

SHB 3207 - H AMD 872

By Representative Santos

ADOPTED 02/13/2006

1 Strike everything after the enacting clause and insert the
2 following:

3 "NEW SECTION. **Sec. 1.** Major public facilities, public works, and
4 capital projects with significant public funding generally aim to
5 accrue broad benefits to the people of Washington. However, frequently
6 overlooked or inadequately addressed is the interest of the stakeholder
7 community that bears the disproportionate cost of the broad public
8 benefit by absorbing a deleterious impact upon itself. These impacts
9 may include dislocation, displacement, and the overall disintegration
10 of an identifiable existing community and its historical and cultural
11 character. The legislature finds that the preservation and restoration
12 of the character of such a community, and the community's historical
13 and cultural character, are important public policy goals that can be
14 achieved through the creation of community preservation authorities.

15 NEW SECTION. **Sec. 2.** The definitions in this section apply
16 throughout this chapter unless the context clearly requires otherwise.

17 (1) "Community" means a group of people who reside or work in a
18 well-defined geographic area and who currently or historically share a
19 distinct cultural identity or local history.

20 (2) "Community preservation authority" means an authority created
21 by members of an impacted community.

22 (3) "Impacted community" means a community that has been or has the
23 potential to be adversely impacted by the construction of, or ongoing
24 operation of, multiple major public facilities, public works, and
25 capital projects with significant public funding.

26 (4) "Major public facilities project, public works project, or
27 capital project with significant public funding" means any capital
28 project whose total cost exceeds ten million dollars.

1 (5) "Single point of contact" means a cabinet-level state agency
2 directed by the legislature to work with community preservation
3 authorities to ensure communication and consultation among state and
4 local governments and communities that may be impacted by future major
5 public facilities, public works, or capital projects with significant
6 public funding.

7 NEW SECTION. **Sec. 3.** (1) Community preservation authorities are
8 hereby created to restore or enhance the health, safety, and well-being
9 of communities adversely impacted by the construction of, or ongoing
10 operation of, multiple major public facilities, public works, and
11 capital projects with significant public funding.

12 (2) Community preservation authorities have the following purposes:

13 (a) To revitalize, enhance, and preserve the unique character of
14 impacted communities;

15 (b) To mitigate the adverse effects of multiple major public
16 facilities projects, public works projects, or capital projects with
17 significant public funding, or a secure community transition facility
18 as defined in RCW 71.09.020(14);

19 (c) To restore a local area's sense of community;

20 (d) To reduce the displacement of community members and businesses;

21 (e) To stimulate the community's economic vitality;

22 (f) To enhance public service provisions;

23 (g) To improve the standard of living of community members;

24 (h) To preserve historic buildings or areas by returning them to
25 economically productive uses that are compatible with or enhance their
26 historic character; and

27 (i) To raise the visibility of the consequences of public policy
28 decisions and actions.

29 NEW SECTION. **Sec. 4.** (1) Members of an impacted community may
30 propose formation of a community preservation authority to the state
31 legislative delegation representing the area in which the community is
32 located.

33 (2) The affairs of a community preservation authority must be
34 managed by a board of directors, including the following members:

35 (a) Two members who own, operate, or represent businesses within
36 the community;

1 (b) Two members who are involved in providing nonprofit community
2 or social services within the community;

3 (c) Two members who are involved in the arts and entertainment
4 within the community;

5 (d) Two members with significant knowledge of the community's
6 culture and history; and

7 (e) One member who is involved in a nonprofit or public planning
8 organization that directly serves the impacted community.

9 (3) In appointing members to the board of directors, preference
10 will be given to candidates who reside within the impacted community.

11 NEW SECTION. **Sec. 5.** Once constituted, a community preservation
12 authority shall:

13 (1) Solicit input from members of its community and develop a
14 capital projects plan to restore or enhance the health, safety, and
15 well-being of the impacted community and to preserve and recapture its
16 cultural and historical identity;

17 (2) Include within the plan a prioritized list of projects
18 identified and supported by the community, including capital or
19 operating components that address one or more of the purposes under
20 section 3 of this act;

21 (3) Work in partnership with a designated state agency to assist
22 organizations that serve the impacted community to identify and
23 successfully compete for local, state, federal, and private funding to
24 carry out projects that will benefit the impacted area; and

25 (4) Work with the single point of contact to ensure that state and
26 local government officials communicate and consult fully with the
27 impacted community and with each other prior to making siting, design,
28 and construction decisions for future public facilities, public works
29 projects, and capital projects with significant public funding. The
30 single point of contact must make every effort to ensure that the
31 cumulative effects of multiple projects upon the impacted community are
32 considered.

33 NEW SECTION. **Sec. 6.** The community preservation authority account
34 is created in the state treasury. Moneys in the account may be spent
35 only after appropriation. Expenditures from the account may be used
36 only for projects under this chapter.

1 NEW SECTION. **Sec. 7.** By November 15, 2006, the department of
2 community, trade, and economic development shall develop and report to
3 the appropriate committees of the legislature recommendations for a
4 community preservation authorities program. The department shall
5 develop the recommendations within existing resources and shall consult
6 with at least one community that has an interest in forming such an
7 authority. The recommendations must include statutory and budgetary
8 elements needed to support the program and must address operational
9 issues, including: (1) The appointing authority and process by which
10 community preservation authority board members are named; (2) state
11 agencies that should be considered for designation as the single point
12 of contact; (3) the means for establishing the authorities' eligibility
13 for grant and loan programs; (4) how the community preservation
14 authorities program should address the potential impacts of major
15 public facilities, public works, and capital projects sited within and
16 adjacent to the community's geographic boundaries; and (5) any other
17 issues that must be resolved in order to operate the program.

18 NEW SECTION. **Sec. 8.** Sections 1 through 6 of this act constitute
19 a new chapter in Title 43 RCW."

EFFECT: (1) Removes reference in the definition of "community" to the percentage of minority or low-income individuals in a geographic area.

(2) Expands the definition of "impacted community" to include a community with potential to be adversely impacted by future projects.

(3) Adds a definition of "single point of contact," a state agency directed to work with community preservation authorities to ensure communication and consultation.

(4) Alters the composition of the authority board of directors by removing the state and local elected officials and adding a member involved in a planning organization that serves the impacted community.

(5) Specifies that preference in board appointments be given to residents of the impacted community.

(6) Clarifies that for the capital projects plan, community input be solicited, the prioritized list be identified and supported by the community, and the authority work in partnership with a designated state agency to seek funding.

(7) Requires the authority and the single point of contact to ensure communication and consultation among agencies and the community prior to siting, design, and construction decisions.

(8) Requires CTED to develop recommendations for a community preservation authorities program including statutory, budgetary, and operational components, and report to appropriate legislative committees by November 15, 2006.

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