
SENATE BILL 5313

State of Washington

63rd Legislature

2013 Regular Session

By Senator Carrell

Read first time 01/25/13. Referred to Committee on Governmental Operations.

1 AN ACT Relating to modifying the criteria for public works
2 assistance; amending RCW 43.155.070; and creating new sections.

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

4 NEW SECTION. **Sec. 1.** The legislature finds that it is in the best
5 interest of the state to encourage the use of low-cost alternatives to
6 traditional construction methods, including the use of pipe bursting
7 technology for sewer, storm water, and water delivery infrastructure.
8 The legislature intends to encourage the use of these alternatives
9 through the public works assistance account by giving preference to
10 projects that utilize low-cost alternatives to traditional
11 construction.

12 NEW SECTION. **Sec. 2.** By December 31, 2013, the public works board
13 shall report to the legislature on the board's plans and progress in
14 implementing this act, including changes to administrative rules and
15 specific criteria developed by the board. By December 31, 2014, the
16 public works board shall report to the legislature regarding compliance
17 with this act, including the number of projects identified and given

1 preference for utilizing low-cost alternatives to construction and the
2 cost savings from those projects.

3 **Sec. 3.** RCW 43.155.070 and 2012 c 196 s 9 are each amended to read
4 as follows:

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

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

10 (b) The local government must have developed a capital facility
11 plan; and

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

15 (2) Except where necessary to address a public health need or
16 substantial environmental degradation, a county, city, or town planning
17 under RCW 36.70A.040 must have adopted a comprehensive plan, including
18 a capital facilities plan element, and development regulations as
19 required by RCW 36.70A.040. This subsection does not require any
20 county, city, or town planning under RCW 36.70A.040 to adopt a
21 comprehensive plan or development regulations before requesting or
22 receiving a loan or loan guarantee under this chapter if such request
23 is made before the expiration of the time periods specified in RCW
24 36.70A.040. A county, city, or town planning under RCW 36.70A.040
25 which has not adopted a comprehensive plan and development regulations
26 within the time periods specified in RCW 36.70A.040 is not prohibited
27 from receiving a loan or loan guarantee under this chapter if the
28 comprehensive plan and development regulations are adopted as required
29 by RCW 36.70A.040 before submitting a request for a loan or loan
30 guarantee.

31 (3) In considering awarding loans for public facilities to special
32 districts requesting funding for a proposed facility located in a
33 county, city, or town planning under RCW 36.70A.040, the board must
34 consider whether the county, city, or town planning under RCW
35 36.70A.040 in whose planning jurisdiction the proposed facility is
36 located has adopted a comprehensive plan and development regulations as
37 required by RCW 36.70A.040.

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

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

11 (b) Except as otherwise conditioned by RCW 43.155.110, whether the
12 entity receiving assistance is a Puget Sound partner, as defined in RCW
13 90.71.010;

14 (c) Whether the project is referenced in the action agenda
15 developed by the Puget Sound partnership under RCW 90.71.310;

16 (d) Whether the project is critical in nature and would affect the
17 health and safety of a great number of citizens;

18 (e) Whether the applicant's permitting process has been certified
19 as streamlined by the office of regulatory assistance;

20 (f) Whether the applicant has developed and adhered to guidelines
21 regarding its permitting process for those applying for development
22 permits consistent with section 1(2), chapter 231, Laws of 2007;

23 (g) The cost of the project compared to the size of the local
24 government and amount of loan money available;

25 (h) The number of communities served by or funding the project;

26 (i) Whether the project is located in an area of high unemployment,
27 compared to the average state unemployment;

28 (j) Whether the project is the acquisition, expansion, improvement,
29 or renovation by a local government of a public water system that is in
30 violation of health and safety standards, including the cost of
31 extending existing service to such a system;

32 (k) Except as otherwise conditioned by RCW 43.155.120, and
33 effective one calendar year following the development of model
34 evergreen community management plans and ordinances under RCW
35 35.105.050, whether the entity receiving assistance has been
36 recognized, and what gradation of recognition was received, in the
37 evergreen community recognition program created in RCW 35.105.030;

1 (1) The relative benefit of the project to the community,
2 considering the present level of economic activity in the community and
3 the existing local capacity to increase local economic activity in
4 communities that have low economic growth; (~~and~~)

5 (m) Whether the project includes low-cost alternatives to
6 traditional construction techniques, including the use of pipe bursting
7 technology in a project requiring the replacement of sewer, storm
8 water, and water delivery infrastructure; and

9 (n) Other criteria that the board considers advisable.

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

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

32 (7) The board may not sign contracts or otherwise financially
33 obligate funds from the public works assistance account before the
34 legislature has appropriated funds for a specific list of public works
35 projects. The legislature may remove projects from the list
36 recommended by the board. The legislature may not change the order of
37 the priorities recommended for funding by the board.

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

3 (9) Loans made for the purpose of capital facilities plans are
4 exempted from subsection (7) of this section.

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

10 (11) After January 1, 2010, any project designed to address the
11 effects of storm water or wastewater on Puget Sound may be funded under
12 this section only if the project is not in conflict with the action
13 agenda developed by the Puget Sound partnership under RCW 90.71.310.

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