

ESHB 2125 - S AMD 539

By Senators Kastama, Fairley

ADOPTED 04/26/2009

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

3 "**Sec. 1.** RCW 43.167.010 and 2007 c 501 s 3 are each amended to
4 read as follows:

5 (1) The residents, property owners, employees, or business owners
6 of an impacted community may propose formation of a community
7 preservation and development authority. The proposal to form a
8 community preservation and development authority must be presented in
9 writing to the appropriate legislative committee in both the house of
10 representatives and the senate. The proposal must contain proposed
11 general geographic boundaries that will be used to define the community
12 for the purposes of the authority. Proposals presented after January
13 1, 2008, must identify in its proposal one or more stable revenue
14 sources that (a) have a nexus with the multiple publicly funded
15 facilities that have adversely impacted the community, and (b) can be
16 used to support future operating or capital projects that will be
17 identified in the strategic plan required under RCW 43.167.030.

18 (2) Formation of the community preservation and development
19 authority is subject to legislative authorization by statute. The
20 legislature must find that (a) the area within the proposal's
21 geographic boundaries meets the definition of "impacted community"
22 contained in section 2(4) of this act and (b) those persons that have
23 brought forth the proposal are members of the community as defined in
24 section 2(1) of this act and, if the authority were approved, would
25 meet the definition of constituency contained in section 2(3) of this
26 act. For proposals brought after January 1, 2008, the legislature must
27 also find that the community has identified one or more stable revenue
28 sources as required in subsection (1) of this section. The legislature
29 may then act to authorize the establishment of the community
30 preservation and development authority in law.

1 (3) The affairs of a community preservation and development
2 authority shall be managed by a board of directors, consisting of the
3 following members:

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

6 (b) Two members who reside in the community;

7 (c) Two members who are involved in providing nonprofit community
8 or social services within the community;

9 ~~((e))~~ (d) Two members who are involved in the arts and
10 entertainment within the community;

11 ~~((d))~~ (e) Two members with knowledge of the community's culture
12 and history; ~~((and~~

13 ~~(e))~~ (f) One member who is involved in a nonprofit or public
14 planning organization that directly serves the impacted community; and

15 (g) Two representatives of the local legislative authority or
16 authorities, as ex officio members.

17 (4) No member of the board shall hold office for more than four
18 years. Board positions shall be numbered one through nine, and the
19 terms staggered as follows:

20 (a) Board members elected to positions one through five shall serve
21 two-year terms, and if reelected, may serve no more than one additional
22 two-year term.

23 (b) Board members initially elected to positions six through
24 ~~((nine))~~ thirteen shall serve a three-year term only.

25 (c) Board members elected to positions six through ~~((nine))~~
26 thirteen after the initial three-year term shall serve two-year terms,
27 and if reelected, may serve no more than one additional two-year term.

28 (5) With respect to an authority's initial board of directors: The
29 state legislative delegation and those proposing formation of the
30 authority shall jointly establish a committee to develop a list of
31 candidates to stand for election once the authority has received
32 legislative approval as established in subsection (2) of this section.
33 For the purpose of developing the list and identifying those persons
34 who meet the criteria in subsection (3)(a) through (e) of this section,
35 community shall mean the proposed geographic boundaries as set out in
36 the proposal. The board of directors shall be elected by the
37 constituency during a meeting convened for that purpose by the state
38 legislative delegation.

1 (6) With respect to subsequent elections of an authority's board of
2 directors: A list of candidates shall be developed by the authority's
3 existing board of directors and the election shall be held during the
4 annual local town hall meeting as required in RCW 43.167.030.

5 **Sec. 2.** RCW 43.167.020 and 2007 c 501 s 4 are each amended to read
6 as follows:

7 (1) A community preservation and development authority shall have
8 the power to:

9 (a) Accept gifts, grants, loans, or other aid from public or
10 private entities; (~~and~~

11 ~~(b) Exercise such additional powers as may be authorized by law))~~

12 (b) Employ and appoint such agents, attorneys, officers, and
13 employees as may be necessary to implement the purposes and duties of
14 an authority;

15 (c) Contract and enter into partnerships with individuals,
16 associations, corporations, and local, state, and federal governments;

17 (d) Buy, own, lease, and sell real and personal property;

18 (e) Hold in trust, improve, and develop land;

19 (f) Invest, deposit, and reinvest its funds;

20 (g) Incur debt in furtherance of its mission; and

21 (h) Lend its funds, property, credit, or services for corporate
22 purposes.

23 (2) A community preservation and development authority (~~shall~~
24 ~~have~~) has no power of eminent domain nor any power to levy taxes or
25 special assessments.

26 (3) A community preservation and development authority that accepts
27 public funds under subsection (1)(a) of this section:

28 (a) Is subject in all respects to Article VIII, section 5 or 7, as
29 appropriate, of the state Constitution, and to RCW 42.17.128; and

30 (b) May not use the funds to support or oppose a candidate, ballot
31 proposition, political party, or political committee.

32 **Sec. 3.** RCW 43.167.030 and 2007 c 501 s 5 are each amended to read
33 as follows:

34 A community preservation and development authority shall have the
35 duty to:

1 (1) Establish specific geographic boundaries for the authority
2 within its bylaws based on the general geographic boundaries
3 established in the proposal submitted and approved by the legislature;
4 (2) Solicit input from members of its community and develop a
5 strategic preservation and development plan to restore and promote the
6 health, safety, and economic well-being of the impacted community and
7 to restore and preserve its cultural and historical identity;
8 (3) Include within the strategic plan a prioritized list of
9 projects identified and supported by the community, including capital
10 or operating components (~~that address one or more of the purposes~~
11 ~~under section 1(3) of this act~~);
12 (4) Establish funding mechanisms to support projects and programs
13 identified in the strategic plan including but not limited to grants
14 and loans;
15 (5) Use gifts, grants, loans, and other aid from public or private
16 entities to carry out projects identified in the strategic plan
17 including, but not limited to, those that: (a) Enhance public safety;
18 (b) reduce community blight; and (c) provide ongoing mitigation of the
19 adverse effects of multiple publicly funded projects on the impacted
20 community; and
21 (6) Demonstrate ongoing accountability for its actions by:
22 (a) Reporting to the appropriate committees of the legislature, one
23 year after formation and every biennium thereafter, on the authority's
24 strategic plan, activities, accomplishments, and any recommendations
25 for statutory changes;
26 (b) Reporting any changes in the authority's geographic boundaries
27 to the appropriate committees of the legislature when the legislature
28 next convenes in regular session;
29 (c) Convening a local town hall meeting with its constituency on an
30 annual basis to: (i) Report its activities and accomplishments from
31 the previous year; (ii) present and receive input from members of the
32 impacted community regarding its proposed strategic plan and activities
33 for the upcoming year; and (iii) hold board member elections as
34 necessary; and
35 (d) Maintaining books and records as appropriate for the conduct of
36 its affairs."

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1 On page 1, line 2 of the title, after "authorities;" strike the
2 remainder of the title and insert "and amending RCW 43.167.010,
3 43.167.020, and 43.167.030."

EFFECT: (1) Adds two members from the community and two members from the local legislative authority to the board of directors.

(2) Removes findings, purposes, and definitions. The striker provides certain powers to community preservation and development authorities, including the right to enter into contracts, hire employees, buy, sell, or lease property, incur debt, and lend its funds for corporate purposes, subject to lending of credit restrictions. Clarification is also provided on the permissible uses of gifts, grants, and loans from public or private entities.

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