
SENATE BILL 5087

State of Washington

53rd Legislature

1993 Regular Session

By Senators McCaslin and Hochstatter

Read first time 01/13/93. Referred to Committee on Government Operations.

1 AN ACT Relating to revoking the growth management act; amending RCW
2 35.58.2795, 35.77.010, 36.79.150, 36.81.121, 36.94.040, 36.105.070,
3 43.31.005, 43.31.035, 43.63A.065, 43.155.070, 43.160.060, 43.168.050,
4 43.210.010, 43.210.020, 47.26.080, 47.86.035, 56.08.020, 57.16.010,
5 58.17.060, 58.17.110, 66.08.190, 70.94.455, 70.94.527, 70.94.534,
6 70.94.743, 70.146.070, 76.09.050, 76.09.060, 81.104.080, 81.112.050,
7 82.02.020, 82.46.010, 82.46.030, 82.46.050, and 86.12.200; reenacting
8 and amending RCW 43.88.030, 43.88.110, 82.46.040, and 82.46.060;
9 repealing RCW 36.70A.010, 36.70A.020, 36.70A.030, 36.70A.040,
10 36.70A.045, 36.70A.050, 36.70A.060, 36.70A.070, 36.70A.080, 36.70A.090,
11 36.70A.100, 36.70A.103, 36.70A.106, 36.70A.110, 36.70A.120, 36.70A.130,
12 36.70A.140, 36.70A.150, 36.70A.160, 36.70A.170, 36.70A.180, 36.70A.190,
13 36.70A.200, 36.70A.210, 36.70A.250, 36.70A.260, 36.70A.270, 36.70A.280,
14 36.70A.290, 36.70A.300, 36.70A.310, 36.70A.320, 36.70A.330, 36.70A.340,
15 36.70A.350, 36.70A.360, 36.70A.370, 36.70A.380, 36.70A.385, 36.70A.390,
16 36.70A.800, 36.70A.900, 36.70A.901, 36.70A.902, 19.27.097, 35.13.005,
17 35.63.125, 35A.14.005, 35A.63.105, 36.70.545, 36.93.157, 36.93.230,
18 43.17.065, 43.17.250, 43.31.097, 43.62.035, 43.63A.550, 43.63A.560,
19 47.80.010, 47.80.020, 47.80.030, 47.80.040, 47.80.050, 59.18.440,
20 59.18.450, 82.02.050, 82.02.060, 82.02.070, 82.02.080, 82.02.090,

1 82.08.180, 82.14.215, and 82.46.035; and repealing 1990 1st ex.s. c 17
2 s 64 (uncodified).

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

4 NEW SECTION. **Sec. 1.** The following acts or parts of acts are
5 each repealed:

- 6 (1) RCW 36.70A.010 and 1990 1st ex.s. c 17 s 1;
- 7 (2) RCW 36.70A.020 and 1990 1st ex.s. c 17 s 2;
- 8 (3) RCW 36.70A.030 and 1990 1st ex.s. c 17 s 3;
- 9 (4) RCW 36.70A.040 and 1990 1st ex.s. c 17 s 4;
- 10 (5) RCW 36.70A.045 and 1991 sp.s. c 32 s 15;
- 11 (6) RCW 36.70A.050 and 1990 1st ex.s. c 17 s 5;
- 12 (7) RCW 36.70A.060 and 1991 sp.s. c 32 s 21 & 1990 1st ex.s. c 17
13 s 6;
- 14 (8) RCW 36.70A.070 and 1990 1st ex.s. c 17 s 7;
- 15 (9) RCW 36.70A.080 and 1990 1st ex.s. c 17 s 8;
- 16 (10) RCW 36.70A.090 and 1990 1st ex.s. c 17 s 9;
- 17 (11) RCW 36.70A.100 and 1990 1st ex.s. c 17 s 10;
- 18 (12) RCW 36.70A.103 and 1991 sp.s. c 32 s 4;
- 19 (13) RCW 36.70A.106 and 1991 sp.s. c 32 s 8;
- 20 (14) RCW 36.70A.110 and 1991 sp.s. c 32 s 29 & 1990 1st ex.s. c 17
21 s 11;
- 22 (15) RCW 36.70A.120 and 1990 1st ex.s. c 17 s 12;
- 23 (16) RCW 36.70A.130 and 1990 1st ex.s. c 17 s 13;
- 24 (17) RCW 36.70A.140 and 1990 1st ex.s. c 17 s 14;
- 25 (18) RCW 36.70A.150 and 1991 c 322 s 23 & 1990 1st ex.s. c 17 s 15;
- 26 (19) RCW 36.70A.160 and 1992 c 227 s 1 & 1990 1st ex.s. c 17 s 16;
- 27 (20) RCW 36.70A.170 and 1990 1st ex.s. c 17 s 17;
- 28 (21) RCW 36.70A.180 and 1990 1st ex.s. c 17 s 19;
- 29 (22) RCW 36.70A.190 and 1991 sp.s. c 32 s 3 & 1990 1st ex.s. c 17
30 s 20;
- 31 (23) RCW 36.70A.200 and 1991 sp.s. c 32 s 1;
- 32 (24) RCW 36.70A.210 and 1991 sp.s. c 32 s 2;
- 33 (25) RCW 36.70A.250 and 1991 sp.s. c 32 s 5;
- 34 (26) RCW 36.70A.260 and 1991 sp.s. c 32 s 6;
- 35 (27) RCW 36.70A.270 and 1991 sp.s. c 32 s 7;
- 36 (28) RCW 36.70A.280 and 1991 sp.s. c 32 s 9;
- 37 (29) RCW 36.70A.290 and 1991 sp.s c 32 s 10;

- 1 (30) RCW 36.70A.300 and 1991 sp.s. c 32 s 11;
- 2 (31) RCW 36.70A.310 and 1991 sp.s. c 32 s 12;
- 3 (32) RCW 36.70A.320 and 1991 sp.s. c 32 s 13;
- 4 (33) RCW 36.70A.330 and 1991 sp.s. c 32 s 14;
- 5 (34) RCW 36.70A.340 and 1991 sp.s. c 32 s 26;
- 6 (35) RCW 36.70A.350 and 1991 sp.s. c 32 s 16;
- 7 (36) RCW 36.70A.360 and 1991 sp.s. c 32 s 17;
- 8 (37) RCW 36.70A.370 and 1991 sp.s. c 32 s 18;
- 9 (38) RCW 36.70A.380 and 1991 sp.s. c 32 s 39;
- 10 (39) RCW 36.70A.385 and 1991 sp.s. c 32 s 20;
- 11 (40) RCW 36.70A.390 and 1992 c 207 s 6;
- 12 (41) RCW 36.70A.800 and 1990 1st ex.s. c 17 s 86;
- 13 (42) RCW 36.70A.900 and 1990 1st ex.s. c 17 s 88;
- 14 (43) RCW 36.70A.901 and 1990 1st ex.s. c 17 s 89; and
- 15 (44) RCW 36.70A.902 and 1991 sp.s. c 32 s 40.

16 NEW SECTION. **Sec. 2.** The following acts or parts of acts are
17 each repealed:

- 18 (1) RCW 19.27.097 and 1991 sp.s. c 32 s 28 & 1990 1st ex.s. c 17 s
19 63;
- 20 (2) RCW 35.13.005 and 1990 1st ex.s. c 17 s 30;
- 21 (3) RCW 35.63.125 and 1990 1st ex.s. c 17 s 22;
- 22 (4) RCW 35A.14.005 and 1990 1st ex.s. c 17 s 31;
- 23 (5) RCW 35A.63.105 and 1990 1st ex.s. c 17 s 23;
- 24 (6) RCW 36.70.545 and 1990 1st ex.s. c 17 s 24;
- 25 (7) RCW 36.93.157 and 1992 c 162 s 2;
- 26 (8) RCW 36.93.230 and 1991 sp.s. c 32 s 22;
- 27 (9) RCW 43.17.065 and 1991 c 314 s 28 & 1990 1st ex.s. c 17 s 77;
- 28 (10) RCW 43.17.250 and 1991 sp.s. c 32 s 25;
- 29 (11) RCW 43.31.097 and 1990 1st ex.s. c 17 s 71;
- 30 (12) RCW 43.62.035 and 1991 sp.s. c 32 s 30 & 1990 1st ex.s. c 17
31 s 32;
- 32 (13) RCW 43.63A.550 and 1990 1st ex.s. c 17 s 21;
- 33 (14) RCW 43.63A.560 and 1990 1st ex.s. c 17 s 67;
- 34 (15) RCW 47.80.010 and 1990 1st ex.s. c 17 s 53;
- 35 (16) RCW 47.80.020 and 1990 1st ex.s. c 17 s 54;
- 36 (17) RCW 47.80.030 and 1990 1st ex.s. c 17 s 55;
- 37 (18) RCW 47.80.040 and 1990 1st ex.s. c 17 s 56;
- 38 (19) RCW 47.80.050 and 1990 1st ex.s. c 17 s 57;

- 1 (20) RCW 59.18.440 and 1990 1st ex.s. c 17 s 49;
2 (21) RCW 59.18.450 and 1990 1st ex.s. c 17 s 50;
3 (22) RCW 82.02.050 and 1990 1st ex.s. c 17 s 43;
4 (23) RCW 82.02.060 and 1990 1st ex.s. c 17 s 44;
5 (24) RCW 82.02.070 and 1990 1st ex.s. c 17 s 46;
6 (25) RCW 82.02.080 and 1990 1st ex.s. c 17 s 47;
7 (26) RCW 82.02.090 and 1990 1st ex.s. c 17 s 48;
8 (27) RCW 82.08.180 and 1991 sp.s. c 32 s 36;
9 (28) RCW 82.14.215 and 1991 sp.s. c 32 s 35;
10 (29) RCW 82.46.035 and 1992 c 221 s 3, 1991 sp.s. c 32 s 33, & 1990
11 1st ex.s. c 17 s 38; and
12 (30) 1990 1st ex.s. c 17 s 64 (uncodified).

13 **Sec. 3.** RCW 35.58.2795 and 1990 1st ex.s. c 17 s 60 are each
14 amended to read as follows:

15 By April 1st of each year, the legislative authority of each
16 municipality, as defined in RCW 35.58.272, shall prepare a six-year
17 transit development and financial program for that calendar year and
18 the ensuing five years. (~~The program shall be consistent with the~~
19 ~~comprehensive plans adopted by counties, cities, and towns, pursuant to~~
20 ~~chapter 35.63, 35A.63, or 36.70 RCW, the inherent authority of a first~~
21 ~~class city or charter county derived from its charter, or chapter~~
22 ~~36.70A RCW.)) The program shall contain information as to how the
23 municipality intends to meet state and local long-range priorities for
24 public transportation, capital improvements, significant operating
25 changes planned for the system, and how the municipality intends to
26 fund program needs. Each municipality shall file the six-year program
27 with the state department of transportation, the transportation
28 improvement board, and cities, counties, and regional planning councils
29 within which the municipality is located.~~

30 In developing its program, the municipality shall consider those
31 policy recommendations affecting public transportation contained in the
32 state transportation policy plan approved by the state transportation
33 commission and, where appropriate, adopted by the legislature. The
34 municipality shall conduct one or more public hearings while developing
35 its program and for each annual update.

36 **Sec. 4.** RCW 35.77.010 and 1990 1st ex.s. c 17 s 59 are each
37 amended to read as follows:

1 (1) The legislative body of each city and town, pursuant to one or
2 more public hearings thereon, shall prepare and adopt a comprehensive
3 street program for the ensuing six calendar years. ((If the city or
4 town has adopted a comprehensive plan pursuant to chapter 35.63 or
5 35A.63 RCW, the inherent authority of a first class city derived from
6 its charter, or chapter 36.70A RCW, the program shall be consistent
7 with this comprehensive plan.))

8 The program shall be filed with the secretary of transportation not
9 more than thirty days after its adoption. Annually thereafter the
10 legislative body of each city and town shall review the work
11 accomplished under the program and determine current city street needs.
12 Based on these findings each such legislative body shall prepare and
13 after public hearings thereon adopt a revised and extended
14 comprehensive street program before July 1st of each year, and each
15 one-year extension and revision shall be filed with the secretary of
16 transportation not more than thirty days after its adoption. The
17 purpose of this section is to assure that each city and town shall
18 perpetually have available advanced plans looking to the future for not
19 less than six years as a guide in carrying out a coordinated street
20 construction program. The program may at any time be revised by a
21 majority of the legislative body of a city or town, but only after a
22 public hearing.

23 The six-year program of each city lying within an urban area shall
24 contain a separate section setting forth the six-year program for
25 arterial street construction based upon its long range construction
26 plan and formulated in accordance with rules of the transportation
27 improvement board. The six-year program for arterial street
28 construction shall be submitted to the transportation improvement board
29 forthwith after its annual revision and adoption by the legislative
30 body of the city. The six-year program for arterial street
31 construction shall be based upon estimated revenues available for such
32 construction together with such additional sums as the legislative
33 authority may request for urban arterials from the urban arterial trust
34 account or the transportation improvement account for the six-year
35 period. The arterial street construction program shall provide for a
36 more rapid rate of completion of the long-range construction needs of
37 principal arterial streets than for minor and collector arterial
38 streets, pursuant to rules of the transportation improvement board:
39 PROVIDED, That urban arterial trust funds made available to the group

1 of incorporated cities lying outside the boundaries of federally
2 approved urban areas within each region need not be divided between
3 functional classes of arterials but shall be available for any
4 designated arterial street.

5 (2) Each six-year program forwarded to the secretary in compliance
6 with subsection (1) of this section shall contain information as to how
7 a city or town will expend its moneys, including funds made available
8 pursuant to chapter 47.30 RCW, for bicycle, pedestrian, and equestrian
9 purposes.

10 **Sec. 5.** RCW 36.79.150 and 1991 sp.s. c 32 s 31 are each amended to
11 read as follows:

12 ~~((1))~~ Whenever the board approves a rural arterial project it
13 shall determine the amount of rural arterial trust account funds to be
14 allocated for such project. The allocation shall be based upon
15 information contained in the six-year plan submitted by the county
16 seeking approval of the project and upon such further investigation as
17 the board deems necessary. The board shall adopt reasonable rules
18 pursuant to which rural arterial trust account funds allocated to a
19 project may be increased upon a subsequent application of the county
20 constructing the project. The rules adopted by the board shall take
21 into account, but shall not be limited to, the following factors:
22 ~~((a))~~ (1) The financial effect of increasing the original allocation
23 for the project upon other rural arterial projects either approved or
24 requested; ~~((b))~~ (2) whether the project for which an additional
25 allocation is requested can be reduced in scope while retaining a
26 usable segment; ~~((c))~~ (3) whether the original cost of the project
27 shown in the applicant's six-year program was based upon reasonable
28 engineering estimates; and ~~((d))~~ (4) whether the requested additional
29 allocation is to pay for an expansion in the scope of work originally
30 approved.

31 ~~((2) The board shall not allocate funds, nor make payments under
32 RCW 36.79.160, to any county or city identified by the governor under
33 RCW 36.70A.340.))~~

34 **Sec. 6.** RCW 36.81.121 and 1990 1st ex.s. c 17 s 58 are each
35 amended to read as follows:

36 (1) Before July 1st of each year, the legislative authority of each
37 county with the advice and assistance of the county road engineer, and

1 pursuant to one or more public hearings thereon, shall prepare and
2 adopt a comprehensive road program for the ensuing six calendar years.
3 (~~If the county has adopted a comprehensive plan pursuant to chapter~~
4 ~~35.63 or 36.70 RCW, the inherent authority of a charter county derived~~
5 ~~from its charter, or chapter 36.70A RCW, the program shall be~~
6 ~~consistent with this comprehensive plan.))~~

7 The program shall include proposed road and bridge construction
8 work, and for those counties operating ferries shall also include a
9 separate section showing proposed capital expenditures for ferries,
10 docks, and related facilities. Copies of the program shall be filed
11 with the county road administration board and with the state secretary
12 of transportation not more than thirty days after its adoption by the
13 legislative authority. The purpose of this section is to assure that
14 each county shall perpetually have available advanced plans looking to
15 the future for not less than six years as a guide in carrying out a
16 coordinated road construction program. The program may at any time be
17 revised by a majority of the legislative authority but only after a
18 public hearing thereon.

19 (2) The six-year program of each county having an urban area within
20 its boundaries shall contain a separate section setting forth the six-
21 year program for arterial road construction based upon its long-range
22 construction plan and formulated in accordance with regulations of the
23 transportation improvement board. The six-year program for arterial
24 road construction shall be submitted to the transportation improvement
25 board forthwith after its annual revision and adoption by the
26 legislative authority of each county. The six-year program for
27 arterial road construction shall be based upon estimated revenues
28 available for such construction together with such additional sums as
29 the legislative authority of each county may request for urban
30 arterials from the urban arterial trust account or the transportation
31 improvement account for the six-year period. The arterial road
32 construction program shall provide for a more rapid rate of completion
33 of the long-range construction needs of principal arterial roads than
34 for minor and collector arterial roads, pursuant to regulations of the
35 transportation improvement board.

36 (3) Each six-year program forwarded to the secretary in compliance
37 with subsection (1) of this section shall contain information as to how
38 a county will expend its moneys, including funds made available

1 pursuant to chapter 47.30 RCW, for bicycles, pedestrians, and
2 equestrian purposes.

3 **Sec. 7.** RCW 36.94.040 and 1990 1st ex.s. c 17 s 33 are each
4 amended to read as follows:

5 The sewerage and/or water general plan must incorporate the
6 provisions of existing comprehensive plans relating to sewerage and
7 water systems of cities, towns, municipalities, and private utilities,
8 to the extent they have been implemented.

9 In any county in which a metropolitan municipal corporation is
10 authorized to perform the sewerage disposal or water supply function,
11 any sewerage and/or water general plan shall be approved by the
12 metropolitan municipal corporation prior to adoption by the county.

13 **Sec. 8.** RCW 36.105.070 and 1991 c 363 s 105 are each amended to
14 read as follows:

15 (1) Within ninety days of the election at which a community council
16 is created, the county legislative authority shall adopt an ordinance
17 establishing policies and conditions and designating portions or
18 components of the county comprehensive plan and zoning ordinances that
19 serve as an overall guide and framework for the development of proposed
20 community comprehensive plans and proposed community zoning ordinances.
21 (~~The conditions and policies shall conform with the requirements of~~
22 ~~chapter 36.70A RCW.~~)

23 (2) Proposed community comprehensive plans and proposed community
24 zoning ordinances that are adopted by a community council shall be
25 submitted to the county legislative authority for its review of the
26 consistency of the proposed plans and proposed ordinances with the
27 ordinance adopted under subsection (1) of this section. The county
28 legislative authority shall either approve the proposed plans and
29 proposed ordinances as adopted, or refer the proposed plans and
30 proposed ordinances back to the community council with written findings
31 specifying the inconsistencies, within ninety days after they were
32 submitted. The county comprehensive plan, or subarea plan and
33 comprehensive plan, and zoning ordinances shall remain in effect in the
34 community until the proposed community comprehensive plans and proposed
35 community zoning ordinances have been approved as provided in this
36 subsection.

1 (3) Each proposed amendment to approved community comprehensive
2 plans or approved community zoning ordinances that is adopted by a
3 community council shall be submitted to the county legislative
4 authority for its review of the consistency of the amendment with the
5 ordinance adopted under subsection (1) of this section. The county
6 legislative authority shall either approve the proposed amendment as
7 adopted or refer the proposed amendment back to the community council
8 with written findings specifying the inconsistencies within ninety days
9 after the proposed amendment was submitted. The unamended community
10 comprehensive plans and unamended community zoning ordinances shall
11 remain in effect in the community until the proposed amendment has been
12 approved as provided in this subsection.

13 (4) If the county legislative authority amends the ordinance it
14 adopted under subsection (1) of this section, a community council shall
15 be given at least one hundred twenty days to amend its community
16 comprehensive plans and community zoning ordinances to be consistent
17 with this amended ordinance. However, the county legislative authority
18 may amend the community comprehensive plans and community zoning
19 ordinances to achieve consistency with this amended ordinance. Nothing
20 in this subsection shall preclude a community council from subsequently
21 obtaining approval of its proposed community comprehensive plans and
22 proposed community zoning ordinances.

23 (5) Approved community comprehensive plans and approved community
24 zoning ordinances shall be enforced by the county as if they had been
25 adopted by the county legislative authority. All quasi-judicial
26 actions and permits relating to these plans and ordinances shall be
27 made and decided by the county legislative authority or otherwise as
28 provided by the county legislative authority.

29 (6) The county shall provide administrative and staff support for
30 each community council within its boundaries.

31 **Sec. 9.** RCW 43.31.005 and 1990 1st ex.s. c 17 s 68 are each
32 amended to read as follows:

33 The legislature of the state of Washington finds that economic
34 development is an essential public purpose which requires the active
35 involvement of state government. The state's primary economic strategy
36 is to encourage the retention and expansion of existing businesses, to
37 attract new businesses and industries, and to foster the formation of
38 new businesses (~~(, and to economically link rural communities with urban~~

1 areas)). In order to aid the citizens of Washington to obtain
2 desirable employment and achieve adequate incomes, it is necessary for
3 the state to encourage ((balanced growth and economic prosperity)) and
4 ((to)) promote a more diversified and healthy economy ((throughout the
5 state)).

6 The legislature finds that the state needs to improve its level of
7 employment, business activity, and revenue growth. In order to
8 increase job opportunities and revenues, a broader and more stable
9 economic base is needed. The state shall take primary responsibility
10 to encourage the balanced growth of the economy consistent with the
11 preservation of Washington's quality of life and environment. A
12 healthy economy can be achieved through partnership efforts with the
13 private sector to facilitate increased investment in Washington. It is
14 the policy of the state of Washington to encourage and promote an
15 economic development program that provides sufficient employment
16 opportunities for our current resident work force and those individuals
17 who will enter the state's work force in the future.

18 The legislature finds that the state of Washington has the
19 potential to become a major world trade gateway. In order for
20 Washington to fulfill its potential and compete successfully with other
21 states and provinces, it must articulate a consistent, long-term trade
22 policy. It is the responsibility of the state to monitor and ensure
23 that such traditional functions of state government as transportation,
24 infrastructure, education, taxation, regulation and public expenditures
25 contribute to the international trade focus the state of Washington
26 must develop.

27 **Sec. 10.** RCW 43.31.035 and 1990 1st ex.s. c 17 s 69 are each
28 amended to read as follows:

29 The department shall pursue a coordinated approach for the state's
30 economic development policies and programs to achieve a more
31 diversified and healthy economy. The department shall support and work
32 cooperatively with other state agencies, public and private
33 organizations, and units of local government, as well as the federal
34 government, to strengthen and coordinate economic development programs
35 throughout the state. The department's activities shall include, but
36 not be limited to:

37 (1) Providing economic development advisory assistance to the
38 governor, other state agencies, and the legislature on economic-related

1 issues, and other matters affecting the economic well-being of the
2 state and all its citizens.

3 (2) Providing staff and support to cabinet level interagency
4 economic development coordinating activities.

5 (3) Representing and monitoring the state's interests with the
6 federal government in its formulation of policies and programs in
7 economic development.

8 (4) Assisting in the development and implementation of a long-term
9 economic strategy for the state (~~((that encourages a balance in economic
10 growth between urban and rural areas and that stimulates economic
11 development in areas not experiencing problems associated with rapid
12 growth,))~~) and (~~((assisting))~~) the continual update of information and
13 strategies contained in the long-term economic program for the state.

14 **Sec. 11.** RCW 43.63A.065 and 1992 c 198 s 7 are each amended to
15 read as follows:

16 The department shall have the following functions and
17 responsibilities:

18 (1) Cooperate with and provide technical and financial assistance
19 to the local governments and to the local agencies serving the
20 communities of the state for the purpose of aiding and encouraging
21 orderly, productive, and coordinated development of the state(~~((, and,
22 unless stipulated otherwise, give priority to local communities with
23 the greatest relative need and the fewest resources))~~).

24 (2) Administer state and federal grants and programs which are
25 assigned to the department by the governor or the legislature.

26 (3) Administer community services programs through private,
27 nonprofit organizations and units of general purpose local government;
28 these programs are directed to the poor and infirm and include
29 community-based efforts to foster self-sufficiency and self-reliance,
30 energy assistance programs, head start, and weatherization.

31 (4) Study issues affecting the structure, operation, and financing
32 of local government as well as those state activities which involve
33 relations with local government and report the results and
34 recommendations to the governor, legislature, local government, and
35 citizens of the state.

36 (5) Assist the governor in coordinating the activities of state
37 agencies which have an impact on local governments and communities.

1 (6) Provide technical assistance to the governor and the
2 legislature on community development policies for the state.

3 (7) Assist in the production, development, rehabilitation, and
4 operation of owner-occupied or rental housing for low and moderate
5 income persons, and qualify as a participating state agency for all
6 programs of the Department of Housing and Urban Development or its
7 successor.

8 (8) Support and coordinate local efforts to promote volunteer
9 activities throughout the state.

10 (9) Participate with other states or subdivisions thereof in
11 interstate programs and assist cities, counties, municipal
12 corporations, governmental conferences or councils, and regional
13 planning commissions to participate with other states or their
14 subdivisions.

15 (10) Hold public hearings and meetings to carry out the purposes of
16 this chapter.

17 (11) Provide a comprehensive state-level focus for state fire
18 protection services, funding, and policy.

19 (12) Administer a program to identify, evaluate, and protect
20 properties which reflect outstanding elements of the state's cultural
21 heritage.

22 (13) Coordinate a comprehensive state program for mitigating,
23 preparing for, responding to, and recovering from emergencies and
24 disasters.

25 (14) Administer family services and programs to promote the state's
26 policy as provided in RCW 74.14A.025.

27 **Sec. 12.** RCW 43.88.030 and 1991 c 358 s 1 and 1991 c 284 s 1 are
28 each reenacted and amended to read as follows:

29 (1) The director of financial management shall provide all agencies
30 with a complete set of instructions for submitting biennial budget
31 requests to the director at least three months before agency budget
32 documents are due into the office of financial management. The
33 director shall provide agencies that are required under RCW 44.40.070
34 to develop comprehensive six-year program and financial plans with a
35 complete set of instructions for submitting these program and financial
36 plans at the same time that instructions for submitting other budget
37 requests are provided. The budget document or documents shall consist
38 of the governor's budget message which shall be explanatory of the

1 budget and shall contain an outline of the proposed financial policies
2 of the state for the ensuing fiscal period, as well as an outline of
3 the proposed six-year financial policies where applicable, and shall
4 describe in connection therewith the important features of the budget.
5 The message shall set forth the reasons for salient changes from the
6 previous fiscal period in expenditure and revenue items and shall
7 explain any major changes in financial policy. Attached to the budget
8 message shall be such supporting schedules, exhibits and other
9 explanatory material in respect to both current operations and capital
10 improvements as the governor shall deem to be useful to the
11 legislature. The budget document or documents shall set forth a
12 proposal for expenditures in the ensuing fiscal period, or six-year
13 period where applicable, based upon the estimated revenues as approved
14 by the economic and revenue forecast council or upon the estimated
15 revenues of the office of financial management for those funds,
16 accounts, and sources for which the office of the economic and revenue
17 forecast council does not prepare an official forecast, including those
18 revenues anticipated to support the six-year programs and financial
19 plans under RCW 44.40.070. In estimating revenues to support financial
20 plans under RCW 44.40.070, the office of financial management shall
21 rely on information and advice from the interagency revenue task force.
22 Revenues shall be estimated for such fiscal period from the source and
23 at the rates existing by law at the time of submission of the budget
24 document, including the supplemental budgets submitted in the even-
25 numbered years of a biennium. However, the estimated revenues for use
26 in the governor's budget document may be adjusted to reflect budgetary
27 revenue transfers and revenue estimates dependent upon budgetary
28 assumptions of enrollments, workloads, and caseloads. All adjustments
29 to the approved estimated revenues must be set forth in the budget
30 document. The governor may additionally submit, as an appendix to each
31 supplemental, biennial, or six-year agency budget or to the budget
32 document or documents, a proposal for expenditures in the ensuing
33 fiscal period from revenue sources derived from proposed changes in
34 existing statutes.

35 Supplemental and biennial documents shall reflect a six-year
36 expenditure plan consistent with estimated revenues from existing
37 sources and at existing rates for those agencies required to submit
38 six-year program and financial plans under RCW 44.40.070. Any
39 additional revenue resulting from proposed changes to existing statutes

1 shall be separately identified within the document as well as related
2 expenditures for the six-year period.

3 The budget document or documents shall also contain:

4 (a) Revenues classified by fund and source for the immediately past
5 fiscal period, those received or anticipated for the current fiscal
6 period, those anticipated for the ensuing biennium, and those
7 anticipated for the ensuing six-year period to support the six-year
8 programs and financial plans required under RCW 44.40.070;

9 (b) The undesignated fund balance or deficit, by fund;

10 (c) Such additional information dealing with expenditures,
11 revenues, workload, performance, and personnel as the legislature may
12 direct by law or concurrent resolution;

13 (d) Such additional information dealing with revenues and
14 expenditures as the governor shall deem pertinent and useful to the
15 legislature;

16 (e) Tabulations showing expenditures classified by fund, function,
17 activity and object;

18 (f) A delineation of each agency's activities, including those
19 activities funded from nonbudgeted, nonappropriated sources, including
20 funds maintained outside the state treasury; and

21 (g) Identification of all proposed direct expenditures to implement
22 the Puget Sound water quality plan under chapter 90.70 RCW, shown by
23 agency and in total.

24 (2) The budget document or documents shall include detailed
25 estimates of all anticipated revenues applicable to proposed operating
26 or capital expenditures and shall also include all proposed operating
27 or capital expenditures. The total of beginning undesignated fund
28 balance and estimated revenues less working capital and other reserves
29 shall equal or exceed the total of proposed applicable expenditures.
30 The budget document or documents shall further include:

31 (a) Interest, amortization and redemption charges on the state
32 debt;

33 (b) Payments of all reliefs, judgments and claims;

34 (c) Other statutory expenditures;

35 (d) Expenditures incident to the operation for each agency;

36 (e) Revenues derived from agency operations;

37 (f) Expenditures and revenues shall be given in comparative form
38 showing those incurred or received for the immediately past fiscal
39 period and those anticipated for the current biennium and next ensuing

1 biennium, as well as those required to support the six-year programs
2 and financial plans required under RCW 44.40.070;

3 (g) A showing and explanation of amounts of general fund and other
4 funds obligations for debt service and any transfers of moneys that
5 otherwise would have been available for appropriation;

6 (h) Common school expenditures on a fiscal-year basis;

7 (i) A showing, by agency, of the value and purpose of financing
8 contracts for the lease/purchase or acquisition of personal or real
9 property for the current and ensuing fiscal periods.

10 (3) A separate capital budget document or schedule shall be
11 submitted that will contain the following:

12 (a) A capital plan consisting of proposed capital spending for at
13 least four fiscal periods succeeding the next fiscal period;

14 (b) A capital program consisting of proposed capital projects for
15 at least the two fiscal periods succeeding the next fiscal period;

16 (c) A capital plan consisting of proposed capital spending for at
17 least four fiscal periods succeeding the next fiscal period;

18 (d) A statement of the reason or purpose for a project;

19 ~~((f))~~ ((~~g~~)) A statement about the proposed site, size, and estimated life
20 of the project, if applicable;

21 ~~((f))~~ ((~~g~~)) (f) Estimated total project cost;

22 ~~((h))~~ ((~~g~~)) (g) Estimated total project cost for each phase of the
23 project as defined by the office of financial management;

24 ~~((i))~~ ((~~h~~)) (h) Estimated ensuing biennium costs;

25 ~~((j))~~ ((~~i~~)) (i) Estimated costs beyond the ensuing biennium;

26 ~~((k))~~ ((~~j~~)) (j) Estimated construction start and completion dates;

27 ~~((l))~~ ((~~k~~)) (k) Estimated construction start and completion dates;

28 ~~((m))~~ ((~~l~~)) (l) Source and type of funds proposed;

29 ~~((n))~~ ((~~m~~)) (m) Such other information bearing upon capital projects as
30 the governor deems to be useful;

31 ~~((o))~~ ((~~n~~)) (n) Standard terms, including a standard and uniform
32 definition of maintenance for all capital projects;

33 ~~((p))~~ ((~~o~~)) (o) Such other information as the legislature may direct by
34 law or concurrent resolution.

35 For purposes of this subsection (3), the term "capital project"
36 shall be defined subsequent to the analysis, findings, and
37 recommendations of a joint committee comprised of representatives from
38 the house capital appropriations committee, senate ways and means
39

1 committee, legislative transportation committee, legislative evaluation
2 and accountability program committee, and office of financial
3 management.

4 (4) No change affecting the comparability of agency or program
5 information relating to expenditures, revenues, workload, performance
6 and personnel shall be made in the format of any budget document or
7 report presented to the legislature under this section or RCW
8 43.88.160(1) relative to the format of the budget document or report
9 which was presented to the previous regular session of the legislature
10 during an odd-numbered year without prior legislative concurrence.
11 Prior legislative concurrence shall consist of (a) a favorable majority
12 vote on the proposal by the standing committees on ways and means of
13 both houses if the legislature is in session or (b) a favorable
14 majority vote on the proposal by members of the legislative evaluation
15 and accountability program committee if the legislature is not in
16 session.

17 **Sec. 13.** RCW 43.88.110 and 1991 sp.s. c 32 s 27 and 1991 c 358 s
18 2 are each reenacted and amended to read as follows:

19 This section sets forth the expenditure programs and the allotment
20 and reserve procedures to be followed by the executive branch for
21 public funds.

22 (1) Allotments of an appropriation for any fiscal period shall
23 conform to the terms, limits, or conditions of the appropriation.

24 (2) The director of financial management shall provide all agencies
25 with a complete set of operating and capital instructions for preparing
26 a statement of proposed expenditures at least thirty days before the
27 beginning of a fiscal period. The set of instructions need not include
28 specific appropriation amounts for the agency.

29 (3) Within forty-five days after the beginning of the fiscal period
30 or within forty-five days after the governor signs the omnibus biennial
31 appropriations act, whichever is later, all agencies shall submit to
32 the governor a statement of proposed expenditures at such times and in
33 such form as may be required by the governor.

34 (4) The office of financial management shall develop a method for
35 monitoring capital appropriations and expenditures that will capture at
36 least the following elements:

37 (a) Appropriations made for capital projects including
38 transportation projects;

- 1 (b) Estimates of total project costs including past, current,
2 ensuing, and future biennial costs;
3 (c) Comparisons of actual costs to estimated costs;
4 (d) Comparisons of estimated construction start and completion
5 dates with actual dates;
6 (e) Documentation of fund shifts between projects.

7 This data may be incorporated into the existing accounting system
8 or into a separate project management system, as deemed appropriate by
9 the office of financial management.

10 (5) If at any time during the fiscal period the governor projects
11 a cash deficit in a particular fund or account as defined by RCW
12 43.88.050, the governor shall make across-the-board reductions in
13 allotments for that particular fund or account so as to prevent a cash
14 deficit, unless the legislature has directed the liquidation of the
15 cash deficit over one or more fiscal periods. Except for the
16 legislative and judicial branches and other agencies headed by elective
17 officials, the governor shall review the statement of proposed
18 operating expenditures for reasonableness and conformance with
19 legislative intent. Once the governor approves the statements of
20 proposed operating expenditures, further revisions shall be made only
21 at the beginning of the second fiscal year and must be initiated by the
22 governor. However, changes in appropriation level authorized by the
23 legislature, changes required by across-the-board reductions mandated
24 by the governor, and changes caused by executive increases to spending
25 authority(~~(, and changes caused by executive decreases to spending~~
26 ~~authority for failure to comply with the provisions of chapter 36.70A~~
27 RCW)) may require additional revisions. Revisions shall not be made
28 retroactively. Revisions caused by executive increases to spending
29 authority shall not be made after June 30, 1987. However, the governor
30 may assign to a reserve status any portion of an agency appropriation
31 withheld as part of across-the-board reductions made by the governor
32 and any portion of an agency appropriation conditioned on a contingent
33 event by the appropriations act. The governor may remove these amounts
34 from reserve status if the across-the-board reductions are subsequently
35 modified or if the contingent event occurs. The director of financial
36 management shall enter approved statements of proposed expenditures
37 into the state budgeting, accounting, and reporting system within
38 forty-five days after receipt of the proposed statements from the
39 agencies. If an agency or the director of financial management is

1 unable to meet these requirements, the director of financial management
2 shall provide a timely explanation in writing to the legislative fiscal
3 committees.

4 (6) It is expressly provided that all agencies shall be required to
5 maintain accounting records and to report thereon in the manner
6 prescribed in this chapter and under the regulations issued pursuant to
7 this chapter. Within ninety days of the end of the fiscal year, all
8 agencies shall submit to the director of financial management their
9 final adjustments to close their books for the fiscal year. Prior to
10 submitting fiscal data, written or oral, to committees of the
11 legislature, it is the responsibility of the agency submitting the data
12 to reconcile it with the budget and accounting data reported by the
13 agency to the director of financial management.

14 (7) The director of financial management shall monitor agency
15 operating expenditures against the approved statement of proposed
16 expenditures and shall provide the legislature with quarterly
17 explanations of major variances.

18 (8) The director of financial management may exempt certain public
19 funds from the allotment controls established under this chapter if it
20 is not practical or necessary to allot the funds. Allotment control
21 exemptions expire at the end of the fiscal biennium for which they are
22 granted. The director of financial management shall report any
23 exemptions granted under this subsection to the legislative fiscal
24 committees.

25 **Sec. 14.** RCW 43.155.070 and 1991 sp.s. c 32 s 23 are each amended
26 to read as follows:

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

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

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

34 (c) The local government must be using all local revenue sources
35 which are reasonably available for funding public works, taking into
36 consideration local employment and economic factors(~~(; and~~

37 ~~(d) A county, city, or town that is required or chooses to plan~~
38 ~~under RCW 36.70A.040 must have adopted a comprehensive plan in~~

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

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

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

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

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

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

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

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

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

31 ~~(h))~~ Other criteria that the board considers advisable.

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

37 (4) Before November 1 of each year, the board shall develop and
38 submit to the chairs of the ways and means committees of the senate and
39 house of representatives a description of the emergency loans made

1 under RCW 43.155.065 during the preceding fiscal year and a prioritized
2 list of projects which are recommended for funding by the legislature,
3 including one copy to the staff of each of the committees. The list
4 shall include, but not be limited to, a description of each project and
5 recommended financing, the terms and conditions of the loan or
6 financial guarantee, the local government jurisdiction and unemployment
7 rate, demonstration of the jurisdiction's critical need for the project
8 and documentation of local funds being used to finance the public works
9 project. The list shall also include measures of fiscal capacity for
10 each jurisdiction recommended for financial assistance, compared to
11 authorized limits and state averages, including local government sales
12 taxes; real estate excise taxes; property taxes; and charges for or
13 taxes on sewerage, water, garbage, 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) Subsections (4) and (5) of this section do not apply to loans
21 made for emergency public works projects under RCW 43.155.065.

22 **Sec. 15.** RCW 43.160.060 and 1990 1st ex.s. c 17 s 73 are each
23 amended to read as follows:

24 The board is authorized to make direct loans to political
25 subdivisions of the state for the purposes of assisting the political
26 subdivisions in financing the cost of public facilities, including
27 development of land and improvements for public facilities, as well as
28 the acquisition, construction, rehabilitation, alteration, expansion,
29 or improvement of the facilities. A grant may also be authorized for
30 purposes designated in this chapter, but only when, and to the extent
31 that, a loan is not reasonably possible, given the limited resources of
32 the political subdivision.

33 Application for funds shall be made in the form and manner as the
34 board may prescribe. In making grants or loans the board shall conform
35 to the following requirements:

36 (1) The board shall not make a grant or loan:

37 (a) For a project the primary purpose of which is to facilitate or
38 promote a retail shopping development or expansion.

1 (b) For any project that (~~evidence exists~~) probably would result
2 in a development or expansion that would displace existing jobs in any
3 other community in the state.

4 (c) For the acquisition of real property, including buildings and
5 other fixtures which are a part of real property.

6 (2) The board shall only make grants or loans:

7 (a) For those projects which would result in specific private
8 developments or expansions (i) in manufacturing, production, food
9 processing, assembly, warehousing, and industrial distribution; (ii)
10 for processing recyclable materials or for facilities that support
11 recycling, including processes not currently provided in the state,
12 including but not limited to, de-inking facilities, mixed waste paper,
13 plastics, yard waste, and problem-waste processing; (iii) for
14 manufacturing facilities that rely significantly on recyclable
15 materials, including but not limited to waste tires and mixed waste
16 paper; or (iv) (~~which support the relocation of businesses from~~
17 ~~nondistressed urban areas to distressed rural areas; or (v)~~) which
18 substantially support the trading of goods or services outside of the
19 state's borders.

20 (b) For projects which it finds will improve the opportunities for
21 the successful maintenance, establishment, or expansion of industrial
22 or commercial plants or will otherwise assist in the creation or
23 retention of long-term economic opportunities.

24 (c) When the application includes convincing evidence that a
25 specific private development or expansion is ready to occur and will
26 occur only if the grant or loan is made.

27 (3) The board shall prioritize each proposed project according to
28 the (~~relative benefits provided to the community by the jobs the~~
29 ~~project would create, not just the total~~) number of jobs it would
30 create after the project is completed and according to the unemployment
31 rate in the area in which the jobs would be located. As long as there
32 is more demand for loans or grants than there are funds available for
33 loans or grants, the board is instructed to fund projects in order of
34 their priority.

35 (4) A responsible official of the political subdivision shall be
36 present during board deliberations and provide information that the
37 board requests.

38 Before any loan or grant application is approved, the political
39 subdivision seeking the loan or grant must demonstrate to the community

1 economic revitalization board that no other timely source of funding is
2 available to it at costs reasonably similar to financing available from
3 the community economic revitalization board.

4 **Sec. 16.** RCW 43.168.050 and 1990 1st ex.s. c 17 s 74 are each
5 amended to read as follows:

6 (1) The committee may only approve an application providing a loan
7 for a project which the committee finds:

8 (a) Will result in the creation of employment opportunities or the
9 maintenance of threatened employment;

10 (b) Has been approved by the director as conforming to federal
11 rules and regulations governing the spending of federal community
12 development block grant funds;

13 (c) Will be of public benefit and for a public purpose, and that
14 the benefits, including increased or maintained employment, improved
15 standard of living, and the employment of disadvantaged workers, will
16 primarily accrue to residents of the area;

17 (d) Will probably be successful;

18 (e) Would probably not be completed without the loan because other
19 capital or financing at feasible terms is unavailable or the return on
20 investment is inadequate.

21 (2) The committee shall, subject to federal block grant criteria,
22 give higher priority to economic development projects that contain
23 provisions for child care.

24 (3) The committee may not approve an application if it fails to
25 provide for adequate reporting or disclosure of financial data to the
26 committee. The committee may require an annual or other periodic audit
27 of the project books.

28 (4) The committee may require that the project be managed in whole
29 or in part by a local development organization and may prescribe a
30 management fee to be paid to such organization by the recipient of the
31 loan or grant.

32 (5) (a) Except as provided in (b) of this subsection, the committee
33 shall not approve any application which would result in a loan or grant
34 in excess of three hundred fifty thousand dollars.

35 (b) The committee may approve an application which results in a
36 loan or grant of up to seven hundred thousand dollars if the
37 application has been approved by the director.

1 (6) The committee shall fix the terms and rates pertaining to its
2 loans.

3 (7) Should there be more demand for loans than funds available for
4 lending, the committee shall provide loans for those projects which
5 will lead to the greatest amount of employment or benefit to a
6 community. In determining the "greatest amount of employment or
7 benefit" the committee shall also consider the employment which would
8 be saved by its loan (~~and the benefit relative to the community, not~~
9 ~~just the total number of new jobs or jobs saved~~)).

10 (8) To the extent permitted under federal law the committee shall
11 require applicants to provide for the transfer of all payments of
12 principal and interest on loans to the Washington state development
13 loan fund created under this chapter. Under circumstances where the
14 federal law does not permit the committee to require such transfer, the
15 committee shall give priority to applications where the applicants on
16 their own volition make commitments to provide for the transfer.

17 (9) The committee shall not approve any application to finance or
18 help finance a shopping mall.

19 (10) The committee shall make at least eighty percent of the
20 appropriated funds available to projects located in distressed areas,
21 and may make up to twenty percent available to projects located in
22 areas not designated as distressed. The committee shall not make funds
23 available to projects located in areas not designated as distressed if
24 the fund's net worth is less than seven million one hundred thousand
25 dollars.

26 (11) If an objection is raised to a project on the basis of unfair
27 business competition, the committee shall evaluate the potential impact
28 of a project on similar businesses located in the local market area.
29 A grant may be denied by the committee if a project is not likely to
30 result in a net increase in employment within a local market area.

31 **Sec. 17.** RCW 43.210.010 and 1990 1st ex.s. c 17 s 65 are each
32 amended to read as follows:

33 The legislature finds:

34 (1) The exporting of goods and services from Washington to
35 international markets is an important economic stimulus to the growth,
36 development, and stability of the state's businesses (~~in both urban~~
37 ~~and rural areas~~)), and that these economic activities create needed
38 jobs for Washingtonians.

1 (2) Impediments to the entry of many small and medium-sized
2 businesses into export markets have restricted growth in exports from
3 the state.

4 (3) Particularly significant impediments for many small and medium-
5 sized businesses are the lack of easily accessible information about
6 export opportunities and financing alternatives.

7 (4) There is a need for a small business export finance assistance
8 center which will specialize in providing export assistance to small
9 and medium-sized businesses throughout the state in acquiring
10 information about export opportunities and financial alternatives for
11 exporting.

12 **Sec. 18.** RCW 43.210.020 and 1990 1st ex.s. c 17 s 66 are each
13 amended to read as follows:

14 A nonprofit corporation, to be known as the small business export
15 finance assistance center, and branches subject to its authority, may
16 be formed under chapter 24.03 RCW for the following public purposes:

17 (1) To assist small and medium-sized businesses in (~~both urban and~~
18 ~~rural areas in~~) the financing of export transactions.

19 (2) To provide, singly or in conjunction with other organizations,
20 information and assistance to these businesses about export
21 opportunities and financing alternatives.

22 (3) To provide information to and assist those businesses
23 interested in exporting products, including the opportunities available
24 to them in organizing export trading companies under the United States
25 export trading company act of 1982, for the purpose of increasing their
26 comparative sales volume and ability to export their products to
27 foreign markets.

28 **Sec. 19.** RCW 47.26.080 and 1991 sp.s. c 32 s 32 are each amended
29 to read as follows:

30 There is hereby created in the motor vehicle fund the urban
31 arterial trust account. All moneys deposited in the motor vehicle fund
32 to be credited to the urban arterial trust account shall be expended
33 for the construction and improvement of city arterial streets and
34 county arterial roads within urban areas, for expenses of the
35 transportation improvement board, or for the payment of principal or
36 interest on bonds issued for the purpose of constructing or improving
37 city arterial streets and county arterial roads within urban areas, or

1 for reimbursement to the state, counties, cities, and towns in
2 accordance with RCW 47.26.4252 and 47.26.4254, the amount of any
3 payments made on principal or interest on urban arterial trust account
4 bonds from motor vehicle or special fuel tax revenues which were
5 distributable to the state, counties, cities, and towns.

6 ~~((The board shall not allocate funds, nor make payments of the
7 funds under RCW 47.26.260, to any county, city, or town identified by
8 the governor under RCW 36.70A.340.))~~

9 **Sec. 20.** RCW 47.86.035 and 1992 c 190 s 1 are each amended to read
10 as follows:

11 The legislature finds that an integrated air transportation system
12 with efficient intermodal linkages is vital to the economic and social
13 vitality of the state. Coordination and cooperation among public
14 agencies and between the public and private sector is crucial to the
15 development of such a system. In 1990, the legislature created the air
16 transportation commission to develop an air transportation strategy,
17 implicitly based upon the coordination and cooperation of these
18 entities.

19 Specifically, the commission will assess the state-wide
20 implications of local and regional air transportation planning,
21 recommend specific goals for air transportation, and define the
22 relationship between air transportation and environmental and economic
23 policy goals. It will also formulate state-wide policy
24 recommendations, and coordinate air transportation with state-wide
25 transportation system planning.

26 Clearly, the commission's work will assist the legislature in
27 developing a comprehensive air transportation policy that will sustain
28 economic development ~~((and incorporate the legislature's recently
29 adopted growth strategies))~~; provided, however, that nothing contained
30 herein shall be construed to prevent any ~~((county wide or multicounty
31 planning council created pursuant to RCW 36.70A.210,))~~ regional
32 transportation planning organization created pursuant to chapter 47.80
33 RCW ~~((, municipal corporation, special district, political subdivision
34 or any other unit of local government from proceeding with the planning
35 process pursuant to the requirements of the growth management act,
36 chapter 36.70A RCW))~~ or be construed to prevent compliance with the
37 state environmental policy act, chapter 43.21C RCW or with the national
38 environmental policy act, 42 U.S.C. Secs. 4321 through 4370b.

1 The final report of the air transportation commission to the
2 legislative transportation committee is due by December 1, 1994, with
3 an interim report to that committee by December 1, 1992.

4 **Sec. 21.** RCW 56.08.020 and 1990 1st ex.s. c 17 s 34 are each
5 amended to read as follows:

6 The sewer commissioners before ordering any improvements hereunder
7 or submitting to vote any proposition for incurring indebtedness shall
8 adopt a general comprehensive plan for a system of sewers for the
9 district. They shall investigate all portions and sections of the
10 district and select a general comprehensive plan for a system of sewers
11 for the district suitable and adequate for present and reasonably
12 foreseeable future needs thereof. The general comprehensive plan shall
13 provide for treatment plants and other methods for the disposal of
14 sewage and industrial and other liquid wastes now produced or which may
15 reasonably be expected to be produced within the district and shall,
16 for such portions of the district as may then reasonably be served,
17 provide for the acquisition or construction and installation of
18 laterals, trunk sewers, intercepting sewers, syphons, pumping stations,
19 or other sewage collection facilities. The general comprehensive plan
20 shall provide the method of distributing the cost and expense of the
21 sewer system provided therein against the district and against utility
22 local improvement districts within the district, including any utility
23 local improvement district lying wholly or partially within any other
24 political subdivision included in the district; and provide whether the
25 whole or some part of the cost and expenses shall be paid from sewer
26 revenue bonds. The commissioners may employ such engineering and legal
27 services as they deem necessary in carrying out the purposes hereof.

28 The general comprehensive plan shall be adopted by resolution and
29 submitted to an engineer designated by the legislative authority of the
30 county in which fifty-one percent or more of the area of the district
31 is located, and to the director of health of the county in which the
32 district or any portion thereof is located, and must be approved in
33 writing by the engineer and director of health. The general
34 comprehensive plan shall be approved, conditionally approved, or
35 rejected by the director of health within sixty days of the plan's
36 receipt and by the designated engineer within sixty days of the plan's
37 receipt. (~~However, this sixty day time limitation may be extended by
38 the director of health or engineer for up to an additional sixty days~~)

1 ~~if sufficient time is not available to review adequately the general~~
2 ~~comprehensive plans.))~~

3 Before becoming effective, the general comprehensive plan shall
4 also be submitted to, and approved by resolution of, the legislative
5 authority of every county within whose boundaries all or a portion of
6 the sewer district lies. The ((general)) governing body may not impose
7 requirements restricting the maximum size of the sewer system
8 facilities provided for in the comprehensive plan ((shall be approved,
9 ~~conditionally approved, or rejected by each of these county legislative~~
10 ~~authorities pursuant to the criteria in RCW 56.02.060 for approving the~~
11 ~~formation, reorganization, annexation, consolidation, or merger of~~
12 ~~sewer districts, and the resolution, ordinance, or motion of the~~
13 ~~legislative body which rejects the comprehensive plan or a part thereof~~
14 ~~shall specifically state in what particular the comprehensive plan or~~
15 ~~part thereof rejected fails to meet these criteria. The general~~
16 ~~comprehensive plan shall not provide for the extension or location of~~
17 ~~facilities that are inconsistent with the requirements of RCW~~
18 ~~36.70A.110)).~~ Nothing in this chapter shall preclude a county from
19 rejecting a proposed plan because it is in conflict with the criteria
20 in RCW 56.02.060. Each general comprehensive plan shall be deemed
21 approved if the county legislative authority fails to reject or
22 conditionally approve the plan within ninety days of submission to the
23 county legislative authority or within thirty days of a hearing on the
24 plan when the hearing is held within ninety days of the plan's
25 submission to the county legislative authority. ~~((However, a county~~
26 ~~legislative authority may extend this ninety-day time limitation by up~~
27 ~~to an additional ninety days where a finding is made that ninety days~~
28 ~~is insufficient to review adequately the general comprehensive plan.~~
29 ~~In addition,))~~ The sewer commissioners and the county legislative
30 authority may mutually agree to an extension of the deadlines in this
31 section.

32 If the district includes portions or all of one or more cities or
33 towns, the general comprehensive plan shall be submitted also to, and
34 approved by resolution of, the governing body of such cities and towns
35 before becoming effective. The general comprehensive plan shall be
36 deemed approved by the city or town governing body if the city or town
37 governing body fails to reject or conditionally approve the plan within
38 ninety days of the plan's submission to the city or town or within
39 thirty days of a hearing on the plan when the hearing is held within

1 ninety days of submission to the county legislative authority.
2 (~~However, a city or town governing body may extend this time~~
3 ~~limitation by up to an additional ninety days where a finding is made~~
4 ~~that insufficient time exists to adequately review the general~~
5 ~~comprehensive plan within these time limitations. In addition, the~~
6 ~~sewer commissioners and the city or town governing body may mutually~~
7 ~~agree to an extension of the deadlines in this section.))~~

8 Before becoming effective, any amendment to, alteration of, or
9 addition to, a general comprehensive plan shall also be subject to such
10 approval as if it were a new general comprehensive plan: PROVIDED,
11 That only if the amendment, alteration, or addition, affects a
12 particular city or town, shall the amendment, alteration, or addition
13 be subject to approval by such particular city or town governing body.

14 **Sec. 22.** RCW 57.16.010 and 1990 1st ex.s. c 17 s 35 are each
15 amended to read as follows:

16 The water district commissioners before ordering any improvements
17 hereunder or submitting to vote any proposition for incurring any
18 indebtedness shall adopt a general comprehensive plan of water supply
19 for the district. They shall investigate the several portions and
20 sections of the district for the purpose of determining the present and
21 reasonably foreseeable future needs thereof; shall examine and
22 investigate, determine and select a water supply or water supplies for
23 such district suitable and adequate for present and reasonably
24 foreseeable future needs thereof; and shall consider and determine a
25 general system or plan for acquiring such water supply or water
26 supplies; and the lands, waters and water rights and easements
27 necessary therefor, and for retaining and storing any such waters,
28 erecting dams, reservoirs, aqueducts and pipe lines to convey the same
29 throughout such district. There may be included as part of the system
30 the installation of fire hydrants at suitable places throughout the
31 district, and the purchase and maintenance of necessary fire fighting
32 equipment and apparatus, together with facilities for housing same.
33 The water district commissioners shall determine a general
34 comprehensive plan for distributing such water throughout such portion
35 of the district as may then reasonably be served by means of subsidiary
36 aqueducts and pipe lines, and the method of distributing the cost and
37 expense thereof against such water district and against local
38 improvement districts or utility local improvement districts within

1 such water district for any lawful purpose, and including any such
2 local improvement district or utility local improvement district lying
3 wholly or partially within the limits of any city or town in such
4 district, and shall determine whether the whole or part of the cost and
5 expenses shall be paid from water revenue bonds. After July 23, 1989,
6 when the district adopts a general comprehensive plan or plans for an
7 area annexed as provided for in RCW 57.16.010, the district shall
8 include a long-term plan for ~~((finaneing))~~ the planned projects. The
9 commissioners may employ such engineering and legal service as in their
10 discretion is necessary in carrying out their duties.

11 The general comprehensive plan shall be adopted by resolution and
12 submitted to an engineer designated by the legislative authority of the
13 county in which fifty-one percent or more of the area of the district
14 is located, and to the director of health of the county in which the
15 district or any portion thereof is located, and must be approved in
16 writing by the engineer and director of health. The general
17 comprehensive plan shall be approved, conditionally approved, or
18 rejected by the director of health within sixty days of the plan's
19 receipt and by the designated engineer within sixty days of the plan's
20 receipt. ~~((However, this sixty day time limitation may be extended by
21 the director of health or engineer for up to an additional sixty days
22 if sufficient time is not available to review adequately the general
23 comprehensive plans.))~~

24 Before becoming effective, the general comprehensive plan shall
25 also be submitted to, and approved by resolution of, the legislative
26 authority of every county within whose boundaries all or a portion of
27 the water district lies. The ((general)) governing body may not impose
28 requirements restricting the maximum size of the water supply
29 facilities provided for in the comprehensive plan ~~((shall be approved,
30 conditionally approved, or rejected by each of these county legislative
31 authorities pursuant to the criteria in RCW 57.02.040 for approving the
32 formation, reorganization, annexation, consolidation, or merger of
33 water districts, and the resolution, ordinance, or motion of the
34 legislative body which rejects the comprehensive plan or a part thereof
35 shall specifically state in what particular the comprehensive plan or
36 part thereof rejected fails to meet these criteria. The general
37 comprehensive plan shall not provide for the extension or location of
38 facilities that are inconsistent with the requirements of RCW
39 36.70A.110)).~~ Nothing in this chapter shall preclude a county from

1 rejecting a proposed plan because it is in conflict with the criteria
2 in RCW 57.02.040. Each general comprehensive plan shall be deemed
3 approved if the county legislative authority fails to reject or
4 conditionally approve the plan within ninety days of the plan's
5 submission to the county legislative authority or within thirty days of
6 a hearing on the plan when the hearing is held within ninety days of
7 submission to the county legislative authority. (~~However, a county~~
8 ~~legislative authority may extend this ninety-day time limitation by up~~
9 ~~to an additional ninety days where a finding is made that ninety days~~
10 ~~is insufficient to review adequately the general comprehensive plan.~~
11 ~~In addition,~~) The water commissioners and the county legislative
12 authority may mutually agree to an extension of the deadlines in this
13 section.

14 If the district includes portions or all of one or more cities or
15 towns, the general comprehensive plan shall be submitted also to, and
16 approved by resolution of, the governing bodies of such cities and
17 towns before becoming effective. The general comprehensive plan shall
18 be deemed approved by the city or town governing body if the city or
19 town governing body fails to reject or conditionally approve the plan
20 within ninety days of the plan's submission to the city or town or
21 within thirty days of a hearing on the plan when the hearing is held
22 within ninety days of submission to the county legislative authority.
23 (~~However, a city or town governing body may extend this time~~
24 ~~limitation by up to an additional ninety days where a finding is made~~
25 ~~that insufficient time exists to adequately review the general~~
26 ~~comprehensive plan within these time limitations. In addition, the~~
27 ~~sewer [water] commissioners and the city or town governing body may~~
28 ~~mutually agree to an extension of the deadlines in this section.))~~

29 Before becoming effective, any amendment to, alteration of, or
30 addition to, a general comprehensive plan shall also be subject to such
31 approval as if it were a new general comprehensive plan: PROVIDED,
32 That only if the amendment, alteration, or addition affects a
33 particular city or town, shall the amendment, alteration or addition be
34 subject to approval by such particular city or town governing body.

35 **Sec. 23.** RCW 58.17.060 and 1990 1st ex.s. c 17 s 51 are each
36 amended to read as follows:

37 (1) The legislative body of a city, town, or county shall adopt
38 regulations and procedures, and appoint administrative personnel for

1 the summary approval of short plats and short subdivisions or
2 alteration or vacation thereof. When an alteration or vacation
3 involves a public dedication, the alteration or vacation shall be
4 processed as provided in RCW 58.17.212 or 58.17.215. Such regulations
5 shall be adopted by ordinance and (~~shall provide that a short plat and~~
6 ~~short subdivision may be approved only if written findings that are~~
7 ~~appropriate, as provided in RCW 58.17.110, are made by the~~
8 ~~administrative personnel, and~~) may contain wholly different
9 requirements than those governing the approval of preliminary and final
10 plats of subdivisions and may require surveys and monumentations and
11 shall require filing of a short plat, or alteration or vacation
12 thereof, for record in the office of the county auditor: PROVIDED,
13 That such regulations must contain a requirement that land in short
14 subdivisions may not be further divided in any manner within a period
15 of five years without the filing of a final plat, except that when the
16 short plat contains fewer than four parcels, nothing in this section
17 shall prevent the owner who filed the short plat from filing an
18 alteration within the five-year period to create up to a total of four
19 lots within the original short plat boundaries: PROVIDED FURTHER, That
20 such regulations are not required to contain a penalty clause as
21 provided in RCW 36.32.120 and may provide for wholly injunctive relief.

22 An ordinance requiring a survey shall require that the survey be
23 completed and filed with the application for approval of the short
24 subdivision.

25 (2) Cities, towns, and counties shall include in their short plat
26 regulations and procedures pursuant to subsection (1) of this section
27 provisions for considering sidewalks and other planning features that
28 assure safe walking conditions for students who walk to and from
29 school.

30 **Sec. 24.** RCW 58.17.110 and 1990 1st ex.s. c 17 s 52 are each
31 amended to read as follows:

32 (1) The city, town, or county legislative body shall inquire into
33 the public use and interest proposed to be served by the establishment
34 of the subdivision and dedication. It shall determine: (a) If
35 appropriate provisions are made for, but not limited to, the public
36 health, safety, and general welfare, for open spaces, drainage ways,
37 streets (~~or roads~~), alleys, other public ways, (~~transit stops,~~
38 ~~potable~~) water supplies, sanitary wastes, parks (~~and recreation~~),

1 playgrounds, sites for schools and schoolgrounds, and shall consider
2 all other relevant facts, including sidewalks and other planning
3 features that assure safe walking conditions for students who ((only))
4 walk to and from school; and (b) whether the public interest will be
5 served by the subdivision and dedication.

6 (2) A proposed subdivision and dedication shall ((not)) be approved
7 ((unless)) if the city, town, or county legislative body ((makes
8 ~~written findings~~)) finds that: (a) Appropriate provisions are made for
9 the public health, safety, and general welfare and for such open
10 spaces, drainage ways, streets ((~~or roads~~)), alleys, other public ways,
11 ((~~transit stops, potable~~)) water supplies, sanitary wastes, parks ((and
12 ~~recreation~~)), playgrounds, sites for schools and schoolgrounds and all
13 other relevant facts, including sidewalks and other planning features
14 that assure safe walking conditions for students who ((only)) walk to
15 and from school; and (b) the public use and interest will be served by
16 the platting of such subdivision and dedication. If it finds that the
17 proposed subdivision and dedication does not make such appropriate
18 provisions ((and)) or that the public use and interest will not be
19 served, then the legislative body ((~~shall approve~~)) may disapprove the
20 proposed subdivision and dedication. Dedication of land to any public
21 body((, ~~provision of public improvements to serve the subdivision,~~
22 ~~and/or impact fees imposed under RCW 82.02.050 through 82.02.090~~)) may
23 be required as a condition of subdivision approval. Dedications shall
24 be clearly shown on the final plat. ((~~No dedication, provision of~~
25 ~~public improvements, or impact fees imposed under RCW 82.02.050 through~~
26 ~~82.02.090 shall be allowed that constitutes an unconstitutional taking~~
27 ~~of private property.~~)) The legislative body shall not as a condition
28 to the approval of any subdivision require a release from damages to be
29 procured from other property owners.

30 **Sec. 25.** RCW 66.08.190 and 1991 sp.s. c 32 s 34 are each amended
31 to read as follows:

32 When excess funds are distributed, all moneys subject to
33 distribution shall be disbursed as follows:

34 (1) Three-tenths of one percent to the department of community
35 development to be allocated to border areas under RCW 66.08.195; and

36 (2) From the amount remaining after distribution under subsection
37 (1) of this section, fifty percent to the general fund of the state,

1 ten percent to the counties of the state, and forty percent to the
2 incorporated cities and towns of the state.

3 ~~((3) The governor may notify and direct the state treasurer to
4 withhold the revenues to which the counties and cities are entitled
5 under this section if the counties or cities are found to be in
6 noncompliance pursuant to RCW 36.70A.340.))~~

7 **Sec. 26.** RCW 70.94.455 and 1991 c 199 s 503 are each amended to
8 read as follows:

9 After January 1, 1992, no used solid fuel burning device shall be
10 installed in new or existing buildings unless such device is either
11 Oregon department of environmental quality phase II or United States
12 environmental protection agency certified or a pellet stove either
13 certified or exempt from certification by the United States
14 environmental protection agency.

15 (1) By July 1, 1992, the state building code council shall adopt
16 rules requiring an adequate source of heat other than wood stoves in
17 all new and substantially remodeled residential and commercial
18 construction. This rule shall apply ~~((a) to areas designated by a
19 county to be an urban growth area under chapter 36.70A RCW; and (b))~~
20 to areas designated by the environmental protection agency as being in
21 nonattainment for particulate matter.

22 (2) For purposes of this section, "substantially remodeled" means
23 any alteration or restoration of a building exceeding sixty percent of
24 the appraised value of such building within a twelve-month period.

25 **Sec. 27.** RCW 70.94.527 and 1991 c 202 s 12 are each amended to
26 read as follows:

27 (1) Each county with a population over one hundred fifty thousand,
28 and each city or town within those counties containing a major employer
29 shall, by October 1, 1992, adopt by ordinance and implement a commute
30 trip reduction plan for all major employers. The plan shall be
31 developed in cooperation with local transit agencies, regional
32 transportation planning organizations as established in RCW 47.80.020,
33 major employers, and the owners of and employers at major worksites.
34 The plan shall be designed to achieve reductions in the proportion of
35 single-occupant vehicle commute trips and the commute trip vehicle
36 miles traveled per employee by employees of major public and private
37 sector employers in the jurisdiction.

1 (2) All other counties, and cities and towns in those counties, may
2 adopt and implement a commute trip reduction plan.

3 (3) The department of ecology may, after consultation with the
4 state energy office, as part of the state implementation plan for areas
5 that do not attain the national ambient air quality standards for
6 carbon monoxide or ozone, require municipalities other than those
7 identified in subsection (1) of this section to adopt and implement
8 commute trip reduction plans if the department determines that such
9 plans are necessary for attainment of said standards.

10 (4) A commute trip reduction plan shall be consistent with the
11 guidelines established under RCW 70.94.537 and shall include but is not
12 limited to (a) goals for reductions in the proportion of single-
13 occupant vehicle commute trips and the commute trip vehicle miles
14 traveled per employee; (b) designation of commute trip reduction zones;
15 (c) requirements for major public and private sector employers to
16 implement commute trip reduction programs; (d) a commute trip reduction
17 program for employees of the county, city, or town; (e) a review of
18 local parking policies and ordinances as they relate to employers and
19 major worksites and any revisions necessary to comply with commute trip
20 reduction goals and guidelines; (f) an appeals process by which major
21 employers, who as a result of special characteristics of their business
22 or its locations would be unable to meet the requirements of a commute
23 trip reduction plan, may obtain waiver or modification of those
24 requirements; and (g) means for determining base year values of the
25 proportion of single-occupant vehicle commute trips and the commute
26 trip vehicle miles traveled per employee and progress toward meeting
27 commute trip reduction plan goals on an annual basis. Goals which are
28 established shall take into account existing transportation demand
29 management efforts which are made by major employers. Each
30 jurisdiction shall ensure that employers shall receive full credit for
31 the results of transportation demand management efforts and commute
32 trip reduction programs which have been implemented by major employers
33 prior to the base year. The goals for miles traveled per employee for
34 all major employers shall not be less than a fifteen percent reduction
35 from the base year value of the commute trip reduction zone in which
36 their worksite is located by January 1, 1995, twenty-five percent
37 reduction from the base year values by January 1, 1997, and thirty-five
38 percent reduction from the base year values by January 1, 1999.

1 (5) A county, city, or town may, as part of its commute trip
2 reduction plan, require commute trip reduction programs for employers
3 with ten or more full time employees at major worksites in federally
4 designated nonattainment areas for carbon monoxide and ozone. The
5 county, city or town shall develop the programs in cooperation with
6 affected employers and provide technical assistance to the employers in
7 implementing such programs.

8 (6) The commute trip reduction plans adopted by counties, cities,
9 and towns under this chapter shall be consistent with and may be
10 incorporated in applicable state or regional transportation plans and
11 local comprehensive plans and shall be coordinated, and consistent
12 with, the commute trip reduction plans of counties, cities, or towns
13 with which the county, city, or town has, in part, common borders or
14 related regional issues. Such regional issues shall include assuring
15 consistency in the treatment of employers who have worksites subject to
16 the requirements of this chapter in more than one jurisdiction.
17 Counties, cities, or towns adopting commute trip reduction plans may
18 enter into agreements through the interlocal cooperation act or by
19 resolution or ordinance as appropriate with other jurisdictions, local
20 transit agencies, or regional transportation planning organizations to
21 coordinate the development and implementation of such plans. Counties,
22 cities, or towns adopting a commute trip reduction plan shall review it
23 annually and revise it as necessary (~~to be consistent with applicable~~
24 ~~plans developed under RCW 36.70A.070~~)).

25 (7) Each county, city, or town implementing a commute trip
26 reduction program shall, within thirty days submit a summary of its
27 plan along with certification of adoption to the commute trip reduction
28 task force established under RCW 70.94.537.

29 (8) Each county, city, or town implementing a commute trip
30 reduction program shall submit an annual progress report to the commute
31 trip reduction task force established under RCW 70.94.537. The report
32 shall be due July 1, 1994, and each July 1 thereafter through July 1,
33 2000. The report shall describe progress in attaining the applicable
34 commute trip reduction goals for each commute trip reduction zone and
35 shall highlight any problems being encountered in achieving the goals.
36 The information shall be reported in a form established by the commute
37 trip reduction task force.

38 (9) Any waivers or modifications of the requirements of a commute
39 trip reduction plan granted by a jurisdiction shall be submitted for

1 review to the commute trip reduction task force established under RCW
2 70.94.537. The commute trip reduction task force may not deny the
3 granting of a waiver or modification of the requirements of a commute
4 trip reduction plan by a jurisdiction but they may notify the
5 jurisdiction of any comments or objections.

6 (10) Each county, city, or town implementing a commute trip
7 reduction program shall count commute trips eliminated through work-at-
8 home options or alternate work schedules as one and two-tenths vehicle
9 trips eliminated for the purpose of meeting trip reduction goals.

10 (11) Plans implemented under this section shall not apply to
11 commute trips for seasonal agricultural employees.

12 (12) Plans implemented under this section shall not apply to
13 construction worksites when the expected duration of the construction
14 project is less than two years.

15 **Sec. 28.** RCW 70.94.534 and 1991 c 202 s 14 are each amended to
16 read as follows:

17 (1) Each jurisdiction implementing a commute trip reduction plan
18 under this chapter (~~(or as part of a plan or ordinance developed under~~
19 ~~RCW 36.70A.070)~~) shall review each employer's initial commute trip
20 reduction program to determine if the program is likely to meet the
21 applicable commute trip reduction goals. The employer shall be
22 notified by the jurisdiction of its findings. If the jurisdiction
23 finds that the program is not likely to meet the applicable commute
24 trip reduction goals, the jurisdiction will work with the employer to
25 modify the program as necessary. The jurisdiction shall complete
26 review of each employer's initial commute trip reduction program within
27 three months of receipt.

28 (2) Each jurisdiction shall annually review each employer's
29 progress toward meeting the applicable commute trip reduction goals.
30 If it appears an employer is not likely to meet the applicable commute
31 trip reduction goals, the jurisdiction shall work with the employer to
32 make modifications to the commute trip reduction program.

33 (3) If an employer fails to meet the applicable commute trip
34 reduction goals, the jurisdiction shall propose modifications to the
35 program and direct the employer to revise its program within thirty
36 days to incorporate those modifications or modifications which the
37 jurisdiction determines to be equivalent.

1 (4) Each jurisdiction implementing a commute trip reduction plan
2 pursuant to this chapter may impose civil penalties, in the manner
3 provided in chapter 7.80 RCW, for failure by an employer to implement
4 a commute trip reduction program or to modify its commute trip
5 reduction program as required in subsection (3) of this section. No
6 major employer shall be liable for civil penalties under this chapter
7 if failure to achieve a commute trip reduction program goal was the
8 result of an inability to reach agreement with a certified collective
9 bargaining agent under applicable laws where the issue was raised by
10 the employer and pursued in good faith.

11 **Sec. 29.** RCW 70.94.743 and 1991 c 199 s 402 are each amended to
12 read as follows:

13 (1) Consistent with the policy of the state to reduce outdoor
14 burning to the greatest extent practical:

15 (a) Outdoor burning shall not be allowed in any area of the state
16 where federal or state ambient air quality standards are exceeded for
17 pollutants emitted by outdoor burning.

18 (b) Outdoor burning shall not be allowed in any urban growth area
19 (~~as defined by RCW 36.70A.030~~), or any city of the state having a
20 population greater than ten thousand people if such cities are
21 threatened to exceed state or federal air quality standards, and
22 alternative disposal practices consistent with good solid waste
23 management are reasonably available or practices eliminating production
24 of organic refuse are reasonably available. In no event shall such
25 burning be allowed after December 31, 2000.

26 (2) "Outdoor burning" means the combustion of material of any type
27 in an open fire or in an outdoor container without providing for the
28 control of combustion or the control of emissions from the combustion.

29 (3) This section shall not apply to silvicultural burning used to
30 improve or maintain fire dependent ecosystems for rare plants or
31 animals within state, federal, and private natural area preserves,
32 natural resource conservation areas, parks, and other wildlife areas.

33 **Sec. 30.** RCW 70.146.070 and 1991 sp.s. c 32 s 24 are each amended
34 to read as follows:

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

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

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

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

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

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

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

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

25 **Sec. 31.** RCW 76.09.050 and 1990 1st ex.s. c 17 s 61 are each
26 amended to read as follows:

27 (1) The board shall establish by rule which forest practices shall
28 be included within each of the following classes:

29 Class I: Minimal or specific forest practices that have no direct
30 potential for damaging a public resource that may be conducted without
31 submitting an application or a notification;

32 Class II: Forest practices which have a less than ordinary
33 potential for damaging a public resource that may be conducted without
34 submitting an application and may begin five calendar days, or such
35 lesser time as the department may determine, after written notification
36 by the operator, in the manner, content, and form as prescribed by the
37 department, is received by the department. Class II shall not include
38 forest practices:

1 (a) On lands platted after January 1, 1960, or being converted to
2 another use;

3 (b) Which require approvals under the provisions of the hydraulics
4 act, RCW 75.20.100;

5 (c) Within "shorelines of the state" as defined in RCW 90.58.030;
6 or

7 (d) Excluded from Class II by the board;

8 Class III: Forest practices other than those contained in Class I,
9 II, or IV. A Class III application must be approved or disapproved by
10 the department within thirty calendar days from the date the department
11 receives the application;

12 Class IV: Forest practices other than those contained in Class I
13 or II: (a) On lands platted after January 1, 1960, (b) on lands being
14 converted to another use, (c) on lands which, pursuant to RCW 76.09.070
15 as now or hereafter amended, are not to be reforested because of the
16 likelihood of future conversion to urban development, and/or (d) which
17 have a potential for a substantial impact on the environment and
18 therefore require an evaluation by the department as to whether or not
19 a detailed statement must be prepared pursuant to the state
20 environmental policy act, chapter 43.21C RCW. Such evaluation shall be
21 made within ten days from the date the department receives the
22 application: PROVIDED, That nothing herein shall be construed to
23 prevent any local or regional governmental entity from determining that
24 a detailed statement must be prepared for an action pursuant to a Class
25 IV forest practice taken by that governmental entity concerning the
26 land on which forest practices will be conducted. A Class IV
27 application must be approved or disapproved by the department within
28 thirty calendar days from the date the department receives the
29 application, unless the department determines that a detailed statement
30 must be made, in which case the application must be approved or
31 disapproved by the department within sixty calendar days from the date
32 the department receives the application, unless the commissioner of
33 public lands, through the promulgation of a formal order, determines
34 that the process cannot be completed within such period.

35 Forest practices under Classes I, II, and III are exempt from the
36 requirements for preparation of a detailed statement under the state
37 environmental policy act.

38 (2) No Class II, Class III, or Class IV forest practice shall be
39 commenced or continued after January 1, 1975, unless the department has

1 received a notification with regard to a Class II forest practice or
2 approved an application with regard to a Class III or Class IV forest
3 practice containing all information required by RCW 76.09.060 as now or
4 hereafter amended: PROVIDED, That any person commencing a forest
5 practice during 1974 may continue such forest practice until April 1,
6 1975, if such person has submitted an application to the department
7 prior to January 1, 1975: PROVIDED, FURTHER, That in the event forest
8 practices regulations necessary for the scheduled implementation of
9 this chapter and RCW 90.48.420 have not been adopted in time to meet
10 such schedules, the department shall have the authority to regulate
11 forest practices and approve applications on such terms and conditions
12 consistent with this chapter and RCW 90.48.420 and the purposes and
13 policies of RCW 76.09.010 until applicable forest practices regulations
14 are in effect.

15 (3) If a notification or application is delivered in person to the
16 department by the operator or his agent, the department shall
17 immediately provide a dated receipt thereof. In all other cases, the
18 department shall immediately mail a dated receipt to the operator.

19 (4) Forest practices shall be conducted in accordance with the
20 forest practices regulations, orders and directives as authorized by
21 this chapter or the forest practices regulations, and the terms and
22 conditions of any approved applications.

23 (5) The department of natural resources shall notify the applicant
24 in writing of either its approval of the application or its disapproval
25 of the application and the specific manner in which the application
26 fails to comply with the provisions of this section or with the forest
27 practices regulations. Except as provided otherwise in this section,
28 if the department fails to either approve or disapprove an application
29 or any portion thereof within the applicable time limit, the
30 application shall be deemed approved and the operation may be
31 commenced: PROVIDED, That this provision shall not apply to
32 applications which are neither approved nor disapproved pursuant to the
33 provisions of subsection (7) of this section: PROVIDED, FURTHER, That
34 if seasonal field conditions prevent the department from being able to
35 properly evaluate the application, the department may issue an approval
36 conditional upon further review within sixty days: PROVIDED, FURTHER,
37 That the department shall have until April 1, 1975, to approve or
38 disapprove an application involving forest practices allowed to
39 continue to April 1, 1975, under the provisions of subsection (2) of

1 this section. Upon receipt of any notification or any satisfactorily
2 completed application the department shall in any event no later than
3 two business days after such receipt transmit a copy to the departments
4 of ecology, wildlife, and fisheries, and to the county(~~(, city, or~~
5 ~~town)~~) in whose jurisdiction the forest practice is to be commenced.
6 Any comments by such agencies shall be directed to the department of
7 natural resources.

8 (6) If the county(~~(, city, or town)~~) believes that an application
9 is inconsistent with this chapter, the forest practices regulations, or
10 any local authority consistent with RCW 76.09.240 as now or hereafter
11 amended, it may so notify the department and the applicant, specifying
12 its objections.

13 (7) The department shall not approve portions of applications to
14 which a county(~~(, city, or town)~~) objects if:

15 (a) The department receives written notice from the county(~~(, city,~~
16 ~~or town)~~) of such objections within fourteen business days from the
17 time of transmittal of the application to the county, (~~(city, or~~
18 ~~town,)~~) or one day before the department acts on the application,
19 whichever is later; and

20 (b) The objections relate to lands either:

21 (i) Platted after January 1, 1960; or

22 (ii) Being converted to another use.

23 The department shall either disapprove those portions of such
24 application or appeal the county(~~(, city, or town)~~) objections to the
25 appeals board. If the objections related to subparagraphs (b) (i) and
26 (ii) of this subsection are based on local authority consistent with
27 RCW 76.09.240 as now or hereafter amended, the department shall
28 disapprove the application until such time as the county(~~(, city, or~~
29 ~~town)~~) consents to its approval or such disapproval is reversed on
30 appeal. The applicant shall be a party to all department appeals of
31 county(~~(, city, or town)~~) objections. Unless the county(~~(, city, or~~
32 ~~town)~~) either consents or has waived its rights under this subsection,
33 the department shall not approve portions of an application affecting
34 such lands until the minimum time for county(~~(, city, or town)~~)
35 objections has expired.

36 (8) In addition to any rights under the above paragraph, the
37 county(~~(, city, or town)~~) may appeal any department approval of an
38 application with respect to any lands within its jurisdiction. The
39 appeals board may suspend the department's approval in whole or in part

1 pending such appeal where there exists potential for immediate and
2 material damage to a public resource.

3 (9) Appeals under this section shall be made to the appeals board
4 in the manner and time provided in RCW 76.09.220(8). In such appeals
5 there shall be no presumption of correctness of either the county(~~(,~~
6 ~~city, or town)~~) or the department position.

7 (10) The department shall, within four business days notify the
8 county(~~(,~~ ~~city, or town)~~) of all notifications, approvals, and
9 disapprovals of an application affecting lands within the county,
10 (~~(city, or town,)~~) except to the extent the county(~~(,~~ ~~city, or town)~~)
11 has waived its right to such notice.

12 (11) A county(~~(,~~ ~~city, or town)~~) may waive in whole or in part its
13 rights under this section, and may withdraw or modify any such waiver,
14 at any time by written notice to the department.

15 **Sec. 32.** RCW 76.09.060 and 1992 c 52 s 22 are each amended to read
16 as follows:

17 (1) The department shall prescribe the form and contents of the
18 notification and application. The forest practices rules shall specify
19 by whom and under what conditions the notification and application
20 shall be signed or otherwise certified as acceptable. The application
21 or notification shall be delivered in person to the department, sent by
22 first class mail to the department or electronically filed in a form
23 defined by the department. The form for electronic filing shall be
24 readily convertible to a paper copy, which shall be available to the
25 public pursuant to chapter 42.17 RCW. The information required may
26 include, but is not limited to:

27 (a) Name and address of the forest landowner, timber owner, and
28 operator;

29 (b) Description of the proposed forest practice or practices to be
30 conducted;

31 (c) Legal description of the land on which the forest practices are
32 to be conducted;

33 (d) Planimetric and topographic maps showing location and size of
34 all lakes and streams and other public waters in and immediately
35 adjacent to the operating area and showing all existing and proposed
36 roads and major tractor roads;

1 (e) Description of the silvicultural, harvesting, or other forest
2 practice methods to be used, including the type of equipment to be used
3 and materials to be applied;

4 (f) Proposed plan for reforestation and for any revegetation
5 necessary to reduce erosion potential from roadsides and yarding roads,
6 as required by the forest practices rules;

7 (g) Soil, geological, and hydrological data with respect to forest
8 practices;

9 (h) The expected dates of commencement and completion of all forest
10 practices specified in the application;

11 (i) Provisions for continuing maintenance of roads and other
12 construction or other measures necessary to afford protection to public
13 resources; and

14 (j) An affirmation that the statements contained in the
15 notification or application are true.

16 (2) Long range plans may be submitted to the department for review
17 and consultation.

18 (3) The application for a forest practice or the notification of a
19 class II forest practice shall indicate whether any land covered by the
20 application or notification will be converted or is intended to be
21 converted to a use other than commercial timber production within three
22 years after completion of the forest practices described in it.

23 (a) If the application states that any such land will be or is
24 intended to be so converted:

25 (i) The reforestation requirements of this chapter and of the
26 forest practices rules shall not apply if the land is in fact so
27 converted unless applicable alternatives or limitations are provided in
28 forest practices rules issued under RCW 76.09.070 as now or hereafter
29 amended;

30 (ii) Completion of such forest practice operations shall be deemed
31 conversion of the lands to another use for purposes of chapters
32 ((84.287)) 84.33((7)) and 84.34 RCW unless the conversion is to a use
33 permitted under a current use tax agreement permitted under chapter
34 84.34 RCW;

35 (iii) The forest practices described in the application are subject
36 to applicable county, city, ((town,)) and regional governmental
37 authority permitted under RCW 76.09.240 as now or hereafter amended as
38 well as the forest practices rules.

1 (b) If the application or notification does not state that any land
2 covered by the application or notification will be or is intended to be
3 so converted:

4 (i) For six years after the date of the application the county,
5 city, (~~(town,~~) and regional governmental entities may deny any or all
6 applications for permits or approvals, including building permits and
7 subdivision approvals, relating to nonforestry uses of land subject to
8 the application;

9 (ii) Failure to comply with the reforestation requirements
10 contained in any final order or decision shall constitute (~~(a removal~~
11 ~~from classification under the provisions of RCW 84.28.065,)~~) a removal
12 of designation under the provisions of RCW 84.33.140, and a change of
13 use under the provisions of RCW 84.34.080, and, if applicable, shall
14 subject such lands to the payments and/or penalties resulting from such
15 removals or changes; and

16 (iii) Conversion to a use other than commercial timber operations
17 within three years after completion of the forest practices without the
18 consent of the county(~~(, city, or town)~~) or municipality shall
19 constitute a violation of each of the county, municipal (~~(city, town)~~),
20 and regional authorities to which the forest practice operations would
21 have been subject if the application had so stated.

22 (c) The application or notification shall be either signed by the
23 landowner or accompanied by a statement signed by the landowner
24 indicating his or her intent with respect to conversion and
25 acknowledging that he or she is familiar with the effects of this
26 subsection.

27 (4) Whenever an approved application authorizes a forest practice
28 which, because of soil condition, proximity to a water course or other
29 unusual factor, has a potential for causing material damage to a public
30 resource, as determined by the department, the applicant shall, when
31 requested on the approved application, notify the department two days
32 before the commencement of actual operations.

33 (5) Before the operator commences any forest practice in a manner
34 or to an extent significantly different from that described in a
35 previously approved application or notification, there shall be
36 submitted to the department a new application or notification form in
37 the manner set forth in this section.

38 (6) The notification to or the approval given by the department to
39 an application to conduct a forest practice shall be effective for a

1 term of two years from the date of approval or notification and shall
2 not be renewed unless a new application is filed and approved or a new
3 notification has been filed. At the option of the applicant, an
4 application or notification may be submitted to cover a single forest
5 practice or a number of forest practices within reasonable geographic
6 or political boundaries as specified by the department. An application
7 or notification that covers more than one forest practice may have an
8 effective term of more than two years. The board shall adopt rules
9 that establish standards and procedures for approving an application or
10 notification that has an effective term of more than two years. Such
11 rules shall include extended time periods for application or
12 notification approval or disapproval. On an approved application with
13 a term of more than two years, the applicant shall inform the
14 department before commencing operations.

15 (7) Notwithstanding any other provision of this section, no prior
16 application or notification shall be required for any emergency forest
17 practice necessitated by fire, flood, windstorm, earthquake, or other
18 emergency as defined by the board, but the operator shall submit an
19 application or notification, whichever is applicable, to the department
20 within forty-eight hours after commencement of such practice.

21 **Sec. 33.** RCW 81.104.080 and 1991 c 318 s 7 are each amended to
22 read as follows:

23 Where applicable, regional transportation plans and local
24 comprehensive plans shall address the relationship between urban growth
25 and an effective high capacity transportation system plan, and provide
26 for cooperation between local jurisdictions and transit agencies.

27 (1) Regional high capacity transportation plans shall be included
28 in the designated regional transportation planning organization's
29 regional transportation plan review and update process to facilitate
30 development of a coordinated multimodal transportation system and to
31 meet federal funding requirements.

32 (2) Interlocal agreements between transit authorities, cities, and
33 counties shall set forth conditions for assuring land uses compatible
34 with development of high capacity transportation systems. These
35 include developing sufficient land use densities through local actions
36 in high capacity transportation corridors and near passenger stations,
37 preserving transit rights of way, and protecting the region's
38 environmental quality. The implementation program for high capacity

1 transportation systems shall favor cities and counties with supportive
2 land use plans. In developing local actions intended to carry out
3 these policies cities and counties shall insure the opportunity for
4 public comment and participation in the siting of such facilities,
5 including stations or transfer facilities. Agencies providing high
6 capacity transportation services, in cooperation with public and
7 private interests, shall promote transit-compatible land uses and
8 development which includes joint development.

9 (3) ~~Interlocal agreements shall ((be consistent with state planning~~
10 ~~goals as set forth in chapter 36.70A RCW. Agreements shall also))~~
11 include plans for concentrated employment centers, mixed-use
12 development, and housing densities that support high capacity
13 transportation systems.

14 (4) Agencies providing high capacity transportation service and
15 other transit agencies shall develop a cooperative process for the
16 planning, development, operations, and funding of feeder transportation
17 systems. Feeder systems may include existing and future intercity
18 passenger systems and alternative technology people mover systems which
19 may be developed by the private or public sector.

20 (5) Cities and counties along corridors designated in a high
21 capacity transportation system plan shall enter into agreements with
22 their designated regional transportation planning organizations, for
23 the purpose of participating in a right of way preservation review
24 process which includes activities to promote the preservation of the
25 high capacity transportation rights of way. The regional
26 transportation planning organization shall serve as the coordinator of
27 the review process.

28 (a) Cities and counties shall forward all development proposals for
29 projects within and adjoining to the rights of way proposed for
30 preservation to the designated regional transportation planning
31 organizations, which shall distribute the proposals for review by
32 parties to the right of way preservation review process.

33 (b) The regional transportation planning organizations shall also
34 review proposals for conformance with the regional transportation plan
35 and associated regional development strategies. The designated
36 regional transportation planning organization shall within ninety days
37 compile local and regional agency comments and communicate the same to
38 the originating jurisdiction and the joint regional policy committee.

1 **Sec. 34.** RCW 81.112.050 and 1992 c 101 s 5 are each amended to
2 read as follows:

3 (1) At the time of formation, the area to be included within the
4 boundary of the authority shall be that area set forth in the system
5 plan adopted by the joint regional policy committee. Prior to
6 submitting the system and financing plan to the voters, the authority
7 may make adjustments to the boundaries as deemed appropriate but must
8 assure that, to the extent possible, the boundaries: (a) Include the
9 largest-population urban growth area designated by each county (~~under~~
10 ~~chapter 36.70A RCW~~); and (b) follow election precinct boundaries. If
11 a portion of any city is determined to be within the service area, the
12 entire city must be included within the boundaries of the authority.

13 (2) After voters within the authority boundaries have approved the
14 system and financing plan, elections to add areas contiguous to the
15 authority boundaries may be called by resolution of the regional
16 transit authority, after consultation with affected transit agencies
17 and with the concurrence of the legislative authority of the city or
18 town if the area is incorporated, or with the concurrence of the county
19 legislative authority if the area is unincorporated. Only those areas
20 that would benefit from the services provided by the authority may be
21 included and services or projects proposed for the area must be
22 consistent with the regional transportation plan. The election may
23 include a single ballot proposition providing for annexation to the
24 authority boundaries and imposition of the taxes at rates already
25 imposed within the authority boundaries.

26 **Sec. 35.** RCW 82.02.020 and 1990 1st ex.s. c 17 s 42 are each
27 amended to read as follows:

28 Except only as expressly provided in RCW 67.28.180 and 67.28.190
29 and the provisions of chapter 82.14 RCW, the state preempts the field
30 of imposing taxes upon retail sales of tangible personal property, the
31 use of tangible personal property, parimutuel wagering authorized
32 pursuant to RCW 67.16.060, conveyances, and cigarettes, and no county,
33 town, or other municipal subdivision shall have the right to impose
34 taxes of that nature. (~~Except as provided in RCW 82.02.050 through~~
35 ~~82.02.090,~~) No county, city, town, or other municipal corporation
36 shall impose any tax, fee, or charge, either direct or indirect, on the
37 construction or reconstruction of residential buildings, commercial
38 buildings, industrial buildings, or on any other building or building

1 space or appurtenance thereto, or on the development, subdivision,
2 classification, or reclassification of land. However, this section
3 does not preclude dedications of land or easements pursuant to RCW
4 58.17.110 within the proposed development or plat which the county,
5 city, town, or other municipal corporation can demonstrate are
6 reasonably necessary as a direct result of the proposed development or
7 plat to which the dedication of land or easement is to apply.

8 This section does not prohibit voluntary agreements with counties,
9 cities, towns, or other municipal corporations that allow a payment in
10 lieu of a dedication of land or to mitigate a direct impact that has
11 been identified as a consequence of a proposed development,
12 subdivision, or plat. A local government shall not use such voluntary
13 agreements for local off-site transportation improvements within the
14 geographic boundaries of the area or areas covered by an adopted
15 transportation program authorized by chapter 39.92 RCW. Any such
16 voluntary agreement is subject to the following provisions:

17 (1) The payment shall be held in a reserve account and may only be
18 expended to fund a capital improvement agreed upon by the parties to
19 mitigate the identified, direct impact;

20 (2) The payment shall be expended in all cases within five years of
21 collection; and

22 (3) Any payment not so expended shall be refunded with interest at
23 the rate applied to judgments to the property owners of record at the
24 time of the refund; however, if the payment is not expended within five
25 years due to delay attributable to the developer, the payment shall be
26 refunded without interest.

27 No county, city, town, or other municipal corporation shall require
28 any payment as part of such a voluntary agreement which the county,
29 city, town, or other municipal corporation cannot establish is
30 reasonably necessary as a direct result of the proposed development or
31 plat.

32 Nothing in this section prohibits cities, towns, counties, or other
33 municipal corporations from collecting reasonable fees from an
34 applicant for a permit or other governmental approval to cover the cost
35 to the city, town, county, or other municipal corporation of processing
36 applications, inspecting and reviewing plans, or preparing detailed
37 statements required by chapter 43.21C RCW.

38 This section does not limit the existing authority of any county,
39 city, town, or other municipal corporation to impose special

1 assessments on property specifically benefitted thereby in the manner
2 prescribed by law.

3 Nothing in this section prohibits counties, cities, or towns from
4 imposing or permits counties, cities, or towns to impose water, sewer,
5 natural gas, drainage utility, and drainage system charges: PROVIDED,
6 That no such charge shall exceed the proportionate share of such
7 utility or system's capital costs which the county, city, or town can
8 demonstrate are attributable to the property being charged: PROVIDED
9 FURTHER, That these provisions shall not be interpreted to expand or
10 contract any existing authority of counties, cities, or towns to impose
11 such charges.

12 Nothing in this section prohibits a transportation benefit district
13 from imposing fees or charges authorized in RCW 36.73.120 nor prohibits
14 the legislative authority of a county, city, or town from approving the
15 imposition of such fees within a transportation benefit district.

16 Nothing in this section prohibits counties, cities, or towns from
17 imposing transportation impact fees authorized pursuant to chapter
18 39.92 RCW.

19 ~~((Nothing in this section prohibits counties, cities, or towns from
20 requiring property owners to provide relocation assistance to tenants
21 under RCW 59.18.440 and 59.18.450.))~~

22 This section does not apply to special purpose districts formed and
23 acting pursuant to Titles 54, 56, 57, or 87 RCW, nor is the authority
24 conferred by these titles affected.

25 **Sec. 36.** RCW 82.46.010 and 1992 c 221 s 1 are each amended to read
26 as follows:

27 (1) The legislative authority of any county or city shall identify
28 in the adopted budget the capital projects funded in whole or in part
29 from the proceeds of the tax authorized in this section, and shall
30 indicate that such tax is intended to be in addition to other funds
31 that may be reasonably available for such capital projects.

32 (2) The legislative authority of any county or any city may impose
33 an excise tax on each sale of real property in the unincorporated areas
34 of the county for the county tax and in the corporate limits of the
35 city for the city tax at a rate not exceeding one-quarter of one
36 percent of the selling price. ~~((The revenues from this tax shall be
37 used by the respective jurisdictions for local capital improvements,
38 including those listed in RCW 35.43.040.~~

1 ~~After April 30, 1992, revenues generated from the tax imposed under~~
2 ~~this subsection in counties over five thousand population and cities~~
3 ~~over five thousand population that are required or choose to plan under~~
4 ~~RCW 36.70A.040 shall be used solely for financing capital projects~~
5 ~~specified in a capital facilities plan element of a comprehensive plan~~
6 ~~and housing relocation assistance under RCW 59.18.440 and 59.18.450.~~
7 ~~However, revenues (a) pledged by such counties and cities to debt~~
8 ~~retirement prior to April 30, 1992, may continue to be used for that~~
9 ~~purpose until the original debt for which the revenues were pledged is~~
10 ~~retired, or (b) committed prior to April 30, 1992, by such counties or~~
11 ~~cities to a project may continue to be used for that purpose until the~~
12 ~~project is completed.))~~

13 (3) In lieu of imposing the tax authorized in RCW 82.14.030(2), the
14 legislative authority of any county or any city may impose an
15 additional excise tax on each sale of real property in the
16 unincorporated areas of the county for the county tax and in the
17 corporate limits of the city for the city tax at a rate not exceeding
18 one-half of one percent of the selling price.

19 (4) Taxes imposed under this section shall be collected from
20 persons who are taxable by the state under chapter 82.45 RCW upon the
21 occurrence of any taxable event within the unincorporated areas of the
22 county or within the corporate limits of the city, as the case may be.

23 (5) Taxes imposed under this section shall comply with all
24 applicable rules, regulations, laws, and court decisions regarding real
25 estate excise taxes as imposed by the state under chapter 82.45 RCW.

26 (6) As used in this section, "city" means any city or town and
27 "capital project" means those public works projects of a local
28 government for planning, acquisition, construction, reconstruction,
29 repair, replacement, rehabilitation, or improvement of streets; roads;
30 highways; sidewalks; street and road lighting systems; traffic signals;
31 bridges; domestic water systems; storm and sanitary sewer systems;
32 parks; recreational facilities; law enforcement facilities; fire
33 protection facilities; trails; libraries; administrative and/or
34 judicial facilities; river and/or waterway flood control projects by
35 those jurisdictions that, prior to June 11, 1992, have expended funds
36 derived from the tax authorized by this section for such purposes; and,
37 until December 31, 1995, housing projects for those jurisdictions that,
38 prior to June 11, 1992, have expended or committed to expend funds

1 derived from the tax authorized by this section or the tax authorized
2 by RCW 82.46.035 for such purposes.

3 **Sec. 37.** RCW 82.46.030 and 1992 c 221 s 2 are each amended to read
4 as follows:

5 (1) The county treasurer shall place one percent of the proceeds of
6 the taxes imposed under this chapter in the county current expense fund
7 to defray costs of collection.

8 (2) The remaining proceeds from the county tax under RCW
9 (~~82.46.010(1)~~) 82.46.010(2) shall be placed in a county capital
10 improvements fund. The remaining proceeds from city or town taxes
11 under RCW (~~82.46.010(1)~~) 82.46.010(2) shall be distributed to the
12 respective cities and towns monthly and placed by the city treasurer in
13 a municipal capital improvements fund. These capital improvements
14 funds shall be used by the respective jurisdictions for local
15 improvements, including those listed in RCW 35.43.040.

16 (3) This section does not limit the existing authority of any city,
17 town, or county to impose special assessments on property specially
18 benefited thereby in the manner prescribed by law.

19 **Sec. 38.** RCW 82.46.040 and 1990 1st ex.s. c 17 s 39 and 1990 1st
20 ex.s. c 5 s 4 are each reenacted and amended to read as follows:

21 Any tax imposed under (~~this chapter or~~) RCW 82.46.010 or
22 82.46.070 and any interest or penalties thereon is a specific lien upon
23 each piece of real property sold from the time of sale until the tax is
24 paid, which lien may be enforced in the manner prescribed for the
25 foreclosure of mortgages.

26 **Sec. 39.** RCW 82.46.050 and 1990 1st ex.s. c 17 s 40 are each
27 amended to read as follows:

28 The taxes levied under (~~this chapter~~) RCW 82.46.010 are the
29 obligation of the seller and may be enforced through an action of debt
30 against the seller or in the manner prescribed for the foreclosure of
31 mortgages. Resort to one course of enforcement is not an election not
32 to pursue the other.

33 **Sec. 40.** RCW 82.46.060 and 1990 1st ex.s. c 17 s 41 and 1990 1st
34 ex.s. c 5 s 5 are each reenacted and amended to read as follows:

1 Any taxes imposed under (~~this chapter or~~) RCW 82.46.010 or
2 82.46.070 shall be paid to and collected by the treasurer of the county
3 within which is located the real property which was sold. The
4 treasurer shall act as agent for any city within the county imposing
5 the tax. The county treasurer shall cause a stamp evidencing
6 satisfaction of the lien to be affixed to the instrument of sale or
7 conveyance prior to its recording or to the real estate excise tax
8 affidavit in the case of used mobile home sales. A receipt issued by
9 the county treasurer for the payment of the tax imposed under (~~this
10 chapter or~~) RCW 82.46.010 or 82.46.070 shall be evidence of the
11 satisfaction of the lien imposed in RCW 82.46.040 and may be recorded
12 in the manner prescribed for recording satisfactions of mortgages. No
13 instrument of sale or conveyance evidencing a sale subject to the tax
14 may be accepted by the county auditor for filing or recording until the
15 tax is paid and the stamp affixed thereto; in case the tax is not due
16 on the transfer, the instrument shall not be accepted until suitable
17 notation of this fact is made on the instrument by the treasurer.

18 **Sec. 41.** RCW 86.12.200 and 1991 c 322 s 3 are each amended to read
19 as follows:

20 The county legislative authority of any county may adopt a
21 comprehensive flood control management plan for any drainage basin that
22 is located wholly or partially within the county.

23 A comprehensive flood control management plan shall include the
24 following elements:

25 (1) Designation of areas that are susceptible to periodic flooding,
26 from inundation by bodies of water or surface water runoff, or both,
27 including the river's meander belt or floodway;

28 (2) Establishment of a comprehensive scheme of flood control
29 protection and improvements for the areas that are subject to such
30 periodic flooding, that includes: (a) Determining the need for, and
31 desirable location of, flood control improvements to protect or
32 preclude flood damage to structures, works, and improvements, based
33 upon a cost/benefit ratio between the expense of providing and
34 maintaining these improvements and the benefits arising from these
35 improvements; (b) establishing the level of flood protection that each
36 portion of the system of flood control improvements will be permitted;
37 (c) identifying alternatives to in-stream flood control work; (d)
38 identifying areas where flood waters could be directed during a flood

1 to avoid damage to buildings and other structures; and (e) identifying
2 sources of revenue that will be sufficient to finance the comprehensive
3 scheme of flood control protection and improvements;

4 (3) Establishing land use regulations that preclude the location of
5 structures, works, or improvements in critical portions of such areas
6 subject to periodic flooding, including a river's meander belt or
7 floodway, and permitting only flood-compatible land uses in such areas;

8 (4) Establishing restrictions on construction activities in areas
9 subject to periodic floods that require the flood proofing of those
10 structures that are permitted to be constructed or remodeled; and

11 (5) Establishing restrictions on land clearing activities and
12 development practices that exacerbate flood problems by increasing the
13 flow or accumulation of flood waters, or the intensity of drainage, on
14 low-lying areas. Land clearing activities do not include forest
15 practices as defined in chapter 76.09 RCW.

16 A comprehensive flood control management plan shall be subject to
17 the minimum requirements for participation in the national flood
18 insurance program, requirements exceeding the minimum national flood
19 insurance program that have been adopted by the department of ecology
20 for a specific flood plain pursuant to RCW 86.16.031, and rules adopted
21 by the department of ecology pursuant to RCW 86.26.050 relating to
22 flood plain management activities. (~~When a county plans under chapter
23 36.70A RCW, it may incorporate the portion of its comprehensive flood
24 control management plan relating to land use restrictions in its
25 comprehensive plan and development regulations adopted pursuant to
26 chapter 36.70A RCW.~~)

--- END ---