

CERTIFICATION OF ENROLLMENT

**SUBSTITUTE SENATE BILL 5821**

53rd Legislature  
1993 Regular Session

Passed by the Senate March 15, 1993  
YEAS 47 NAYS 0

---

**President of the Senate**

Passed by the House April 8, 1993  
YEAS 97 NAYS 0

---

**Speaker of the  
House of Representatives**

Approved

CERTIFICATE

I, Marty Brown, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SUBSTITUTE SENATE BILL 5821** as passed by the Senate and the House of Representatives on the dates hereon set forth.

---

**Secretary**

FILED

---

**Governor of the State of Washington**

**Secretary of State  
State of Washington**

---

**SUBSTITUTE SENATE BILL 5821**

---

Passed Legislature - 1993 Regular Session

**State of Washington                      53rd Legislature                      1993 Regular Session**

**By** Senate Committee on Government Operations (originally sponsored by Senator Loveland; by request of Department of Community Development)

Read first time 02/26/93.

1            AN ACT Relating to the public works board; amending RCW 43.155.070;  
2 providing an effective date; and declaring an emergency.

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

4            **Sec. 1.** RCW 43.155.070 and 1991 sp.s. c 32 s 23 are each amended  
5 to read as follows:

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

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

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

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

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

1 development regulations in conformance with the requirements of chapter  
2 36.70A RCW, after it is required that development regulations be  
3 adopted.

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

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

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

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

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

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

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

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

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

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

35 (4) Before November 1 of each year, the board shall develop and  
36 submit to the chairs of the ways and means committees of the senate and  
37 house of representatives a description of the emergency loans made  
38 under RCW 43.155.065 during the preceding fiscal year and a prioritized  
39 list of projects which are recommended for funding by the legislature,

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

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

18 (6) Subsections (4) and (5) of this section do not apply to loans  
19 made for emergency public works projects under RCW 43.155.065.

20 (7)(a) Loans made for the purpose of capital facilities plans shall  
21 be exempted from subsections (4) and (5) of this section. In no case  
22 shall the total amount of funds utilized for capital facilities plans  
23 and emergency loans exceed the limitation in RCW 43.155.065.

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

28 NEW SECTION. Sec. 2. This act is necessary for the immediate  
29 preservation of the public peace, health, or safety, or support of the  
30 state government and its existing public institutions, and shall take  
31 effect July 1, 1993.

--- END ---