill cells that are in existing
2 and permitted landfills.

3 (7) "Technical assistance" means training and other services
4 provided to local governments to: (a) Help such local governments and
5 qualified nonprofit organizations plan, apply, and qualify for loans
6 and financing guarantees from the board, and (b) help local governments
7 improve their ability to plan for, finance, acquire, construct, repair,
8 replace, rehabilitate, and maintain public facilities and community
9 outdoor athletic fields.

10 (8) "Qualified nonprofit" means those nonprofit organizations
11 qualified to receive funds from the youth athletic facilities account
12 as established in RCW 43.99N.060(4).

13 **Sec. 3.** RCW 43.155.030 and 1985 c 446 s 9 are each amended to read
14 as follows:

15 (1) The public works board is hereby created.

16 (2) The board shall be composed of thirteen members appointed by
17 the governor for terms of four years, except that five members
18 initially shall be appointed for terms of two years. The board shall
19 include: (a) Three members, two of whom shall be elected officials and
20 one shall be a public works manager, appointed from a list of at least
21 six persons nominated by the association of Washington cities or its
22 successor; (b) three members, two of whom shall be elected officials
23 and one shall be a public works manager, appointed from a list of at
24 least six persons nominated by the Washington state association of
25 counties or its successor; (c) three members appointed from a list of
26 at least six persons nominated jointly by the Washington state
27 association of water districts, the Washington public utility districts
28 association, and the Washington state association of sewer districts or
29 their successors; and (d) four members appointed from the general
30 public. In appointing the four general public members, the governor
31 shall endeavor to balance the geographical composition of the board and
32 to include members with special expertise in relevant fields such as
33 public finance, architecture and civil engineering, youth athletics,
34 and public works construction, and outdoor athletic fields for both
35 youth and adults. The governor shall appoint one of the general public
36 members of the board as chair. The term of the chair shall coincide
37 with the term of the governor. There shall be one additional member of

1 the board, nominated by the chair of the community outdoor athletic
2 fields advisory council, and shall be advisory only.

3 (3) Staff support to the board shall be provided by the department.

4 (4) Members of the board shall receive no compensation but shall be
5 reimbursed for travel expenses under RCW 43.03.050 and 43.03.060.

6 (5) If a vacancy on the board occurs by death, resignation, or
7 otherwise, the governor shall fill the vacant position for the
8 unexpired term. Each vacancy in a position appointed from lists
9 provided by the associations under subsection (2) of this section shall
10 be filled from a list of at least three persons nominated by the
11 relevant association or associations. Any members of the board,
12 appointive or otherwise, may be removed by the governor for cause in
13 accordance with RCW 43.06.070 and 43.06.080.

14 **Sec. 4.** RCW 43.155.040 and 1985 c 446 s 10 are each amended to
15 read as follows:

16 The board may:

17 (1) Accept from any state or federal agency, loans or grants for
18 the planning or financing of any public works project and enter into
19 agreements with any such agency concerning the loans or grants;

20 (2) Provide technical assistance to local governments, or qualified
21 nonprofit organizations;

22 (3) Accept any gifts, grants, or loans of funds, property, or
23 financial or other aid in any form from any other source on any terms
24 and conditions which are not in conflict with this chapter;

25 (4) Adopt rules under chapter 34.05 RCW as necessary to carry out
26 the purposes of this chapter;

27 (5) Do all acts and things necessary or convenient to carry out the
28 powers expressly granted or implied under this chapter.

29 **Sec. 5.** RCW 43.155.050 and 1995 2nd sp.s. c 18 s 918 and 1995 c
30 376 s 11 are each reenacted and amended to read as follows:

31 The public works assistance account is hereby established in the
32 state treasury. Money may be placed in the public works assistance
33 account from the proceeds of bonds when authorized by the legislature
34 or from any other lawful source. Money in the public works assistance
35 account shall be used to make loans and to give financial guarantees to
36 local governments, and qualified nonprofit organizations for public
37 works projects. Moneys in the account may also be appropriated to

1 provide for state match requirements under federal law for projects and
2 activities conducted and financed by the board under the drinking water
3 assistance account. During the 1995-97 fiscal biennium, moneys in the
4 public works assistance account may be appropriated for transfer to the
5 flood control assistance account to be used for flood control
6 assistance, including grants under chapter 86.26 RCW. To the extent
7 that moneys in the public works assistance account are not appropriated
8 during the 1995-97 fiscal biennium for public works or flood control
9 assistance, the legislature may direct their transfer to the state
10 general fund. In awarding grants under chapter 86.26 RCW, the
11 department of ecology shall give strong preference to local governments
12 that have: (1) Implemented, or are in the process of implementing, an
13 ordinance that establishes a flood plain policy that is substantially
14 more stringent than minimum federal requirements; (2) completed a
15 comprehensive flood control plan meeting the requirements of RCW
16 86.12.200; or (3) constructed, or are in the process of constructing,
17 a system of overtopping dikes or levees that allow public access.

18 **Sec. 6.** RCW 43.155.060 and 1988 c 93 s 2 are each amended to read
19 as follows:

20 In order to aid the financing of public works projects, the board
21 may:

22 (1) Make low-interest or interest-free loans to local governments
23 and qualified nonprofit organizations, from the public works assistance
24 account or other funds and accounts for the purpose of assisting local
25 governments and qualified nonprofit organizations in financing public
26 works projects. The board may require such terms and conditions and
27 may charge such rates of interest on its loans as it deems necessary or
28 convenient to carry out the purposes of this chapter. Money received
29 from local governments or qualified nonprofit organizations, in
30 repayment of loans made under this section shall be paid into the
31 public works assistance account for uses consistent with this chapter.

32 (2) Pledge money in the public works assistance account, or money
33 to be received by the public works assistance account, to the repayment
34 of all or a portion of the principal of or interest on obligations
35 issued by local governments and qualified nonprofit organizations to
36 finance public works projects. The board shall not pledge any amount
37 greater than the sum of money in the public works assistance account
38 plus money to be received from the payment of the debt service on loans

1 made from that account, nor shall the board pledge the faith and credit
2 or the taxing power of the state or any agency or subdivision thereof
3 to the repayment of obligations issued by any local government and
4 qualified nonprofit organizations.

5 (3) Create such subaccounts in the public works assistance account
6 as the board deems necessary to carry out the purposes of this chapter.

7 (4) Provide a method for the allocation of grants, loans, and
8 financing guarantees and the provision of technical assistance under
9 this chapter.

10 All local public works projects aided in whole or in part under the
11 provisions of this chapter shall be put out for competitive bids,
12 except for emergency public works under RCW 43.155.065 for which the
13 recipient jurisdiction shall comply with this requirement to the extent
14 feasible and practicable. The competitive bids called for shall be
15 administered in the same manner as all other public works projects put
16 out for competitive bidding by the local governmental entity aided
17 under this chapter.

18 **Sec. 7.** RCW 43.155.068 and 1995 c 363 s 2 are each amended to read
19 as follows:

20 (1) The board may make low-interest or interest-free loans to local
21 governments, or qualified nonprofit organizations, for preconstruction
22 activities on public works projects before the legislature approves the
23 construction phase of the project. Preconstruction activities include
24 design, engineering, bid-document preparation, environmental studies,
25 right of way acquisition, and other preliminary phases of public works
26 projects as determined by the board. The purpose of the loans
27 authorized in this section is to accelerate the completion of public
28 works projects by allowing preconstruction activities to be performed
29 before the approval of the construction phase of the project by the
30 legislature.

31 (2) Projects receiving loans for preconstruction activities under
32 this section must be evaluated using the priority process and factors
33 in RCW 43.155.070(2). The receipt of a loan for preconstruction
34 activities does not ensure the receipt of a construction loan for the
35 project under this chapter. Construction loans for projects receiving
36 a loan for preconstruction activities under this section are subject to
37 legislative approval under RCW 43.155.070 (4) and (5). The board shall
38 adopt a single application process for local governments seeking both

1 a loan for preconstruction activities under this section and a
2 construction loan for the project.

3 (3) Preconstruction activity loans under this section may be made
4 only from those funds specifically appropriated from the public works
5 assistance account for such a purpose by the legislature.

6 **Sec. 8.** RCW 43.155.070 and 1997 c 429 s 29 are each amended to
7 read as follows:

8 (1) To qualify for loans or pledges under this chapter the board
9 must determine that a local government meets all of the following
10 conditions:

11 (a) The city or county must be imposing a tax under chapter 82.46
12 RCW at a rate of at least one-quarter of one percent;

13 (b) The local government must have developed a long-term plan for
14 financing public works needs;

15 (c) The local government must be using all local revenue sources
16 which are reasonably available for funding public works, taking into
17 consideration local employment and economic factors; and

18 (d) Except where necessary to address a public health need or
19 substantial environmental degradation, a county, city, or town that is
20 required or chooses to plan under RCW 36.70A.040 must have adopted a
21 comprehensive plan in conformance with the requirements of chapter
22 36.70A RCW, after it is required that the comprehensive plan be
23 adopted, and must have adopted development regulations in conformance
24 with the requirements of chapter 36.70A RCW, after it is required that
25 development regulations be adopted.

26 (2) The board shall develop a priority process for public works
27 projects as provided in this section. The intent of the priority
28 process is to maximize the value of public works projects accomplished
29 with assistance under this chapter. The board shall attempt to assure
30 a geographical balance in assigning priorities to projects. The board
31 shall consider at least the following factors in assigning a priority
32 to a project:

33 (a) Whether the local government receiving assistance has
34 experienced severe fiscal distress resulting from natural disaster or
35 emergency public works needs;

36 (b) Whether the project is critical in nature and would affect the
37 health and safety of a great number of citizens;

1 (c) The cost of the project compared to the size of the local
2 government and amount of loan money available;

3 (d) The number of communities served by or funding the project;

4 (e) Whether the project is located in an area of high unemployment,
5 compared to the average state unemployment;

6 (f) Whether the project is the acquisition, expansion, improvement,
7 or renovation by a local government of a public water system that is in
8 violation of health and safety standards, including the cost of
9 extending existing service to such a system;

10 (g) The relative benefit of the project to the community,
11 considering the present level of economic activity in the community and
12 the existing local capacity to increase local economic activity in
13 communities that have low economic growth; and

14 (h) Other criteria that the board considers advisable.

15 (3) Existing debt or financial obligations of local governments, or
16 qualified nonprofit organizations shall not be refinanced under this
17 chapter. Each local government, or qualified nonprofit organization
18 applicant shall provide documentation of attempts to secure additional
19 local or other sources of funding for each public works project for
20 which financial assistance is sought under this chapter.

21 (4) Before November 1 of each year, the board shall develop and
22 submit to the appropriate fiscal committees of the senate and house of
23 representatives a description of the loans made under RCW 43.155.065,
24 43.155.068, and subsection (7) of this section during the preceding
25 fiscal year and a prioritized list of projects which are recommended
26 for funding by the legislature, including one copy to the staff of each
27 of the committees. The list shall include, but not be limited to, a
28 description of each project and recommended financing, the terms and
29 conditions of the loan or financial guarantee, the local government
30 jurisdiction and unemployment rate, demonstration of the jurisdiction's
31 critical need for the project and documentation of local funds being
32 used to finance the public works project. The list shall also include
33 measures of fiscal capacity for each jurisdiction recommended for
34 financial assistance, compared to authorized limits and state averages,
35 including local government sales taxes; real estate excise taxes;
36 property taxes; and charges for or taxes on sewerage, water, garbage,
37 and other utilities.

38 (5) The board shall not sign contracts or otherwise financially
39 obligate funds from the public works assistance account before the

1 legislature has appropriated funds for a specific list of public works
2 projects. The legislature may remove projects from the list
3 recommended by the board. The legislature shall not change the order
4 of the priorities recommended for funding by the board.

5 (6) Subsection (5) of this section does not apply to loans made
6 under RCW 43.155.065, 43.155.068, and subsection (7) of this section.

7 (7)(a) Loans made for the purpose of capital facilities plans shall
8 be exempted from subsection (5) of this section. In no case shall the
9 total amount of funds utilized for capital facilities plans and
10 emergency loans exceed the limitation in RCW 43.155.065.

11 (b) For the purposes of this section "capital facilities plans"
12 means those plans required by the growth management act, chapter 36.70A
13 RCW, and plans required by the public works board for local governments
14 not subject to the growth management act.

15 (8) To qualify for loans or pledges for solid waste or recycling
16 facilities under this chapter, a city or county must demonstrate that
17 the solid waste or recycling facility is consistent with and necessary
18 to implement the comprehensive solid waste management plan adopted by
19 the city or county under chapter 70.95 RCW.

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