

2 **HB 1489** - S COMM AMD

3 By Committee on Government Operations

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5 Strike everything after the enacting clause and insert the
6 following:

7 "Sec. 1. RCW 43.155.070 and 1996 c 168 s 3 are each amended to
8 read as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 (5) The board shall not sign contracts or otherwise financially
2 obligate funds from the public works assistance account before the
3 legislature has appropriated funds for a specific list of public works
4 projects. The legislature may remove projects from the list
5 recommended by the board. The legislature shall not change the order
6 of the priorities recommended for funding by the board.

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

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

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

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

22 **Sec. 2.** RCW 70.146.070 and 1991 sp.s. c 32 s 24 are each amended
23 to read as follows:

24 When making grants or loans for water pollution control facilities,
25 the department shall consider the following:

26 (1) The protection of water quality and public health;

27 (2) The cost to residential ratepayers if they had to finance water
28 pollution control facilities without state assistance;

29 (3) Actions required under federal and state permits and compliance
30 orders;

31 (4) The level of local fiscal effort by residential ratepayers
32 since 1972 in financing water pollution control facilities;

33 (5) The extent to which the applicant county or city, or if the
34 applicant is another public body, the extent to which the county or
35 city in which the applicant public body is located, has established
36 programs to mitigate nonpoint pollution of the surface or subterranean
37 water sought to be protected by the water pollution control facility
38 named in the application for state assistance; and

1 (6) The recommendations of the Puget Sound (~~water quality~~
2 ~~authority~~) action team and any other board, council, commission, or
3 group established by the legislature or a state agency to study water
4 pollution control issues in the state.

5 Except where necessary to address a public health need or
6 substantial environmental degradation, a county, city, or town that is
7 required or chooses to plan under RCW 36.70A.040 may not receive a
8 grant or loan for water pollution control facilities unless it has
9 adopted a comprehensive plan in conformance with the requirements of
10 chapter 36.70A RCW, after it is required that the comprehensive plan be
11 adopted, or unless it has adopted development regulations in
12 conformance with the requirements of chapter 36.70A RCW, after it is
13 required that development regulations be adopted.

14 NEW SECTION. Sec. 3. This act is necessary for the immediate
15 preservation of the public peace, health, or safety, or support of the
16 state government and its existing public institutions, and takes effect
17 immediately."

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21 On page 1, line 2 of the title, after "funding;" strike the
22 remainder of the title and insert "amending RCW 43.155.070 and
23 70.146.070; and declaring an emergency."

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