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HOUSE BILL 1489

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State of Washington

55th Legislature

1997 Regular Session

By Representatives Chandler, Linville, L. Thomas, Reams, Sheldon, Cairnes, McMorris, Veloria and Schoesler

Read first time 01/28/97. Referred to Committee on Agriculture & Ecology.

1 AN ACT Relating to public works and water pollution control  
2 funding; amending RCW 43.155.070 and 70.146.070; and declaring an  
3 emergency.

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

5 **Sec. 1.** RCW 43.155.070 and 1996 c 168 s 3 are each amended to read  
6 as follows:

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

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

12 (b) The local government must have developed a long-term plan for  
13 financing public works needs; and

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

17 ~~(d) A county, city, or town that is required or chooses to plan~~  
18 ~~under RCW 36.70A.040 must have adopted a comprehensive plan in~~  
19 ~~conformance with the requirements of chapter 36.70A RCW, after it is~~

1 ~~required that the comprehensive plan be adopted, and must have adopted~~  
2 ~~development regulations in conformance with the requirements of chapter~~  
3 ~~36.70A RCW, after it is required that development regulations be~~  
4 ~~adopted)).~~

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

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

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

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

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

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

22 (f) Whether the project is the acquisition, expansion, improvement,  
23 or renovation by a local government of a public water system that is in  
24 violation of health and safety standards, including the cost of  
25 extending existing service to such a system;

26 (g) The relative benefit of the project to the community,  
27 considering the present level of economic activity in the community and  
28 the existing local capacity to increase local economic activity in  
29 communities that have low economic growth; and

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

31 (3) Existing debt or financial obligations of local governments  
32 shall not be refinanced under this chapter. Each local government  
33 applicant shall provide documentation of attempts to secure additional  
34 local or other sources of funding for each public works project for  
35 which financial assistance is sought under this chapter.

36 (4) Before November 1 of each year, the board shall develop and  
37 submit to the appropriate fiscal committees of the senate and house of  
38 representatives a description of the loans made under RCW 43.155.065,  
39 43.155.068, and subsection (7) of this section during the preceding

1 fiscal year and a prioritized list of projects which are recommended  
2 for funding by the legislature, including one copy to the staff of each  
3 of the committees. The list shall include, but not be limited to, a  
4 description of each project and recommended financing, the terms and  
5 conditions of the loan or financial guarantee, the local government  
6 jurisdiction and unemployment rate, demonstration of the jurisdiction's  
7 critical need for the project and documentation of local funds being  
8 used to finance the public works project. The list shall also include  
9 measures of fiscal capacity for each jurisdiction recommended for  
10 financial assistance, compared to authorized limits and state averages,  
11 including local government sales taxes; real estate excise taxes;  
12 property taxes; and charges for or taxes on sewerage, water, garbage,  
13 and other utilities.

14 (5) The board shall not sign contracts or otherwise financially  
15 obligate funds from the public works assistance account before the  
16 legislature has appropriated funds for a specific list of public works  
17 projects. The legislature may remove projects from the list  
18 recommended by the board. The legislature shall not change the order  
19 of the priorities recommended for funding by the board.

20 (6) Subsection (5) of this section does not apply to loans made  
21 under RCW 43.155.065, 43.155.068, and subsection (7) of this section.

22 (7)(a) Loans made for the purpose of capital facilities plans shall  
23 be exempted from subsection (5) of this section. In no case shall the  
24 total amount of funds utilized for capital facilities plans and  
25 emergency loans exceed the limitation in RCW 43.155.065.

26 (b) For the purposes of this section "capital facilities plans"  
27 means those plans required by the growth management act, chapter 36.70A  
28 RCW, and plans required by the public works board for local governments  
29 not subject to the growth management act.

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

35 **Sec. 2.** RCW 70.146.070 and 1991 sp.s. c 32 s 24 are each amended  
36 to read as follows:

37 When making grants or loans for water pollution control facilities,  
38 the department shall consider the following:

1 (1) The protection of water quality and public health;

2 (2) The cost to residential ratepayers if they had to finance water  
3 pollution control facilities without state assistance;

4 (3) Actions required under federal and state permits and compliance  
5 orders;

6 (4) The level of local fiscal effort by residential ratepayers  
7 since 1972 in financing water pollution control facilities;

8 (5) The extent to which the applicant county or city, or if the  
9 applicant is another public body, the extent to which the county or  
10 city in which the applicant public body is located, has established  
11 programs to mitigate nonpoint pollution of the surface or subterranean  
12 water sought to be protected by the water pollution control facility  
13 named in the application for state assistance; and

14 (6) The recommendations of the Puget Sound ((water quality  
15 authority)) action team and any other board, council, commission, or  
16 group established by the legislature or a state agency to study water  
17 pollution control issues in the state.

18 ((A county, city, or town that is required or chooses to plan under  
19 RCW 36.70A.040 may not receive a grant or loan for water pollution  
20 control facilities unless it has adopted a comprehensive plan in  
21 conformance with the requirements of chapter 36.70A RCW, after it is  
22 required that the comprehensive plan be adopted, or unless it has  
23 adopted development regulations in conformance with the requirements of  
24 chapter 36.70A RCW, after it is required that development regulations  
25 be adopted.))

26 NEW SECTION. **Sec. 3.** This act is necessary for the immediate  
27 preservation of the public peace, health, or safety, or support of the  
28 state government and its existing public institutions, and takes effect  
29 immediately.

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