



**RULE-MAKING ORDER**  
**(RCW 34.05.360)**

**CR-103 (7/23/95)**

**Agency:** Community, Trade and Economic Development

- Permanent Rule**
- Emergency Rule**
- Expedited Repeal**

**(1) Date of adoption:** September 21, 1995

**(2) Purpose:** To conform with current program statute and board policy and loan grant application procedures.

**(3) Citation of existing rules affected by this order:**  
**Repealed:**  
**Amended:** WAC 133-40-010; 133-40-020; 133-40-030; 133-40-040  
**Suspended:**

**(4) Statutory authority for adoption:** Chapter 43.160 RCW  
**Other authority:**

**PERMANENT RULE ONLY**  
Adopted under notice filed as WSR 95-13-076 on June 20, 1995 (date).  
Describe any changes other than editing from proposed to adopted version:

**EMERGENCY RULE ONLY**  
Under RCW 34.05.350 the agency for good cause finds:  
 (a) That immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.  
 (b) That state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.  
Reasons for this finding:

**EXPEDITED REPEAL ONLY**  
Under Preproposal Statement of Inquiry filed as WSR \_\_\_\_\_ on \_\_\_\_\_ (date).

**(5.3) Any other findings required by other provisions of law as precondition to adoption of effectiveness of rule?**  
 Yes  No If Yes, explain:

**(6) Effective date of rule:**  
**Permanent Rules**                      **Emergency Rules**  
 31 days after filing                       Immediately  
 Other (specify) \_\_\_\_\_ \*                       Later (specify) \_\_\_\_\_  
\*(If less than 31 days after filing, specific finding in 5.3 under RCW 34.05.380(3) is required)

**CODE REVISER USE ONLY**  
CODE REVISER OFFICE  
STATE OF WASHINGTON  
DEC 07 1995  
TIME: 11:58  
WSR 95-24-088

**NAME (TYPE OR PRINT)**  
Ann D. Bariekman  
**SIGNATURE**  
*Ann D. Bariekman*  
**TITLE**  
Rules Coordinator  
**DATE**  
12-4-95

**Note: If any category is left blank, it will be calculated as zero.  
No descriptive text.**

**Count by whole WAC sections only, from the WAC number through the history note.  
A section may be counted in more than one category.**

**The number of sections adopted in order to comply with:**

<b>Federal statute:</b>	New _____	Amended _____	Repealed _____
<b>Federal rules or standards:</b>	New _____	Amended _____	Repealed _____
<b>Recently enacted* state statutes:</b>	New _____	Amended _____	Repealed _____

\*(current calendar year)

**The number of sections adopted at the request of a nongovernmental entity:**

New \_\_\_\_\_ Amended \_\_\_\_\_ Repealed \_\_\_\_\_

**The number of sections adopted on the agency's own initiative:**

New \_\_\_\_\_ Amended   4   Repealed \_\_\_\_\_

**The number of sections adopted in order to clarify, streamline, or reform agency procedures:**

New \_\_\_\_\_ Amended   4   Repealed \_\_\_\_\_

**The number of sections adopted using:**

<b>Negotiated rule making:</b>	New _____	Amended _____	Repealed _____
<b>Pilot rule making:</b>	New _____	Amended _____	Repealed _____
<b>Other alternative rule making:</b>	New _____	Amended _____	Repealed _____

AMENDATORY SECTION (Amending Order 83-1, filed 5/2/83)

**WAC 133-40-010 Purpose.** (1) Pursuant to (~~authority derived from chapter 40, Laws of 1982 1st ex. sess. and~~) chapter 43.160 RCW, the community economic revitalization board may, in its discretion, make direct loans to political subdivisions of the state of Washington for the purposes of assisting the political subdivisions in financing the cost of public facilities, when such facilities will serve to improve opportunities for the successful maintenance, establishment, or expansion of industrial (~~or commercial plants~~) facilities or will otherwise assist in the creation or retention of long-term economic opportunities, or assist in alleviating unemployment. The board may also make grants for such purposes, when every feasible effort has been made by the board to provide loans and loans are not possible, and when the board finds that unique circumstances exist which require making a grant.

(2) The purpose of this chapter is to prescribe the form and manner in which political subdivisions may make application to the board for financial assistance, and to provide for the consideration and disposition of such applications.

AMENDATORY SECTION (Amending Order 83-1, filed 5/2/83)

**WAC 133-40-020 Definitions.** Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Board" means the community economic revitalization board.

(2) "Public facility" or "facility" means any facility for public purposes financed in whole or in part by any (~~political subdivision~~) port district, county, city, town, or special utility district of the state of Washington, including, but not limited to, sewer or other waste disposal facilities, arterials, bridges, access roads, port facilities, or water distribution and purification facilities.

(3) "Public facility costs" means any direct or indirect cost incurred or to be incurred by a political subdivision in financing any public facility, including the cost of acquisition, construction, rehabilitation, alteration, expansion, or improvement of the facilities.

(4) "Responsible official" means the (~~senior ranking elected official of the political subdivision making application to the board for financial assistance hereunder, and/or any other~~) person so designated in the resolution of the legislative body of the political subdivision authorizing or approving submittal of the application.

AMENDATORY SECTION (Amending Order 84-1, filed 10/24/84)

**WAC 133-40-030 Loan and grant applications.** (1) Applications for loans and/or grants to assist in financing public facility costs may be made by any political subdivision of the state of Washington.

(2) Applications shall be submitted to the board in writing, on such forms as may be prescribed by and obtained from the board, and shall contain the following information:

(a) Name and address of the political subdivision making the application for financial assistance.

(b) Complete description of the public facility for which financing assistance is sought.

(c) A full and detailed assessment of how the facility or project will improve the opportunities for the successful maintenance, establishment, or expansion of industrial (~~or commercial plants~~) facilities or will otherwise assist in the creation or retention of long-term economic opportunities, or assist in alleviating unemployment.

(d) Specific amount and description of the public facility costs for which the loan and/or grant application is being made.

(e) If application is being made for a loan, the applicant's proposed repayment schedule.

(f) If application is being made for a grant in addition to or in lieu of a loan, a complete explanation as to why the applicant feels a loan would not be feasible and the supporting reasons or circumstances therefor.

(3) Any application for financial assistance submitted to the board shall be signed and verified by a responsible official. Such official shall also provide the board with any additional materials or information in support of the application which the board or its staff may request, either prior to or at the board's deliberations on the application.

(4) Applications for public works funding must be submitted at least (~~thirty~~) forty-five calendar days prior to regular (~~quarterly~~) meeting dates. Exceptions to this deadline will be determined by decision of the (~~chairman~~) chair (or the (~~vice chairman~~) vice-chair, when acting as (~~chairman~~) chair) or a majority of CERB members.

AMENDATORY SECTION (Amending Order 83-1, filed 5/2/83)

**WAC 133-40-040 Board deliberations.** (1) The board will consider and approve, in whole or in part, or disapprove, all applications for loans or grants at such regular or special meetings of the board as it may determine, and the applicant will be notified accordingly. The board is directed to prioritize each proposed project according to relative benefit (RCW 43.160.060(3)). As long as there is more demand for loans or grants than funds available, projects are funded according to priority established in board policy. A responsible official of the applicant political subdivision shall be present during all board deliberations on the application, and shall provide all information regarding the public

facility or application for financial assistance which the board may request.

(2) Applicants will be formally notified in writing regarding any board decision on whether or not to authorize a public facility loan or grant.