

CERTIFICATION OF ENROLLMENT
ENGROSSED SUBSTITUTE HOUSE BILL 2170

55th Legislature
1997 Regular Session

Passed by the House April 21, 1997
Yeas 96 Nays 0

Speaker of the
House of Representatives

Passed by the Senate April 8, 1997
Yeas 46 Nays 0

President of the Senate

Approved

Governor of the State of Washington

CERTIFICATE

I, Timothy A. Martin, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **ENGROSSED SUBSTITUTE HOUSE BILL 2170** as passed by the House of Representatives and the Senate on the dates hereon set forth.

Chief Clerk

FILED

Secretary of State
State of Washington

ENGROSSED SUBSTITUTE HOUSE BILL 2170

Passed Legislature - 1997 Regular Session

AS AMENDED BY THE SENATE

State of Washington 55th Legislature 1997 Regular Session

By House Committee on Trade & Economic Development (originally sponsored by Representatives Pennington, Sheldon and Ogden)

Read first time 03/05/97.

1 AN ACT Relating to industrial investments and projects of state-
2 wide significance; amending RCW 28C.18.080, 43.21A.350, 90.58.100,
3 47.06.030, 28A.525.166, and 28B.80.330; and adding a new chapter to
4 Title 43 RCW.

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

6 NEW SECTION. **Sec. 1.** The legislature declares that certain
7 industrial investments merit special designation and treatment by
8 governmental bodies when they are proposed. Such investments bolster
9 the economies of their locale and impact the economy of the state as a
10 whole. It is the intention of the legislature to recognize industrial
11 projects of state-wide significance and to encourage local governments
12 and state agencies to expedite their completion.

13 NEW SECTION. **Sec. 2.** (1) For purposes of this chapter and RCW
14 28A.525.166, 28B.80.330, 28C.18.080, 43.21A.350, 47.06.030, and
15 90.58.100 and industrial project of state-wide significance is a border
16 crossing project that involves both private and public investments
17 carried out in conjunction with adjacent states or provinces or a
18 private industrial development with private capital investment in

1 manufacturing or research and development. To qualify as an industrial
2 project of state-wide significance, the project must be completed after
3 January 1, 1997, and have:

4 (a) In counties with a population of less than or equal to twenty
5 thousand, a capital investment of twenty million dollars;

6 (b) In counties with a population of greater than twenty thousand
7 but no more than fifty thousand, a capital investment of fifty million
8 dollars;

9 (c) In counties with a population of greater than fifty thousand
10 but no more than one hundred thousand, a capital investment of one
11 hundred million dollars;

12 (d) In counties with a population of greater than one hundred
13 thousand but no more than two hundred thousand, a capital investment of
14 two hundred million dollars;

15 (e) In counties with a population of greater than two hundred
16 thousand but no more than four hundred thousand, a capital investment
17 of four hundred million dollars;

18 (f) In counties with a population of greater than four hundred
19 thousand but no more than one million, a capital investment of six
20 hundred million dollars;

21 (g) In counties with a population of greater than one million, a
22 capital investment of one billion dollars; or

23 (h) Been designated by the director of community, trade, and
24 economic development as an industrial project of state-wide
25 significance either: (i) Because the county in which the project is to
26 be located is a distressed county and the economic circumstances of the
27 county merit the additional assistance such designation will bring; or
28 (ii) because the impact on a region due to the size and complexity of
29 the project merits such designation.

30 (2) The term manufacturing shall have the meaning assigned it in
31 RCW 82.61.010.

32 (3) The term research and development shall have the meaning
33 assigned it in RCW 82.61.010.

34 NEW SECTION. **Sec. 3.** Counties and cities planning under the
35 planning enabling act, chapter 36.70 RCW, or the requirements of the
36 growth management act, chapter 36.70A RCW, shall include a process, to
37 be followed at their discretion for any specific project, for

1 expediting the completion of industrial projects of state-wide
2 significance.

3 NEW SECTION. **Sec. 4.** The department of community, trade, and
4 economic development shall assign an ombudsman to each industrial
5 project of state-wide significance. The ombudsman shall be responsible
6 for assembling a team of state and local government and private
7 officials to help meet the planning and development needs of each
8 project. The ombudsman shall strive to include in the teams those
9 responsible for planning, permitting and licensing, infrastructure
10 development, work force development services including higher
11 education, transportation services, and the provision of utilities.
12 The ombudsman shall encourage each team member to expedite their
13 actions in furtherance of the project.

14 **Sec. 5.** RCW 28C.18.080 and 1995 c 130 s 2 are each amended to read
15 as follows:

16 (1) The state comprehensive plan for work force training and
17 education shall be updated every two years and presented to the
18 governor and the appropriate legislative policy committees. Following
19 public hearings, the legislature shall, by concurrent resolution,
20 approve or recommend changes to the initial plan and the updates. The
21 plan shall then become the state's work force training policy unless
22 legislation is enacted to alter the policies set forth in the plan.

23 (2) The comprehensive plan shall include work force training role
24 and mission statements for the work force development programs of
25 operating agencies represented on the board and sufficient specificity
26 regarding expected actions by the operating agencies to allow them to
27 carry out actions consistent with the comprehensive plan.

28 (3) Operating agencies represented on the board shall have
29 operating plans for their work force development efforts that are
30 consistent with the comprehensive plan and that provide detail on
31 implementation steps they will take to carry out their responsibilities
32 under the plan. Each operating agency represented on the board shall
33 provide an annual progress report to the board.

34 (4) The comprehensive plan shall include recommendations to the
35 legislature and the governor on the modification, consolidation,
36 initiation, or elimination of work force training and education
37 programs in the state.

1 (5) The comprehensive plan shall address how the state's work force
2 development system will meet the needs of employers hiring for
3 industrial projects of state-wide significance.

4 (6) The board shall report to the appropriate legislative policy
5 committees by December 1 of each year on its progress in implementing
6 the comprehensive plan and on the progress of the operating agencies in
7 meeting their obligations under the plan.

8 **Sec. 6.** RCW 43.21A.350 and 1987 c 109 s 29 are each amended to
9 read as follows:

10 The department of ecology shall prepare and perfect from time to
11 time a state master plan for flood control, state public reservations,
12 financed in whole or in part from moneys collected by the state, sites
13 for state public buildings and for the orderly development of the
14 natural and agricultural resources of the state. The plan shall
15 address how the department will expedite the completion of industrial
16 projects of state-wide significance. The plan shall be a guide in
17 making recommendations to the officers, boards, commissions, and
18 departments of the state.

19 Whenever an improvement is proposed to be established by the state,
20 the state agency having charge of the establishment thereof shall
21 request of the director a report thereon, which shall be furnished
22 within a reasonable time thereafter. In case an improvement is not
23 established in conformity with the report, the state agency having
24 charge of the establishment thereof shall file in its office and with
25 the department a statement setting forth its reasons for rejecting or
26 varying from such report which shall be open to public inspection.

27 The department shall insofar as possible secure the cooperation of
28 adjacent states, and of counties and municipalities within the state in
29 the coordination of their proposed improvements with such master plan.

30 **Sec. 7.** RCW 90.58.100 and 1995 c 347 s 307 are each amended to
31 read as follows:

32 (1) The master programs provided for in this chapter, when adopted
33 or approved by the department shall constitute use regulations for the
34 various shorelines of the state. In preparing the master programs, and
35 any amendments thereto, the department and local governments shall to
36 the extent feasible:

1 (a) Utilize a systematic interdisciplinary approach which will
2 insure the integrated use of the natural and social sciences and the
3 environmental design arts;

4 (b) Consult with and obtain the comments of any federal, state,
5 regional, or local agency having any special expertise with respect to
6 any environmental impact;

7 (c) Consider all plans, studies, surveys, inventories, and systems
8 of classification made or being made by federal, state, regional, or
9 local agencies, by private individuals, or by organizations dealing
10 with pertinent shorelines of the state;

11 (d) Conduct or support such further research, studies, surveys, and
12 interviews as are deemed necessary;

13 (e) Utilize all available information regarding hydrology,
14 geography, topography, ecology, economics, and other pertinent data;

15 (f) Employ, when feasible, all appropriate, modern scientific data
16 processing and computer techniques to store, index, analyze, and manage
17 the information gathered.

18 (2) The master programs shall include, when appropriate, the
19 following:

20 (a) An economic development element for the location and design of
21 industries, industrial projects of state-wide significance,
22 transportation facilities, port facilities, tourist facilities,
23 commerce and other developments that are particularly dependent on
24 their location on or use of the shorelines of the state;

25 (b) A public access element making provision for public access to
26 publicly owned areas;

27 (c) A recreational element for the preservation and enlargement of
28 recreational opportunities, including but not limited to parks,
29 tidelands, beaches, and recreational areas;

30 (d) A circulation element consisting of the general location and
31 extent of existing and proposed major thoroughfares, transportation
32 routes, terminals, and other public utilities and facilities, all
33 correlated with the shoreline use element;

34 (e) A use element which considers the proposed general distribution
35 and general location and extent of the use on shorelines and adjacent
36 land areas for housing, business, industry, transportation,
37 agriculture, natural resources, recreation, education, public buildings
38 and grounds, and other categories of public and private uses of the
39 land;

1 (f) A conservation element for the preservation of natural
2 resources, including but not limited to scenic vistas, aesthetics, and
3 vital estuarine areas for fisheries and wildlife protection;

4 (g) An historic, cultural, scientific, and educational element for
5 the protection and restoration of buildings, sites, and areas having
6 historic, cultural, scientific, or educational values;

7 (h) An element that gives consideration to the state-wide interest
8 in the prevention and minimization of flood damages; and

9 (i) Any other element deemed appropriate or necessary to effectuate
10 the policy of this chapter.

11 (3) The master programs shall include such map or maps, descriptive
12 text, diagrams and charts, or other descriptive material as are
13 necessary to provide for ease of understanding.

14 (4) Master programs will reflect that state-owned shorelines of the
15 state are particularly adapted to providing wilderness beaches,
16 ecological study areas, and other recreational activities for the
17 public and will give appropriate special consideration to same.

18 (5) Each master program shall contain provisions to allow for the
19 varying of the application of use regulations of the program, including
20 provisions for permits for conditional uses and variances, to insure
21 that strict implementation of a program will not create unnecessary
22 hardships or thwart the policy enumerated in RCW 90.58.020. Any such
23 varying shall be allowed only if extraordinary circumstances are shown
24 and the public interest suffers no substantial detrimental effect. The
25 concept of this subsection shall be incorporated in the rules adopted
26 by the department relating to the establishment of a permit system as
27 provided in RCW 90.58.140(3).

28 (6) Each master program shall contain standards governing the
29 protection of single family residences and appurtenant structures
30 against damage or loss due to shoreline erosion. The standards shall
31 govern the issuance of substantial development permits for shoreline
32 protection, including structural methods such as construction of
33 bulkheads, and nonstructural methods of protection. The standards
34 shall provide for methods which achieve effective and timely protection
35 against loss or damage to single family residences and appurtenant
36 structures due to shoreline erosion. The standards shall provide a
37 preference for permit issuance for measures to protect single family
38 residences occupied prior to January 1, 1992, where the proposed

1 measure is designed to minimize harm to the shoreline natural
2 environment.

3 **Sec. 8.** RCW 47.06.030 and 1993 c 446 s 3 are each amended to read
4 as follows:

5 The commission shall develop a state transportation policy plan
6 that (1) establishes a vision and goals for the development of the
7 state-wide transportation system consistent with the state's growth
8 management goals, (2) identifies significant state-wide transportation
9 policy issues, and (3) recommends state-wide transportation policies
10 and strategies to the legislature to fulfill the requirements of RCW
11 47.01.071(1). The state transportation policy plan shall be the
12 product of an ongoing process that involves representatives of
13 significant transportation interests and the general public from across
14 the state. The plan shall address how the department of transportation
15 will meet the transportation needs and expedite the completion of
16 industrial projects of state-wide significance.

17 **Sec. 9.** RCW 28A.525.166 and 1990 c 33 s 457 are each amended to
18 read as follows:

19 Allocations to school districts of state funds provided by RCW
20 28A.525.160 through 28A.525.182 shall be made by the state board of
21 education and the amount of state assistance to a school district in
22 financing a school plant project shall be determined in the following
23 manner:

24 (1) The boards of directors of the districts shall determine the
25 total cost of the proposed project, which cost may include the cost of
26 acquiring and preparing the site, the cost of constructing the building
27 or of acquiring a building and preparing the same for school use, the
28 cost of necessary equipment, taxes chargeable to the project, necessary
29 architects' fees, and a reasonable amount for contingencies and for
30 other necessary incidental expenses: PROVIDED, That the total cost of
31 the project shall be subject to review and approval by the state board
32 of education.

33 (2) The state matching percentage for a school district shall be
34 computed by the following formula:

35 The ratio of the school district's adjusted valuation per pupil
36 divided by the ratio of the total state adjusted valuation per pupil
37 shall be subtracted from three, and then the result of the foregoing

1 nonresident students into educational programs established, maintained
2 and operated in conformity with the requirements of law; or (c) a
3 deficiency in the capital funds of the district resulting from
4 financing, subsequent to April 1, 1969, and without benefit of the
5 state assistance provided by prior state assistance programs, the
6 construction of a needed school building project or projects approved
7 in conformity with the requirements of such programs, after having
8 first applied for and been denied state assistance because of the
9 inadequacy of state funds available for the purpose, or (d) a condition
10 created by the fact that an excessive number of students live in state
11 owned housing, or (e) a need for the construction of a school building
12 to provide for improved school district organization or racial balance,
13 or (f) conditions similar to those defined under (a), (b), (c), (d) and
14 (e) hereinabove, creating a like emergency.

15 **Sec. 10.** RCW 28B.80.330 and 1996 c 174 s 1 are each amended to
16 read as follows:

17 The board shall perform the following planning duties in
18 consultation with the four-year institutions, the community and
19 technical college system, and when appropriate the work force training
20 and education coordinating board, the superintendent of public
21 instruction, and the independent higher educational institutions:

22 (1) Develop and establish role and mission statements for each of
23 the four-year institutions and for the community and technical college
24 system;

25 (2) Identify the state's higher education goals, objectives, and
26 priorities;

27 (3) Prepare a comprehensive master plan which includes but is not
28 limited to:

29 (a) Assessments of the state's higher education needs. These
30 assessments may include, but are not limited to: The basic and
31 continuing needs of various age groups; business and industrial needs
32 for a skilled work force; analyses of demographic, social, and economic
33 trends; consideration of the changing ethnic composition of the
34 population and the special needs arising from such trends; college
35 attendance, retention, and dropout rates, and the needs of recent high
36 school graduates and placebound adults. The board should consider the
37 needs of residents of all geographic regions, but its initial

1 priorities should be applied to heavily populated areas underserved by
2 public institutions;

3 (b) Recommendations on enrollment and other policies and actions to
4 meet those needs;

5 (c) Guidelines for continuing education, adult education, public
6 service, and other higher education programs;

7 (d) Mechanisms through which the state's higher education system
8 can meet the needs of employers hiring for industrial projects of
9 state-wide significance.

10 The initial plan shall be submitted to the governor and the
11 legislature by December 1, 1987. Comments on the plan from the board's
12 advisory committees and the institutions shall be submitted with the
13 plan.

14 The plan shall be updated every four years, and presented to the
15 governor and the appropriate legislative policy committees. Following
16 public hearings, the legislature shall, by concurrent resolution,
17 approve or recommend changes to the initial plan, and the updates. The
18 plan shall then become state higher education policy unless legislation
19 is enacted to alter the policies set forth in the plan;

20 (4) Review, evaluate, and make recommendations on operating and
21 capital budget requests from four-year institutions and the community
22 and technical college system, based on the elements outlined in
23 subsections (1), (2), and (3) of this section, and on guidelines which
24 outline the board's fiscal priorities. These guidelines shall be
25 distributed to the institutions and the community college board by
26 December of each odd-numbered year. The institutions and the community
27 college board shall submit an outline of their proposed budgets,
28 identifying major components, to the board no later than August 1 of
29 each even-numbered year. The board shall submit recommendations on the
30 proposed budgets and on the board's budget priorities to the office of
31 financial management before November 1st of each even-numbered year,
32 and to the legislature by January 1 of each odd-numbered year;

33 (5) Institutions and the state board for community and technical
34 colleges shall submit any supplemental budget requests and revisions to
35 the board at the same time they are submitted to the office of
36 financial management. The board shall submit recommendations on the
37 proposed supplemental budget requests to the office of financial
38 management by November 1st and to the legislature by January 1st;

39 (6) Recommend legislation affecting higher education;

1 (7) Recommend tuition and fees policies and levels based on
2 comparisons with peer institutions;

3 (8) Establish priorities and develop recommendations on financial
4 aid based on comparisons with peer institutions;

5 (9) Prepare recommendations on merging or closing institutions; and

6 (10) Develop criteria for identifying the need for new
7 baccalaureate institutions.

8 NEW SECTION. **Sec. 11.** Sections 1 through 4 of this act constitute
9 a new chapter in Title 43 RCW.

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