
SENATE BILL 5788

State of Washington 66th Legislature 2019 Regular Session

By Senators Mullet, Warnick, King, Van De Wege, Frockt, and Palumbo

Read first time 02/01/19. Referred to Committee on Ways & Means.

1 AN ACT Relating to local government infrastructure funding;
2 amending RCW 43.155.020, 77.95.170, 82.18.040, and 82.45.060;
3 reenacting and amending RCW 43.155.050; adding a new section to
4 chapter 43.155 RCW; providing an effective date; and declaring an
5 emergency.

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

7 **Sec. 1.** RCW 43.155.020 and 2017 3rd sp.s. c 10 s 2 are each
8 amended to read as follows:

9 The definitions in this section apply throughout this chapter
10 unless the context clearly requires otherwise.

11 (1) "Board" means the public works board created in RCW
12 43.155.030.

13 (2) "Capital facility plan" means a capital facility plan
14 required by the growth management act under chapter 36.70A RCW or,
15 for local governments not fully planning under the growth management
16 act, a plan required by the public works board.

17 (3) "Department" means the department of commerce.

18 (4) "Financing guarantees" means the pledge of money in the
19 public works assistance account, or money to be received by the
20 public works assistance account, to the repayment of all or a portion

1 of the principal of or interest on obligations issued by local
2 governments to finance public works projects.

3 (5) "Local governments" means cities, towns, counties, special
4 purpose districts, and any other municipal corporations or quasi-
5 municipal corporations in the state excluding school districts and
6 port districts.

7 (6) "Public works project" means a project of a local government
8 for the planning, acquisition, construction, repair, reconstruction,
9 replacement, rehabilitation, or improvement of streets and roads,
10 bridges, water systems, or storm and sanitary sewage systems, lead
11 remediation of drinking water systems, and solid waste facilities,
12 including recycling facilities. A planning project may include the
13 compilation of biological, hydrological, or other data on a county,
14 drainage basin, or region necessary to develop a base of information
15 for a capital facility plan. Public works projects may include
16 natural or green infrastructure measures that complement the project
17 and demonstrate enhanced life-cycle cost or performance gains.

18 (7) "Solid waste or recycling project" means remedial actions
19 necessary to bring abandoned or closed landfills into compliance with
20 regulatory requirements and the repair, restoration, and replacement
21 of existing solid waste transfer, recycling facilities, and landfill
22 projects limited to the opening of landfill cells that are in
23 existing and permitted landfills.

24 (8) "Technical assistance" means training and other services
25 provided to local governments to: (a) Help such local governments
26 plan, apply, and qualify for loans, grants, and financing guarantees
27 from the board, and (b) help local governments improve their ability
28 to plan for, finance, acquire, construct, repair, replace,
29 rehabilitate, and maintain public facilities.

30 (9) "Value planning" means a uniform approach to assist (~~in~~)
31 decision making at the predesign stage through systematic evaluation
32 of potential alternatives to solving an identified problem and
33 addressing innovation, affordability, environmental performance, and
34 local economic development.

35 **Sec. 2.** RCW 43.155.050 and 2017 3rd sp.s. c 10 s 5 and 2017 3rd
36 sp.s. c 1 s 974 are each reenacted and amended to read as follows:

37 (1)(a) The public works assistance account is hereby established
38 in the state treasury. Money may be placed in the public works
39 assistance account from the proceeds of bonds when authorized by the

1 legislature or from any other lawful source. Money in the public
2 works assistance account shall be used to make loans and grants and
3 to give financial guarantees to local governments for public works
4 projects. Moneys in the account may also be appropriated or
5 transferred to the water pollution control revolving (~~account~~
6 ~~[fund]~~) fund and the drinking water assistance account to provide
7 for state match requirements under federal law.

8 (b) Not more than twenty percent of the biennial capital budget
9 appropriation to the public works board from this account may be
10 expended or obligated for preconstruction loans and grants, emergency
11 loans and grants, or loans and grants for capital facility planning
12 under this chapter.

13 (c) Except as provided for in (d) and (e) of this subsection, not
14 more than ten percent of the biennial capital budget appropriation to
15 the public works board from this account may be expended or obligated
16 as grants for preconstruction, emergency, capital facility planning,
17 and construction projects. (~~During the 2015-2017 fiscal biennium,~~
18 the legislature may transfer from the public works assistance account
19 to the general fund, the water pollution control revolving account
20 [fund], and the drinking water assistance account such amounts as
21 reflect the excess fund balance of the account.))

22 (d) Up to one percent of the biennial capital budget
23 appropriation to the public works board may be provided as grants to
24 entities for the purpose of value planning. The value planning grant
25 may be up to sixty thousand dollars per capital project.

26 (e) During fiscal years 2020 through 2030, taxes collected under
27 RCW 82.18.040 and deposited into the public works assistance account
28 must be prioritized for grants to address fish barriers consistent
29 with the comprehensive strategy to maximize habitat value of culvert
30 correction investments, as recommended by the fish passage barrier
31 removal board established in RCW 77.95.160.

32 (2) Beginning in the 2019-2021 fiscal biennium through the
33 2021-2023 fiscal biennium, an amount equal to four and one-tenth
34 percent of the taxes collected under RCW 82.45.060 and deposited into
35 the public works assistance account must be prioritized for
36 infrastructure projects in support of housing development.

37 (3) During the (~~2015-2017 and~~) 2017-2019 fiscal (~~biennia~~)
38 biennium, the legislature may appropriate moneys from the account for
39 activities related to rural economic development, the growth
40 management act, and the voluntary stewardship program. (~~During the~~

1 ~~2015-2017 fiscal biennium, the legislature may transfer from the~~
2 ~~public works assistance account to the state general fund such~~
3 ~~amounts as specified by the legislature.)~~

4 (4) During the 2017-2019 fiscal biennium, the legislature may
5 direct the state treasurer to make transfers of moneys in the public
6 works assistance account to the education legacy trust account. It is
7 the intent of the legislature that this policy will be continued in
8 subsequent fiscal biennia.

9 NEW SECTION. **Sec. 3.** A new section is added to chapter 43.155
10 RCW to read as follows:

11 The public works board shall perform grant and contract
12 management for the grants issued to address fish barriers pursuant to
13 RCW 43.155.050(1)(e).

14 **Sec. 4.** RCW 77.95.170 and 2014 c 120 s 3 are each amended to
15 read as follows:

16 (1) The department may coordinate with the recreation and
17 conservation office or public works board in the administration of
18 all state grant programs specifically designed to assist state
19 agencies, private landowners, tribes, organizations, and volunteer
20 groups in identifying and removing impediments to salmonid fish
21 passage. The transportation improvement board or public works board
22 may administer all grant programs specifically designed to assist
23 cities, counties, and other units of local governments with fish
24 passage barrier corrections associated with transportation projects.
25 All grant programs must be administered and be consistent with the
26 following:

27 (a) Salmonid-related corrective projects, inventory, assessment,
28 and prioritization efforts;

29 (b) Salmonid projects subject to a competitive application
30 process; and

31 (c) A minimum dollar match rate that is consistent with the
32 funding authority's criteria. If no funding match is specified, a
33 match amount of at least twenty-five percent per project is required.
34 For local, private, and volunteer projects, in-kind contributions may
35 be counted toward the match requirement.

36 (2) Priority shall be given to projects that match the principles
37 provided in RCW 77.95.180.

1 (3) All projects subject to this section shall be reviewed and
2 approved by the fish passage barrier removal board created in RCW
3 77.95.160 or an alternative oversight committee designated by the
4 state legislature.

5 (4) Other agencies that administer natural resource-based grant
6 programs shall use fish passage selection criteria that are
7 consistent with this section when those programs are addressing fish
8 passage barrier removal projects.

9 (5)(a) The department shall establish a centralized database
10 directory of all fish passage barrier information. The database
11 directory must include, but is not limited to, existing fish passage
12 inventories, fish passage projects, grant program applications, and
13 other databases. These data must be used to coordinate and assist in
14 habitat recovery and project mitigation projects.

15 (b) The department must develop a barrier inventory training
16 program that qualifies participants to perform barrier inventories
17 and develop data that enhance the centralized database. The
18 department may decide the qualifications for participation. However,
19 employees and volunteers of conservation districts and regional
20 salmon recovery groups must be given priority consideration.

21 **Sec. 5.** RCW 82.18.040 and 2017 3rd sp.s. c 10 s 15 are each
22 amended to read as follows:

23 (1) Taxes collected under this chapter must be held in trust
24 until paid to the state. Except as otherwise provided in this
25 subsection (1), taxes received by the state must be deposited in the
26 public works assistance account created in RCW 43.155.050. (~~For the~~
27 ~~period beginning July 1, 2011, and ending June 30, 2015, taxes~~
28 ~~received by the state under this chapter must be deposited in the~~
29 ~~general fund for general purpose expenditures. For fiscal years 2016,~~
30 ~~2017, and 2018, one-half of the taxes received by the state under~~
31 ~~this chapter must be deposited in the general fund for general~~
32 ~~purpose expenditures and the remainder deposited in the education~~
33 ~~legacy trust account created in RCW 83.100.230.)) For fiscal
34 year((s)) 2019 ((~~through 2023~~)), taxes received by the state under
35 this chapter must be deposited in the education legacy trust account
36 created in RCW 83.100.230. For fiscal years 2020 through 2030, taxes
37 received by the state under this chapter must be deposited in the
38 public works assistance account created in RCW 43.155.050 and
39 prioritized for grants to address fish barriers, consistent with~~

1 recommendations by the fish passage barrier removal board established
2 in RCW 77.95.160. Any person collecting the tax who appropriates or
3 converts the tax collected is guilty of a gross misdemeanor if the
4 money required to be collected is not available for payment on the
5 date payment is due. If a taxpayer fails to pay the tax imposed by
6 this chapter to the person charged with collection of the tax and the
7 person charged with collection fails to pay the tax to the
8 department, the department may, in its discretion, proceed directly
9 against the taxpayer for collection of the tax.

10 (2) The tax is due from the taxpayer within twenty-five days from
11 the date the taxpayer is billed by the person collecting the tax.

12 (3) The tax is due from the person collecting the tax at the end
13 of the tax period in which the tax is received from the taxpayer. If
14 the taxpayer remits only a portion of the total amount billed for
15 taxes, consideration, and related charges, the amount remitted must
16 be applied first to payment of the solid waste collection tax and
17 this tax has priority over all other claims to the amount remitted.

18 **Sec. 6.** RCW 82.45.060 and 2017 3rd sp.s. c 10 s 13 are each
19 amended to read as follows:

20 There is imposed an excise tax upon each sale of real property at
21 the rate of one and twenty-eight one-hundredths percent of the
22 selling price. Beginning July 1, 2013, and ending June 30, (~~2023~~)
23 2019, an amount equal to two percent of the proceeds of this tax must
24 be deposited in the public works assistance account created in RCW
25 43.155.050, and an amount equal to four and one-tenth percent must be
26 deposited in the education legacy trust account created in RCW
27 83.100.230. Beginning July 1, 2019, and ending June 30, 2023, an
28 amount equal to two percent of the proceeds of this tax must be
29 deposited in the public works assistance account created in RCW
30 43.155.050, and an amount equal to four and one-tenth percent of the
31 proceeds must be deposited in the public works assistance account
32 created in RCW 43.155.050 and prioritized for infrastructure projects
33 in support of housing development. Thereafter, an amount equal to six
34 and one-tenth percent of the proceeds of this tax to the state
35 treasurer must be deposited in the public works assistance account
36 created in RCW 43.155.050. Except as otherwise provided in this
37 section, an amount equal to one and six-tenths percent of the
38 proceeds of this tax to the state treasurer must be deposited in the
39 city-county assistance account created in RCW 43.08.290.

1 NEW SECTION. **Sec. 7.** This act is necessary for the immediate
2 preservation of the public peace, health, or safety, or support of
3 the state government and its existing public institutions, and takes
4 effect July 1, 2019.

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