

CERTIFICATION OF ENROLLMENT

SUBSTITUTE SENATE BILL 5821

Chapter 39, Laws of 1993

53rd Legislature
1993 Regular Session

PUBLIC WORKS--CAPITAL FACILITIES PLANS AND EMERGENCY
LOAN LIMITS

EFFECTIVE DATE: 7/1/93

Passed by the Senate March 15, 1993
YEAS 47 NAYS 0

JOEL PRITCHARD

President of the Senate

Passed by the House April 8, 1993
YEAS 97 NAYS 0

BRIAN EBERSOLE

**Speaker of the
House of Representatives**

Approved April 19, 1993

MIKE LOWRY

Governor of the State of Washington

CERTIFICATE

I, Marty Brown, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SUBSTITUTE SENATE BILL 5821** as passed by the Senate and the House of Representatives on the dates hereon set forth.

MARTY BROWN

Secretary

FILED

April 19, 1993 - 1:37 p.m.

**Secretary of State
State of Washington**

SUBSTITUTE SENATE BILL 5821

Passed Legislature - 1993 Regular Session

State of Washington 53rd Legislature 1993 Regular Session

By Senate Committee on Government Operations (originally sponsored by Senator Loveland; by request of Department of Community Development)

Read first time 02/26/93.

1 AN ACT Relating to the public works board; amending RCW 43.155.070;
2 providing an effective date; and declaring an emergency.

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

4 **Sec. 1.** RCW 43.155.070 and 1991 sp.s. c 32 s 23 are each amended
5 to read as follows:

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

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

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

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

16 (d) A county, city, or town that is required or chooses to plan
17 under RCW 36.70A.040 must have adopted a comprehensive plan in
18 conformance with the requirements of chapter 36.70A RCW, after it is
19 required that the comprehensive plan be adopted, and must have adopted

1 development regulations in conformance with the requirements of chapter
2 36.70A RCW, after it is required that development regulations be
3 adopted.

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

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

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

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

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

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

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

25 (g) The relative benefit of the project to the community,
26 considering the present level of economic activity in the community and
27 the existing local capacity to increase local economic activity in
28 communities that have low economic growth; and

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

30 (3) Existing debt or financial obligations of local governments
31 shall not be refinanced under this chapter. Each local government
32 applicant shall provide documentation of attempts to secure additional
33 local or other sources of funding for each public works project for
34 which financial assistance is sought under this chapter.

35 (4) Before November 1 of each year, the board shall develop and
36 submit to the chairs of the ways and means committees of the senate and
37 house of representatives a description of the emergency loans made
38 under RCW 43.155.065 during the preceding fiscal year and a prioritized
39 list of projects which are recommended for funding by the legislature,

1 including one copy to the staff of each of the committees. The list
2 shall include, but not be limited to, a description of each project and
3 recommended financing, the terms and conditions of the loan or
4 financial guarantee, the local government jurisdiction and unemployment
5 rate, demonstration of the jurisdiction's critical need for the project
6 and documentation of local funds being used to finance the public works
7 project. The list shall also include measures of fiscal capacity for
8 each jurisdiction recommended for financial assistance, compared to
9 authorized limits and state averages, including local government sales
10 taxes; real estate excise taxes; property taxes; and charges for or
11 taxes on sewerage, water, garbage, and other utilities.

12 (5) The board shall not sign contracts or otherwise financially
13 obligate funds from the public works assistance account before the
14 legislature has appropriated funds for a specific list of public works
15 projects. The legislature may remove projects from the list
16 recommended by the board. The legislature shall not change the order
17 of the priorities recommended for funding by the board.

18 (6) Subsections (4) and (5) of this section do not apply to loans
19 made for emergency public works projects under RCW 43.155.065.

20 (7)(a) Loans made for the purpose of capital facilities plans shall
21 be exempted from subsections (4) and (5) of this section. In no case
22 shall the total amount of funds utilized for capital facilities plans
23 and emergency loans exceed the limitation in RCW 43.155.065.

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

28 NEW SECTION. Sec. 2. This act is necessary for the immediate
29 preservation of the public peace, health, or safety, or support of the
30 state government and its existing public institutions, and shall take
31 effect July 1, 1993.

Passed the Senate March 15, 1993.

Passed the House April 8, 1993.

Approved by the Governor April 19, 1993.

Filed in Office of Secretary of State April 19, 1993.