

2SSB 5383 - H AMD TO APP COMM AMD (H-1463.1/21) **722**

By Representative Kretz

WITHDRAWN 04/11/2021

1 On page 9, after line 11 of the striking amendment, insert the
2 following:

3 "Sec. 5. RCW 43.155.070 and 2017 3rd sp.s. c 10 s 9 are each
4 amended to read as follows:

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

8 (a) The city or county must be imposing a tax under chapter
9 82.46 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, and except as provided in
17 subsection (12) of this section, a county, city, or town planning
18 under RCW 36.70A.040 may not receive financial assistance under this
19 chapter unless it has adopted a comprehensive plan, including a
20 capital facilities plan element, and development regulations as
21 required by RCW 36.70A.040. This subsection does not require any
22 county, city, or town planning under RCW 36.70A.040 to adopt a
23 comprehensive plan or development regulations before requesting or
24 receiving financial assistance under this chapter if such request is
25 made before the expiration of the time periods specified in RCW
26 36.70A.040. A county, city, or town planning under RCW 36.70A.040
27 that has not adopted a comprehensive plan and development

1 regulations within the time periods specified in RCW 36.70A.040 may
2 apply for and receive financial assistance under this chapter if the
3 comprehensive plan and development regulations are adopted as
4 required by RCW 36.70A.040 before executing a contractual agreement
5 for financial assistance with the board.

6 (3) In considering awarding financial assistance for public
7 facilities to special districts requesting funding for a proposed
8 facility located in a county, city, or town planning under RCW
9 36.70A.040, the board must consider whether the county, city, or
10 town planning under RCW 36.70A.040 in whose planning jurisdiction
11 the proposed facility is located has adopted a comprehensive plan
12 and development regulations as required by RCW 36.70A.040.

13 (4)(a) The board must develop a process to prioritize
14 applications and funding of loans and grants for public works
15 projects submitted by local governments. The board must consider, at
16 a minimum and in any order, the following factors in prioritizing
17 projects:

18 (i) Whether the project is critical in nature and would affect
19 the health and safety of many people;

20 (ii) The extent to which the project leverages other funds;

21 (iii) The extent to which the project is ready to proceed to
22 construction;

23 (iv) Whether the project is located in an area of high
24 unemployment, compared to the average state unemployment;

25 (v) Whether the project promotes the sustainable use of
26 resources and environmental quality, as applicable;

27 (vi) Whether the project consolidates or regionalizes systems;

28 (vii) Whether the project encourages economic development
29 through mixed-use and mixed income development consistent with
30 chapter 36.70A RCW;

31 (viii) Whether the system is being well-managed in the present
32 and for long-term sustainability;

33 (ix) Achieving equitable distribution of funds by geography and
34 population;

1 (x) The extent to which the project meets the following state
2 policy objectives:

3 (A) Efficient use of state resources;

4 (B) Preservation and enhancement of health and safety;

5 (C) Abatement of pollution and protection of the environment;

6 (D) Creation of new, family-wage jobs, and avoidance of shifting
7 existing jobs from one Washington state community to another;

8 (E) Fostering economic development consistent with chapter
9 36.70A RCW;

10 (F) Efficiency in delivery of goods and services and
11 transportation; and

12 (G) Reduction of the overall cost of public infrastructure;

13 (xi) Whether the applicant sought or is seeking funding for the
14 project from other sources; and

15 (xii) Other criteria that the board considers necessary to
16 achieve the purposes of this chapter.

17 (b) Before September 1, 2018, and each year thereafter, the
18 board must develop and submit a report regarding the construction
19 loans and grants to the office of financial management and
20 appropriate fiscal committees of the senate and house of
21 representatives. The report must include:

22 (i) The total number of applications and amount of funding
23 requested for public works projects;

24 (ii) A list and description of projects approved in the
25 preceding fiscal year with project scores against the board's
26 prioritization criteria;

27 (iii) The total amount of loan and grants disbursements made
28 from the public works assistance account in the preceding fiscal year;

29 (iv) The total amount of loan repayments in the preceding fiscal
30 year for outstanding loans from the public works assistance account;

31 (v) The total amount of loan repayments due for outstanding
32 loans for each fiscal year over the following ten-year period; and

33 (vi) The total amount of funds obligated and timing of when the
34 funds were obligated in the preceding fiscal year.

1 (c) The maximum amount of funding that the board may provide for
2 any jurisdiction is ten million dollars per biennium.

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

8 (6) Before September 1st of each year, the board must develop
9 and submit to the appropriate fiscal committees of the senate and
10 house of representatives a description of the loans and grants made
11 under RCW 43.155.065 and 43.155.068.

12 (7) The board may not sign contracts or otherwise financially
13 obligate funds from the public works assistance account before the
14 legislature has appropriated funds to the board for the purpose of
15 funding public works projects under this chapter.

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

22 (9) After January 1, 2010, any project designed to address the
23 effects of stormwater or wastewater on Puget Sound may be funded
24 under this section only if the project is not in conflict with the
25 action agenda developed by the Puget Sound partnership under RCW
26 90.71.310.

27 (10) For projects involving repair, replacement, or improvement
28 of a wastewater treatment plant or other public works facility for
29 which an investment grade efficiency audit is reasonably obtainable,
30 the public works board must require as a contract condition that the
31 project sponsor undertake an investment grade efficiency audit. The
32 project sponsor may finance the costs of the audit as part of its
33 public works assistance account program loan or grant.

34

1 (11) The board must implement policies and procedures designed
2 to maximize local government consideration of other funds to finance
3 local infrastructure.

4 (12) The provisions in subsection (2) of this section do not
5 apply to a county, city, or town applying for grants and loans under
6 this chapter for projects that support broadband services where such
7 grants and loans will assist the county, city, or town with economic
8 development, disaster resiliency and response, adaptation to public
9 health emergencies such as pandemics, and emergency management.

10
11 NEW SECTION. Sec. 6. A new section is added to chapter 43.160 RCW
12 to read as follows:

13 The board is prohibited from considering whether a county, city,
14 or town is compliant with chapter 36.70A RCW when considering
15 applications for broadband funding.

16
17 NEW SECTION. Sec. 7. A new section is added to chapter 80.36 RCW
18 to read as follows:

19 The commission is prohibited from considering whether a county,
20 city, or town is compliant with chapter 36.70A RCW when considering
21 applications for broadband funding.

22
23 NEW SECTION. Sec. 8. A new section is added to chapter 43.330 RCW
24 to read as follows:

25 The department is prohibited from considering whether a county,
26 city, or town is compliant with chapter 36.70A RCW when considering
27 applications for broadband funding."

EFFECT:

- Adds a provision that establishes an exception to Public Works Board rules requiring a county, city, or town to be in compliance with the Growth Management Act in order to receive financial assistance if the county, city or town is seeking grants and loans for broadband projects that will assist with economic development, disaster resiliency and response, adaptation to public health emergencies, and emergency management.

- Adds a provision that prohibits the Community Economic Revitalization Board, the Utilities and Transportation Commission, and the Department of Commerce from considering whether a county, city, or town is compliant with the Growth Management Act when considering applications for broadband funding.

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