
SENATE BILL 5518

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; adding a new
2 chapter to Title 43 RCW; and creating a new section.

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

4 NEW SECTION. **Sec. 1.** (1) The legislature finds that there exists
5 in the state of Washington critical projects for the planning,
6 acquisition, construction, maintenance, repair, replacement,
7 rehabilitation, or improvement of community outdoor athletic fields.
8 The legislature further finds that families in Washington need
9 community outdoor athletic fields for both youth and adults. The
10 legislature recognizes that coordinated funding efforts are needed to
11 plan, acquire, construct, maintain, repair, replace, rehabilitate,
12 improve, and develop the state's community outdoor athletic fields.
13 Rapid population growth and increased urbanization have caused a
14 decline in suitable outdoor fields for community athletic activities
15 and have resulted in overcrowding and deterioration of existing
16 surfaces. Lack of adequate community outdoor athletic fields directly
17 affects the health and well-being of all citizens of the state, reduces
18 the state's economic viability, and prevents Washington from
19 maintaining and achieving the quality of life that it deserves.

1 Therefore, it is the policy of the state and its agencies to plan,
2 acquire, construct, maintain, repair, replace, rehabilitate, improve,
3 and develop community outdoor athletic fields and provide loans and
4 grants for local governments, school districts, and qualified nonprofit
5 organizations to provide community outdoor athletic fields and make an
6 equitable geographic distribution of the funds.

7 (2) In carrying out this policy, the legislature intends to promote
8 the planning, acquisition, construction, maintenance, repair,
9 replacement, rehabilitation, or improvement of community outdoor
10 athletic fields across Washington state by providing loans and grants
11 for local governments, school districts, and qualified nonprofit
12 organizations.

13 (3) It is the policy of the state of Washington to encourage self-
14 reliance by local governments, school districts, and nonprofit
15 organizations in meeting their community outdoor athletic fields needs
16 and to assist in the financing of critical community outdoor athletic
17 fields projects by making loans, financing guarantees, and making
18 technical assistance available to local governments, school districts,
19 and qualified nonprofit organizations for these projects.

20 NEW SECTION. **Sec. 2.** Unless the context clearly requires
21 otherwise, the definitions in this section shall apply throughout this
22 chapter.

23 (1) "Board" means the community outdoor athletic fields board
24 created in this chapter.

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

27 (3) "Financing guarantees" means the pledge of money in the
28 community outdoor athletic fields assistance account, or money to be
29 received by the community outdoor athletic fields assistance account,
30 to the repayment of all or a portion of the principal of or interest on
31 obligations issued by local governments, school districts, or qualified
32 nonprofit organizations, to finance community outdoor athletic fields
33 projects.

34 (4) "Local governments" means cities, towns, counties, special
35 purpose districts, and any other municipal corporations or quasi-
36 municipal corporations in the state including school districts and port
37 districts.

1 (5) "Qualified nonprofit organization" means those nonprofit
2 organizations qualified to receive funds as established in RCW
3 43.99N.060(4).

4 (6) "Community outdoor athletic fields project" means a project of
5 a local government, school district, or qualified nonprofit
6 organization, for the planning, acquisition, construction, maintenance,
7 repair, replacement, rehabilitation, or improvement of community
8 outdoor athletic fields.

9 (7) "Technical assistance" means training and other services
10 provided to local governments, school districts, and qualified
11 nonprofit organizations to help such local governments, school
12 districts, and qualified nonprofit organizations plan, apply, and
13 qualify for loans and financing guarantees from the board.

14 NEW SECTION. **Sec. 3.** (1) The community outdoor athletic fields
15 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, who may be appointed from a list
21 of at least six persons nominated by the association of Washington
22 cities or its successor; (b) three members, two of whom shall be
23 elected officials and one shall be a public works manager who may be
24 appointed from a list of at least six persons nominated by the
25 Washington state association of counties or its successor; (c) three
26 members, who may be appointed from a list of at least six persons
27 nominated by the community outdoor athletic fields advisory council
28 created in RCW 43.99.810 or their successors; and (d) four members who
29 may be appointed from the general public. In appointing the four
30 general public members, the governor shall endeavor to balance the
31 geographical composition of the board and to include members with
32 special expertise in relevant fields such as youth and community
33 athletics, public finance, architecture, civil engineering, public
34 works, and community outdoor athletic fields construction. The
35 governor shall appoint one of the general public members of the board
36 as chair. The term of the chair shall coincide with the term of the
37 governor.

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

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

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

11 NEW SECTION. **Sec. 4.** The board may:

12 (1) Accept gifts, loans, grants, or endowments from public and
13 private sources for the planning or financing of any community outdoor
14 athletic fields project and enter into agreements with any such agency
15 concerning the loans or grants;

16 (2) Provide technical assistance to local governments, school
17 districts, or qualified nonprofit organizations;

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

21 (4) Adopt rules under chapter 34.05 RCW as necessary to carry out
22 the purposes of this chapter; and

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

25 NEW SECTION. **Sec. 5.** The community outdoor athletic fields
26 assistance account is hereby established in the state treasury. Money
27 may be placed in the community outdoor athletic fields assistance
28 account from the proceeds of bonds when authorized by the legislature
29 or from any other lawful source. Money in the community outdoor
30 athletic fields assistance account shall be used to make loans and to
31 give financial guarantees to local governments for community outdoor
32 athletic fields projects. Moneys in the account may also be
33 appropriated to provide for state match requirements under federal law
34 for projects and activities conducted and financed by the board.

35 NEW SECTION. **Sec. 6.** In order to aid the financing of community
36 outdoor athletic fields projects, the board may:

1 (1) Make low-interest or interest-free loans based on financial
2 considerations according to standards established by the board to local
3 governments, school districts, or qualified nonprofit organizations
4 from the community outdoor athletic fields assistance account or other
5 funds and accounts for the purpose of assisting local governments,
6 school districts, or qualified nonprofit organizations in financing
7 community outdoor athletic fields projects. The board may require such
8 terms and conditions and may charge such rates of interest on its loans
9 as it deems necessary or convenient to carry out the purposes of this
10 chapter. Money received from local governments, school districts, and
11 qualified nonprofit organizations in repayment of loans made under this
12 section shall be paid into the community outdoor athletic fields
13 assistance account for uses consistent with this chapter;

14 (2) Pledge money in the community outdoor athletic fields
15 assistance account, or money to be received by the community outdoor
16 athletic fields assistance account, to the repayment of all or a
17 portion of the principal of or interest on obligations issued by local
18 governments to finance community outdoor athletic fields projects. The
19 board shall not pledge any amount greater than the sum of money in the
20 community outdoor athletic fields assistance account plus money to be
21 received from the payment of the debt service on loans made from that
22 account, nor shall the board pledge the faith and credit or the taxing
23 power of the state or any agency or subdivision thereof to the
24 repayment of obligations issued by any local government;

25 (3) Create such subaccounts in the community outdoor athletic
26 fields assistance account as the board deems necessary to carry out the
27 purposes of this chapter;

28 (4) Provide a method for the allocation of loans and financing
29 guarantees and the provision of technical assistance under this
30 chapter.

31 All local community outdoor athletic fields projects aided in whole
32 or in part under the provisions of this chapter shall be put out for
33 competitive bids. The competitive bids called for shall be
34 administered in the same manner as all other community outdoor athletic
35 fields projects put out for competitive bidding by the local
36 governmental entity aided under this chapter.

37 NEW SECTION. **Sec. 7.** (1) The board may make low-interest or
38 interest-free loans, based on financial considerations according to

1 standards established by the board, to local governments, school
2 districts, and qualified nonprofit organizations for preconstruction
3 activities on community outdoor athletic fields projects before the
4 legislature approves the construction phase of the project.
5 Preconstruction activities include design, engineering, bid-document
6 preparation, environmental studies, right-of-way acquisition, and other
7 preliminary phases of community outdoor athletic fields projects as
8 determined by the board. The purpose of the loans authorized in this
9 section is to accelerate the completion of community outdoor athletic
10 fields projects by allowing preconstruction activities to be performed
11 before the approval of the construction phase of the project by the
12 legislature.

13 (2) Projects receiving loans for preconstruction activities under
14 this section must be evaluated using the priority process and factors
15 provided by the board. The receipt of a loan for preconstruction
16 activities does not ensure the receipt of a construction loan for the
17 project under this chapter. Construction loans for projects receiving
18 a loan for preconstruction activities under this section are subject to
19 legislative approval.

20 (3) Preconstruction activity loans under this section may be made
21 only from those funds specifically appropriated from the community
22 outdoor athletic fields assistance account for such a purpose by the
23 legislature.

24 NEW SECTION. **Sec. 8.** (1) To qualify for grants, loans, or pledges
25 under this chapter the board must determine that a local government,
26 school district, or qualified nonprofit organization meets all of the
27 following conditions:

28 (a) The local government must have developed a long-term plan for
29 financing community outdoor athletic fields needs;

30 (b) The local government must be using all local revenue sources
31 which are reasonably available for funding community outdoor athletic
32 fields, taking into consideration local employment and economic
33 factors; and

34 (c) A county, city, or town that is required or chooses to plan
35 under RCW 36.70A.040 must have adopted a comprehensive plan in
36 conformance with the requirements of chapter 36.70A RCW, after it is
37 required that the comprehensive plan be adopted, and must have adopted
38 development regulations in conformance with the requirements of chapter

1 36.70A RCW, after it is required that development regulations be
2 adopted.

3 (2) The board shall develop a priority process for community
4 outdoor athletic fields projects as provided in this section. The
5 intent of the priority process is to maximize the value of community
6 outdoor athletic fields projects accomplished with assistance under
7 this chapter. The board shall attempt to assure a geographical balance
8 in assigning priorities to projects. The board shall consider at least
9 the following factors in assigning a priority to a project:

10 (a) Whether the local government, school district, or qualified
11 nonprofit organization receiving assistance has experienced severe
12 fiscal distress;

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

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

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

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

20 (f) The relative benefit of the project to the community,
21 considering the present level of economic activity in the community and
22 the existing local capacity to increase local economic activity in
23 communities that have low economic growth; and

24 (g) Other criteria that the board considers advisable.

25 (3) Existing debt or financial obligations of local governments,
26 school districts, or qualified nonprofit organizations shall not be
27 refinanced under this chapter. Each local government applicant shall
28 provide documentation of attempts to secure additional local or other
29 sources of funding for each community outdoor athletic fields project
30 for which financial assistance is sought under this chapter.

31 (4) Before November 1st of each year, the board shall develop and
32 submit to the appropriate fiscal committees of the senate and house of
33 representatives a description of the loans made under this chapter
34 during the preceding fiscal year and a prioritized list of projects
35 which are recommended for funding by the legislature, including one
36 copy to the staff of each of the committees. The list shall include,
37 but not be limited to, a description of each project and recommended
38 financing, the terms and conditions of the loan or financial guarantee,
39 the local government jurisdiction and unemployment rate, demonstration

1 of the jurisdiction's critical need for the project, and documentation
2 of local funds being used to finance the community outdoor athletic
3 fields project.

4 (5) The board shall not sign contracts or otherwise financially
5 obligate funds from the community outdoor athletic fields assistance
6 account before the legislature has appropriated funds for a specific
7 list of community outdoor athletic fields projects. The legislature
8 may remove projects from the list recommended by the board. The
9 legislature shall not change the order of the priorities recommended
10 for funding by the board.

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

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

17 (b) For the purposes of this section, "capital facilities plans"
18 means those plans required by the growth management act, chapter 36.70A
19 RCW, and plans required by the community outdoor athletic fields board
20 for local governments not subject to the growth management act.

21 NEW SECTION. **Sec. 9.** After ten million dollars has been deposited
22 in the youth athletic facility grant account created in RCW
23 43.99N.060(4), all subsequent funds that would have been deposited in
24 that account shall be deposited in the community outdoor athletic
25 fields assistance account created in section 5 of this act.

26 NEW SECTION. **Sec. 10.** The board shall keep proper records of
27 accounts and shall be subject to audit by the state auditor.

28 NEW SECTION. **Sec. 11.** Loans from the community outdoor athletic
29 fields assistance account under this chapter shall be made by loan
30 agreement under chapter 39.69 RCW.

31 NEW SECTION. **Sec. 12.** Sections 2 through 11 of this act
32 constitute a new chapter in Title 43 RCW.

--- END ---