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SENATE BILL 6045

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State of Washington                      59th Legislature                      2005 Regular Session

By Senators Honeyford and Hewitt

Read first time 02/24/2005. Referred to Committee on Ways & Means.

1            AN ACT Relating to accelerating legislative approval of public  
2 works projects; and amending RCW 43.155.070.

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

4            **Sec. 1.** RCW 43.155.070 and 2001 c 131 s 5 are each amended to read  
5 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 capital facility  
12 plan; and

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.

16            (2) Except where necessary to address a public health need or  
17 substantial environmental degradation, a county, city, or town planning  
18 under RCW 36.70A.040 must have adopted a comprehensive plan, including  
19 a capital facilities plan element, and development regulations as

1 required by RCW 36.70A.040. This subsection does not require any  
2 county, city, or town planning under RCW 36.70A.040 to adopt a  
3 comprehensive plan or development regulations before requesting or  
4 receiving a loan or loan guarantee under this chapter if such request  
5 is made before the expiration of the time periods specified in RCW  
6 36.70A.040. A county, city, or town planning under RCW 36.70A.040  
7 which has not adopted a comprehensive plan and development regulations  
8 within the time periods specified in RCW 36.70A.040 is not prohibited  
9 from receiving a loan or loan guarantee under this chapter if the  
10 comprehensive plan and development regulations are adopted as required  
11 by RCW 36.70A.040 before submitting a request for a loan or loan  
12 guarantee.

13 (3) In considering awarding loans for public facilities to special  
14 districts requesting funding for a proposed facility located in a  
15 county, city, or town planning under RCW 36.70A.040, the board shall  
16 consider whether the county, city, or town planning under RCW  
17 36.70A.040 in whose planning jurisdiction the proposed facility is  
18 located has adopted a comprehensive plan and development regulations as  
19 required by RCW 36.70A.040.

20 (4) The board shall develop a priority process for public works  
21 projects as provided in this section. The intent of the priority  
22 process is to maximize the value of public works projects accomplished  
23 with assistance under this chapter. The board shall attempt to assure  
24 a geographical balance in assigning priorities to projects. The board  
25 shall consider at least the following factors in assigning a priority  
26 to a project:

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

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

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

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

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

37 (f) Whether the project is the acquisition, expansion, improvement,

1 or renovation by a local government of a public water system that is in  
2 violation of health and safety standards, including the cost of  
3 extending existing service to such a system;

4 (g) The relative benefit of the project to the community,  
5 considering the present level of economic activity in the community and  
6 the existing local capacity to increase local economic activity in  
7 communities that have low economic growth; and

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

9 (5) Existing debt or financial obligations of local governments  
10 shall not be refinanced under this chapter. Each local government  
11 applicant shall provide documentation of attempts to secure additional  
12 local or other sources of funding for each public works project for  
13 which financial assistance is sought under this chapter.

14 (6) Before November 1 of each year, the board shall develop and  
15 submit to the appropriate fiscal committees of the senate and house of  
16 representatives a description of the loans made under RCW 43.155.065,  
17 43.155.068, and subsection (9) of this section during the preceding  
18 fiscal year and a prioritized list of projects which are recommended  
19 for funding by the legislature, including one copy to the staff of each  
20 of the committees. The list shall include, but not be limited to, a  
21 description of each project and recommended financing, the terms and  
22 conditions of the loan or financial guarantee, the local government  
23 jurisdiction and unemployment rate, demonstration of the jurisdiction's  
24 critical need for the project and documentation of local funds being  
25 used to finance the public works project. The list shall also include  
26 measures of fiscal capacity for each jurisdiction recommended for  
27 financial assistance, compared to authorized limits and state averages,  
28 including local government sales taxes; real estate excise taxes;  
29 property taxes; and charges for or taxes on sewerage, water, garbage,  
30 and other utilities.

31 (7) The board shall not sign contracts or otherwise financially  
32 obligate funds from the public works assistance account before the  
33 legislature (~~((has appropriated funds for a specific list of public  
34 works projects))~~) appropriates funds for a specific list of public works  
35 projects or February 15 of each year, whichever comes first. If the  
36 legislature does not act on the prioritized list of projects by  
37 February 15 of each year, the list is deemed approved. The legislature

1 may remove projects from the list recommended by the board. The  
2 legislature shall not change the order of the priorities recommended  
3 for funding by the board.

4 (8) Subsection (7) of this section does not apply to loans made  
5 under RCW 43.155.065, 43.155.068, and subsection (9) of this section.

6 (9) Loans made for the purpose of capital facilities plans shall be  
7 exempted from subsection (7) of this section.

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

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