

ESHB 1959 - S AMD 301
By Senator Murray

ADOPTED 04/15/2009

1 On page 4, after line 24, insert the following:

2 "Sec. 3. RCW 36.70A.200 and 2002 c 68 s 2 are each amended to read
3 as follows:

4 (1) The comprehensive plan of each county and city that is planning
5 under RCW 36.70A.040 shall include a process for identifying and siting
6 essential public facilities. Essential public facilities include those
7 facilities that are typically difficult to site, such as airports,
8 state education facilities and state or regional transportation
9 facilities as defined in RCW 47.06.140, regional transit authority
10 facilities as defined in RCW 81.112.020, state and local correctional
11 facilities, solid waste handling facilities, and in-patient facilities
12 including substance abuse facilities, mental health facilities, group
13 homes, and secure community transition facilities as defined in RCW
14 71.09.020.

15 (2) Each county and city planning under RCW 36.70A.040 shall, not
16 later than September 1, 2002, establish a process, or amend its
17 existing process, for identifying and siting essential public
18 facilities and adopt or amend its development regulations as necessary
19 to provide for the siting of secure community transition facilities
20 consistent with statutory requirements applicable to these facilities.

21 (3) Any city or county not planning under RCW 36.70A.040 shall, not
22 later than September 1, 2002, establish a process for siting secure
23 community transition facilities and adopt or amend its development
24 regulations as necessary to provide for the siting of such facilities
25 consistent with statutory requirements applicable to these facilities.

26 (4) The office of financial management shall maintain a list of
27 those essential state public facilities that are required or likely to
28 be built within the next six years. The office of financial management
29 may at any time add facilities to the list.

1 (5) No local comprehensive plan or development regulation may
2 preclude the siting of essential public facilities.

3 (6) No person may bring a cause of action for civil damages based
4 on the good faith actions of any county or city to provide for the
5 siting of secure community transition facilities in accordance with
6 this section and with the requirements of chapter 12, Laws of 2001 2nd
7 sp. sess. For purposes of this subsection, "person" includes, but is
8 not limited to, any individual, agency as defined in RCW 42.17.020,
9 corporation, partnership, association, and limited liability entity.

10 (7) Counties or cities siting facilities pursuant to subsection (2)
11 or (3) of this section shall comply with RCW 71.09.341.

12 (8) The failure of a county or city to act by the deadlines
13 established in subsections (2) and (3) of this section is not:

14 (a) A condition that would disqualify the county or city for
15 grants, loans, or pledges under RCW 43.155.070 or 70.146.070;

16 (b) A consideration for grants or loans provided under RCW
17 43.17.250(2); or

18 (c) A basis for any petition under RCW 36.70A.280 or for any
19 private cause of action."

20 Renumber the remaining section consecutively.

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21 On page 1, line 2 of the title, after "ports;" insert "amending RCW
22 36.70A.200;"

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