

Chapter 43.160 RCW
ECONOMIC DEVELOPMENT—PUBLIC FACILITIES LOANS AND GRANTS

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RCW 43.160.010 Findings. (1) The legislature finds that it is the public policy of the state of Washington to direct financial resources toward the fostering of economic development through the stimulation of investment and job opportunities and the retention of sustainable existing employment for the general welfare of the inhabitants of the state. Reducing unemployment and reducing the time citizens remain jobless is important for the economic welfare of the state. A valuable means of fostering economic development is the construction of public facilities which contribute to the stability and growth of the state's economic base. Expenditures made for these purposes as authorized in this chapter are declared to be in the public interest, and constitute a proper use of public funds. A community economic revitalization board is needed which shall aid the development of economic opportunities. The general objectives of the board should include:

(a) Strengthening the economies of areas of the state which have experienced or are expected to experience chronically high unemployment rates or below average growth in their economies;

(b) Encouraging the diversification of the economies of the state and regions within the state in order to provide greater seasonal and cyclical stability of income and employment;

(c) Encouraging wider access to financial resources for both large and small industrial development projects;

(d) Encouraging new economic development or expansions to maximize employment;

(e) Encouraging the retention of viable existing firms and employment;

(f) Providing incentives for expansion of employment opportunities for groups of state residents that have been less successful relative to other groups in efforts to gain permanent employment; and

(g) Enhancing job and business growth through facility development and other improvements in innovation partnership zones designated under RCW 43.330.270.

(2) The legislature also finds that the state's economic development efforts can be enhanced by, in certain instances, providing funds to improve state highways, county roads, or city streets for industries considering locating or expanding in this state.

(3) The legislature finds it desirable to provide a process whereby the need for diverse public works improvements necessitated by planned economic development can be addressed in a timely fashion and with coordination among all responsible governmental entities.

(4) The legislature also finds that the state's economic development efforts can be enhanced by, in certain instances, providing funds to assist development of telecommunications infrastructure that supports business development, retention, and expansion in the state.

(5) The legislature also finds that the state's economic development efforts can be enhanced by providing funds to improve markets for those recyclable materials representing a large fraction of the waste stream. The legislature finds that public facilities which result in private construction of processing or remanufacturing facilities for recyclable materials are eligible for consideration from the board.

(6) The legislature finds that sharing economic growth statewide is important to the welfare of the state. The ability of communities to pursue business and job retention, expansion, and development opportunities depends on their capacity to ready necessary economic development project plans, sites, permits, and infrastructure for private investments. Project-specific planning, predevelopment, and infrastructure are critical ingredients for economic development. It is, therefore, the intent of the legislature to increase the amount of funding available through the community economic revitalization board and to authorize flexibility for available resources in these areas to help fund planning, predevelopment, and construction costs of infrastructure and facilities and sites that foster economic vitality and diversification. [2012 c 225 s 2; 2008 c 327 s 1. Prior: 1999 c 164 s 101; 1999 c 94 s 5; 1996 c 51 s 1; 1991 c 314 s 21; 1989 c 431 s 61; 1987 c 422 s 1; 1984 c 257 s 1; 1982 1st ex.s. c 40 s 1.]

Effective date—2008 c 327 ss 1, 2, 4-11, 17: "Sections 1, 2, 4 through 11, and 17 of this act take effect July 1, 2009." [2008 c 327 s 18.]

Findings—Intent—1999 c 164: "The legislature finds that while Washington's economy is currently prospering, economic growth continues to be uneven, particularly as between metropolitan and rural areas. This has created in effect two Washingtons. One afflicted by inadequate infrastructure to support and attract investment, another suffering from congestion and soaring housing prices. In order to address these problems, the legislature intends to use resources strategically to build on our state's strengths while addressing threats to our prosperity." [1999 c 164 s 1.]

Part headings and subheadings not law—1999 c 164: "Part headings and subheadings used in this act are not any part of the law." [1999 c 164 s 801.]

Effective date—1999 c 164: "This act takes effect August 1, 1999." [1999 c 164 s 802.]

Severability—1999 c 164: "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1999 c 164 s 804.]

Legislative finding—Effective dates—1999 c 94: See notes following RCW 43.84.092.

Severability—1996 c 51: "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1996 c 51 s 11.]

Effective dates—1996 c 51: "(1) Sections 1 through 9 and 11 of this act shall take effect July 1, 1996.

(2) Section 10 of this act shall take effect June 30, 1997." [1996 c 51 s 12.]

Findings—1991 c 314: See note following RCW 43.160.020.

RCW 43.160.020 Definitions. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Board" means the community economic revitalization board.

(2) "Broadband" means a network of deployed telecommunications equipment and technologies necessary to provide high-speed internet access and other advanced telecommunications services.

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

(4) "Frontier county" means a county with a population density of fewer than 50 persons per square mile as determined by the office of financial management and published each year by the department. A county with a population density of 21 or fewer persons per square mile is a "frontier one" county. A county with a population density of more than 21 but fewer than 50 persons per square mile is a "frontier

two" county. Every frontier county is also a rural county under this chapter and eligible for all benefits, services, and programs of a rural county unless a frontier county is specifically excluded in the authorizing statute.

(5) "Local government" or "political subdivision" means any port district, county, city, town, special purpose district, and any other municipal corporations or quasi-municipal corporations in the state providing for public facilities under this chapter.

(6) "Public facilities" means a project of a local government or a federally recognized Indian tribe for the planning, acquisition, construction, repair, reconstruction, replacement, rehabilitation, or improvement of: Bridges; roads; research, testing, training, and incubation facilities in areas designated as innovation partnership zones under RCW 43.330.270; buildings or structures; domestic and industrial water, earth stabilization, sanitary sewer, storm sewer, railroad, electricity, telecommunications, transportation, natural gas, and port facilities; all for the purpose of job creation, job retention, or job expansion.

(7) "Rural county" means a county with a population density of fewer than 100 persons per square mile or a county smaller than 225 square miles, as determined by the office of financial management and published each year by the department for the period July 1st to June 30th. [2024 c 86 s 2; 2024 c 47 s 1; 2012 c 225 s 3; 2009 c 565 s 35. Prior: 2008 c 327 s 2; 2008 c 131 s 1; 2004 c 252 s 1; 1999 c 164 s 102; 1997 c 367 s 8; 1996 c 51 s 2; 1995 c 226 s 14; prior: 1993 c 320 s 1; 1993 c 280 s 55; 1992 c 21 s 3; 1991 c 314 s 22; 1985 c 466 s 58; 1985 c 6 s 12; 1984 c 257 s 2; 1983 1st ex.s. c 60 s 1; 1982 1st ex.s. c 40 s 2.]

Reviser's note: This section was amended by 2024 c 47 s 1 and by 2024 c 86 s 2, each without reference to the other. Both amendments are incorporated in the publication of this section under RCW 1.12.025(2). For rule of construction, see RCW 1.12.025(1).

Findings—2024 c 86: See note following RCW 43.160.065.

Effective date—2008 c 327 ss 1, 2, 4-11, 17: See note following RCW 43.160.010.

Effective date—2008 c 131: "This act takes effect July 1, 2009." [2008 c 131 s 6.]

Findings—Intent—Part headings and subheadings not law—Effective date—Severability—1999 c 164: See notes following RCW 43.160.010.

Severability—1997 c 367: "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1997 c 367 s 21.]

Conflict with federal requirements—1997 c 367: "If any part of this act is found to be in conflict with federal requirements that are a prescribed condition to the allocation of federal funds to the state, the conflicting part of this act is inoperative solely to the extent of the conflict and with respect to the agencies directly affected, and this finding does not affect the operation of the

remainder of this act in its application to the agencies concerned. The rules under this act shall meet federal requirements that are a necessary condition to the receipt of federal funds by the state." [1997 c 367 s 22.]

Effective date—1997 c 367: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 1997." [1997 c 367 s 23.]

Severability—Effective dates—1996 c 51: See notes following RCW 43.160.010.

Severability—1995 c 226: "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1995 c 226 s 37.]

Conflict with federal requirements—1995 c 226: "If any part of this act is found to be in conflict with federal requirements that are a prescribed condition to the allocation of federal funds to the state, the conflicting part of this act is inoperative solely to the extent of the conflict and with respect to the agencies directly affected, and this finding does not affect the operation of the remainder of this act in its application to the agencies concerned. The rules under this act shall meet federal requirements that are a necessary condition to the receipt of federal funds by the state." [1995 c 226 s 38.]

Effective date—1995 c 226: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1995." [1995 c 226 s 39.]

Effective date—1993 c 280: See RCW 43.330.902.

Findings—1991 c 314: "The legislature finds that:

(1) Cutbacks in allowable sales of old growth timber in Washington state pose a substantial threat to the region and the state with massive layoffs, loss of personal income, and declines in state revenues;

(2) The timber impact areas are of critical significance to the state because of their leading role in the overall economic well-being of the state and their importance to the quality of life to all residents of Washington, and that these regions require a special state effort to diversify the local economy;

(3) There are key opportunities to broaden the economic base in the timber impact areas including agriculture, high-technology, tourism, and regional exports; and

(4) A coordinated state, local, and private sector effort offers the greatest potential to promote economic diversification and to provide support for new projects within the region.

The legislature further finds that if a special state effort does not take place the decline in allowable timber sales may result in a loss of six thousand logging and milling jobs; two hundred million

dollars in direct wages and benefits; twelve thousand indirect jobs; and three hundred million dollars in indirect wages and benefits.

It is the intent of the legislature to develop comprehensive programs to provide diversified economic development and promote job creation and employment opportunities for the citizens of the timber impact areas." [1991 c 314 s 1.]

Effective date—Severability—1985 c 466: See notes following RCW 43.31.125.

**RCW 43.160.030 Community economic revitalization board—Members—
Terms—Chair, vice chair—Management services—Travel expenses—
Vacancies—Removal.**

(1) The community economic revitalization board is hereby created to exercise the powers granted under this chapter.

(2) The board shall consist of one member from each of the two major caucuses of the house of representatives to be appointed by the speaker of the house and one member from each of the two major caucuses of the senate to be appointed by the president of the senate. The board shall also consist of the following members appointed by the director of commerce: A recognized private or public sector economist; one port district official; one county official; one city official; one representative of a federally recognized Indian tribe; one representative of the public; one representative of small businesses each from: (a) The area west of Puget Sound, (b) the area east of Puget Sound and west of the Cascade range, (c) the area east of the Cascade range and west of the Columbia river, and (d) the area east of the Columbia river; one executive from large businesses each from the area west of the Cascades and the area east of the Cascades. The appointive members shall initially be appointed to terms as follows: Three members for one-year terms, three members for two-year terms, and three members for three-year terms which shall include the chair. Thereafter each succeeding term shall be for three years. The chair of the board shall be selected by the director of commerce. The members of the board shall elect one of their members to serve as vice chair. The director of commerce, the director of revenue, the commissioner of employment security, and the secretary of transportation shall serve as nonvoting advisory members of the board.

(3) Management services, including fiscal and contract services, shall be provided by the department to assist the board in implementing this chapter.

(4) Members of the board shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060.

(5) If a vacancy occurs by death, resignation, or otherwise of appointive members of the board, the director of commerce shall fill the same for the unexpired term. Members of the board may be removed for malfeasance or misfeasance in office, upon specific written charges by the director of commerce, under chapter 34.05 RCW.

(6) A member appointed by the director of commerce may not be absent from more than fifty percent of the regularly scheduled meetings in any one calendar year. Any member who exceeds this absence limitation is deemed to have withdrawn from the office and may be replaced by the director of commerce.

(7) A majority of members currently appointed constitutes a quorum. [2011 1st sp.s. c 21 s 25; 2008 c 327 s 3; 2004 c 252 s 2; 2003 c 151 s 1; 1996 c 51 s 3; 1995 c 399 s 86; 1993 c 320 s 2. Prior:

1987 c 422 s 2; 1987 c 195 s 11; prior: 1985 c 446 s 2; 1985 c 6 s 13; prior: 1985 c 446 s 1; 1984 c 287 s 89; 1983 1st ex.s. c 60 s 2; 1982 1st ex.s. c 40 s 3.]

Effective date—2011 1st sp.s. c 21: See note following RCW 72.23.025.

Effective date—2008 c 327 s 3: "Section 3 of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately [April 1, 2008]." [2008 c 327 s 19.]

Severability—Effective dates—1996 c 51: See notes following RCW 43.160.010.

Legislative findings—Severability—Effective date—1984 c 287: See notes following RCW 43.03.220.

RCW 43.160.035 Designees for board members. Each member of the house of representatives who is appointed to the community economic revitalization board under RCW 43.160.030 may designate another member from the house of representatives to take his or her place on the board for meetings at which the member will be absent, as long as the designated member belongs to the same caucus. The designee shall have all powers to vote and participate in board deliberations as have the other board members. Each member of the senate who is appointed to the community economic revitalization board under RCW 43.160.030 may designate another member from the senate to take his or her place on the board for meetings at which the member will be absent, as long as the designated member belongs to the same caucus. The designee shall have all powers to vote and participate in board deliberations as have the other board members. Each agency head of an executive agency who is appointed to serve as a nonvoting advisory member of the community economic revitalization board under RCW 43.160.030 may designate an agency employee to take his or her place on the board for meetings at which the agency head will be absent. The designee will have all powers to participate in board deliberations as have the other board members but shall not have voting powers. [2003 c 151 s 2; 1993 c 320 s 3; 1987 c 422 s 3; 1985 c 446 s 4.]

RCW 43.160.040 Conflicts of interest—Code of ethics. In addition to other applicable provisions of law pertaining to conflicts of interest of public officials, no board member, appointive or otherwise, may participate in any decision on any board contract in which the board member has any interests, direct or indirect, with any firm, partnership, corporation, or association which would be the recipient of any aid under this chapter. In any instance where the participation occurs, the board shall void the transaction, and the involved member shall be subject to whatever further sanctions may be provided by law. The board shall frame and adopt a code of ethics for its members, which shall be designed to protect the state and its citizens from any unethical conduct by the board. [1982 1st ex.s. c 40 s 4.]

RCW 43.160.050 Powers of board. The board may:

- (1) Adopt bylaws for the regulation of its affairs and the conduct of its business.
- (2) Adopt an official seal and alter the seal at its pleasure.
- (3) Utilize the services of other governmental agencies.
- (4) Accept from any federal agency loans or grants for the planning or financing of any project and enter into an agreement with the agency respecting the loans or grants.
- (5) Conduct examinations and investigations and take testimony at public hearings of any matter material for its information that will assist in determinations related to the exercise of the board's lawful powers.
- (6) Accept any gifts, grants, or loans of funds, property, or financial or other aid in any form from any other source on any terms and conditions which are not in conflict with this chapter.
- (7) Enter into agreements or other transactions with and accept grants and the cooperation of any governmental agency in furtherance of this chapter.
- (8) Adopt rules under chapter 34.05 RCW as necessary to carry out the purposes of this chapter.
- (9) Do all acts and things necessary or convenient to carry out the powers expressly granted or implied under this chapter. [2008 c 327 s 4; 1996 c 51 s 4; 1987 c 422 s 4; 1982 1st ex.s. c 40 s 5.]

Effective date—2008 c 327 ss 1, 2, 4-11, 17: See note following RCW 43.160.010.

Severability—Effective dates—1996 c 51: See notes following RCW 43.160.010.

RCW 43.160.060 Loans and grants to political subdivisions and federally recognized Indian tribes for public facilities authorized—Application—Requirements for financial assistance. (1) The board is authorized to make direct loans to political subdivisions of the state and to federally recognized Indian tribes for the purposes of assisting the political subdivisions and federally recognized Indian tribes in financing the cost of public facilities, including development of land and improvements for public facilities, project-specific environmental, capital facilities, land use, permitting, feasibility, and marketing studies and plans; project design, site planning, and analysis; project debt and revenue impact analysis; as well as the construction, rehabilitation, alteration, expansion, or improvement of the facilities. A grant may also be authorized for purposes designated in this chapter, but only when, and to the extent that, a loan is not reasonably possible, given the limited resources of the political subdivision or the federally recognized Indian tribe and the finding by the board that financial circumstances require grant assistance to enable the project to move forward. However, no more than twenty-five percent of all financial assistance approved by the board in any biennium may consist of grants to political subdivisions and federally recognized Indian tribes.

(2) Application for funds must be made in the form and manner as the board may prescribe. In making grants or loans the board must conform to the following requirements:

- (a) The board may not provide financial assistance:

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

(ii) For any project that evidence exists would result in a development or expansion that would displace existing jobs in any other community in the state.

(iii) For a project the primary purpose of which is to facilitate or promote gambling.

(iv) For a project located outside the jurisdiction of the applicant political subdivision or federally recognized Indian tribe.

(b) The board may only provide financial assistance:

(i) For a project demonstrating convincing evidence that a specific private development or expansion is ready to occur and will occur only if the public facility improvement is made that:

(A) Results in the creation of significant private sector jobs or significant private sector capital investment as determined by the board; and

(B) Will improve the opportunities for the successful maintenance, establishment, or expansion of industrial or commercial plants or will otherwise assist in the creation or retention of long-term economic opportunities;

(ii) For a project that cannot meet the requirement of (b)(i) of this subsection but is a project that:

(A) Results in the creation of significant private sector jobs or significant private sector capital investment as determined by the board;

(B) Is part of a local economic development plan consistent with applicable state planning requirements;

(C) Can demonstrate project feasibility using standard economic principles; and

(D) Is located in a rural community as defined by the board, or a rural county;

(iii) For site-specific plans, studies, and analyses that address environmental impacts, capital facilities, land use, permitting, feasibility, marketing, project engineering, design, site planning, costs of achieving site readiness, and project debt and revenue impacts, as grants. After December 31, 2028, such grants may not exceed \$200,000. For purposes of this subsection (2)(b)(iii), "achieving site readiness" must be defined by the board.

(c) The board must develop guidelines for local participation and allowable match and activities.

(d) An application must demonstrate local match and local participation, in accordance with guidelines developed by the board.

(e) An application must be approved by the political subdivision and supported by the local associate development organization or local workforce development council or approved by the governing body of the federally recognized Indian tribe.

(f) The board may allow de minimis general system improvements to be funded if they are critically linked to the viability of the project.

(g) An application must demonstrate convincing evidence that the median hourly wage of the private sector jobs created after the project is completed will exceed the countywide median hourly wage.

(h) The board must prioritize each proposed project according to:

(i) The relative benefits provided to the community by the jobs the project would create, not just the total number of jobs it would create after the project is completed, but also giving consideration

to the unemployment rate in the area in which the jobs would be located;

(ii) The rate of return of the state's investment, including, but not limited to, the leveraging of private sector investment, anticipated job creation and retention, and expected increases in state and local tax revenues associated with the project;

(iii) Whether the proposed project offers a health insurance plan for employees that includes an option for dependents of employees;

(iv) Whether the public facility investment will increase existing capacity necessary to accommodate projected population and employment growth in a manner that supports infill and redevelopment of existing urban or industrial areas that are served by adequate public facilities. Projects should maximize the use of existing infrastructure and provide for adequate funding of necessary transportation improvements;

(v) Whether the applicant's permitting process has been certified as streamlined by the office of regulatory assistance; and

(vi) Whether the applicant has developed and adhered to guidelines regarding its permitting process for those applying for development permits consistent with section 1(2), chapter 231, Laws of 2007.

(i) A responsible official of the political subdivision or the federally recognized Indian tribe must be present during board deliberations and provide information that the board requests.

(3) Before any financial assistance application is approved, the political subdivision or the federally recognized Indian tribe seeking the assistance must demonstrate to the community economic revitalization board that no other timely source of funding is available to it at costs reasonably similar to financing available from the community economic revitalization board. [2023 c 93 s 2; 2014 c 112 s 108; 2012 c 196 s 10; 2008 c 327 s 5; 2007 c 231 s 3; 2004 c 252 s 3. Prior: 2002 c 242 s 4; 2002 c 239 s 1; 1999 c 164 s 103; 1996 c 51 s 5; 1993 c 320 s 4; 1990 1st ex.s. c 17 s 73; 1989 c 431 s 62; 1987 c 422 s 5; 1985 c 446 s 3; 1983 1st ex.s. c 60 s 3; 1982 1st ex.s. c 40 s 6.]

Findings—Intent—2023 c 93: "(1) The legislature finds that while many of Washington's high-wage industries, particularly those clustered around the Puget Sound corridor, have weathered both public health and economic crises well, many rural communities continue to struggle to recover without adequate access to resources. This has negative impacts on rural communities' broader ability to retain and grow family-wage jobs and local businesses, grow their tax base, and provide basic government services.

(2) The legislature further finds that reliable, modern infrastructure is critical for successful economic recovery and development. The underpinning of all commerce is physical infrastructure: Roads, transit, airports, railroads, water and sewer, broadband, and energy. Public investments in infrastructure create construction jobs, set the stage for future private investment, and shape an area's prospects for generations. New or relocating businesses often factor in the degree of certainty in timing of permitting and predevelopment work in selecting a site to locate.

(3) Therefore, the legislature intends to promote permanent job growth, ensure equitable recovery, and provide businesses as much predictability and certainty as possible through supporting site

readiness and investments in predevelopment work to help give new or relocating businesses the assurance and confidence they need to choose Washington communities as their next home." [2023 c 93 s 1.]

Effective date—2008 c 327 ss 1, 2, 4-11, 17: See note following RCW 43.160.010.

Findings—Recommendations—Reports encouraged—2007 c 231: See note following RCW 43.155.070.

Findings—Intent—2002 c 242: See note following RCW 43.84.092.

Findings—Intent—Part headings and subheadings not law—Effective date—Severability—1999 c 164: See notes following RCW 43.160.010.

Severability—Effective dates—1996 c 51: See notes following RCW 43.160.010.

Intent—1990 1st ex.s. c 17: See note following RCW 43.210.010.

Severability—Part, section headings not law—1990 1st ex.s. c 17: See RCW 36.70A.900 and 36.70A.901.

RCW 43.160.065 Loans and grants to local governments and federally recognized Indian tribes for rural broadband authorized—Application—Requirements for financial assistance. (1) The board is authorized to make rural broadband loans and grants to local governments and to federally recognized Indian tribes for the purposes of financing the cost to build infrastructure to provide high-speed, open-access broadband service, to rural and underserved communities, for the purpose of economic or community development.

(2) Applications for funding must be made in the form and manner as the board may prescribe. In making grants or loans the board must conform to the following requirements:

(a) The board may not provide financial assistance:

(i) For a project the primary purpose of which is to facilitate or promote a retail shopping development or expansion; or

(ii) For the deployment of publicly owned telecommunications network infrastructure (commonly referred to as "backbone") solely for the sake of creating competitive, publicly owned telecommunications network infrastructure.

(b) The board may provide financial assistance only for projects located in a rural community as defined by the board, or located in a rural county, that encourage, foster, develop, and improve broadband within the state in order to:

(i) Drive job creation, promote innovation, and expand markets for local businesses; or

(ii) Serve the ongoing and growing needs of the local education system, health care system, public safety system, industries and businesses, governmental operations, and citizens.

(c) An application must be approved by the local government and supported by the local associate development organization or local workforce development council or approved by the governing body of the federally recognized Indian tribe.

(d) The board may allow de minimis general system improvements to be funded if they are critically linked to the viability of the project.

(e) When evaluating and prioritizing projects, the board must give consideration, at a minimum, to the following factors:

(i) The project's value to the community, including evidence of support from affected local businesses and government;

(ii) The project's feasibility, using standard economic principles;

(iii) Commitment of local matching resources and local participation;

(iv) The project's use of a technology-neutral approach in order to expand access at the lowest cost;

(v) The project's inclusion in a capital facilities plan, comprehensive plan, or local economic development plan consistent with applicable state planning requirements; and

(vi) The project's readiness to proceed.

(3) A responsible official of the local government or the federally recognized Indian tribe must be present during board deliberations and provide information that the board requests.

(4) Before any financial assistance application is approved, the local government or the federally recognized Indian tribe seeking the assistance must demonstrate to the board that no other timely source of funding is available to it at costs reasonably similar to financing available from the board. [2024 c 86 s 3.]

Findings—2024 c 86: "The legislature recognizes that high-speed internet connectivity through broadband is essential to support educational opportunity; innovations in the provision of education, public safety, and health care; and business growth. The legislature also finds that open-access broadband networks create a public platform that bolsters the private sector's ability to provide broadband internet access to communities for which access was previously cost-prohibitive. Therefore, to efficiently and sustainably expand access to broadband throughout Washington, this act establishes a grant and loan program through the community economic revitalization board for local governments and federally recognized Indian tribes to develop open-access broadband networks." [2024 c 86 s 1.]

RCW 43.160.070 Conditions. Public facilities financial assistance, when authorized by the board, is subject to the following conditions:

(1) The moneys in the public facilities construction loan revolving account shall be used solely to fulfill commitments arising from financial assistance authorized in this chapter. The total outstanding amount which the board shall dispense at any time pursuant to this section shall not exceed the moneys available from the account.

(2) On contracts made for public facilities loans the board shall determine the interest rate which loans shall bear. The interest rate shall not exceed ten percent per annum. The board may provide reasonable terms and conditions for repayment for loans, including partial forgiveness of loan principal and interest payments on projects located in rural communities as defined by the board, or rural counties. The loans shall not exceed twenty years in duration.

(3) Repayments of loans made from the public facilities construction loan revolving account under the contracts for public facilities construction loans shall be paid into the public facilities construction loan revolving account. Repayments of loans from moneys from the new appropriation from the public works assistance account for the fiscal biennium ending June 30, 1999, shall be paid into the public works assistance account.

(4) When every feasible effort has been made to provide loans and loans are not possible, the board may provide grants upon finding that unique circumstances exist. [2008 c 327 s 6; 1999 c 164 s 104; 1998 c 321 s 27 (Referendum Bill No. 49, approved November 3, 1998); 1997 c 235 s 721; 1996 c 51 s 6; 1990 1st ex.s. c 16 s 802; 1983 1st ex.s. c 60 s 4; 1982 1st ex.s. c 40 s 7.]

Effective date—2008 c 327 ss 1, 2, 4-11, 17: See note following RCW 43.160.010.

Findings—Intent—Part headings and subheadings not law—Effective date—Severability—1999 c 164: See notes following RCW 43.160.010.

Purpose—Severability—1998 c 321: See notes following RCW 82.14.045.

Contingent effective dates—1998 c 321 ss 23-42: See note following RCW 35.58.410.

Severability—Effective date—1997 c 235: See notes following RCW 79A.15.040.

Severability—Effective dates—1996 c 51: See notes following RCW 43.160.010.

Severability—1990 1st ex.s. c 16: "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1990 1st ex.s. c 16 s 803.]

RCW 43.160.074 Application—Request for improvements to existing highways—Procedures. (1) An application to the board from a political subdivision may also include a request for improvements to an existing state highway or highways. The application is subject to all of the applicable criteria relative to qualifying types of development set forth in this chapter, as well as procedures and criteria established by the board.

(2) Before board consideration of an application from a political subdivision that includes a request for improvements to an existing state highway or highways, the application shall be forwarded by the board to the department of transportation.

(3) The board may not make its final determination on any application made under subsection (1) of this section before receiving approval, as submitted or amended or disapproval from the department of transportation as specified in RCW 47.01.280. Notwithstanding its disposition of the remainder of any such application, the board may not approve a request for improvements to an existing state highway or

highways without the approval as submitted or amended of the department of transportation as specified in RCW 47.01.280.

(4) The board shall notify the department of transportation of its decision regarding any application made under this section. [2008 c 327 s 7; 1985 c 433 s 5.]

Effective date—2008 c 327 ss 1, 2, 4-11, 17: See note following RCW 43.160.010.

Nonseverability—1985 c 433: "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the entire act and the application of the provision to other persons or circumstances is invalid and of no further force and effect." [1985 c 433 s 10.]

RCW 43.160.076 Financial assistance in rural counties—Areas impacted by the closure or potential closure of large coal-fired electric generation facilities. (1) Except as authorized to the contrary under subsection (2) of this section, from all funds available to the board for financial assistance in a biennium under this chapter, the board shall approve at least seventy-five percent of the first twenty million dollars of funds available and at least fifty percent of any additional funds for financial assistance for projects in rural counties.

(2) If at any time during the last six months of a biennium the board finds that the actual and anticipated applications for qualified projects in rural counties are clearly insufficient to use up the allocations under subsection (1) of this section, then the board shall estimate the amount of the insufficiency and during the remainder of the biennium may use that amount of the allocation for financial assistance to projects not located in rural counties.

(3) The board shall solicit qualifying projects to plan, design, and construct public facilities needed to attract new industrial and commercial activities in areas impacted by the closure or potential closure of large coal-fired electric generation facilities, which for the purposes of this section means a facility that emitted more than one million tons of greenhouse gases in any calendar year prior to 2008. The projects should be consistent with any applicable plans for major industrial activity on lands formerly used or designated for surface coal mining and supporting uses under RCW 36.70A.368. When the board receives timely and eligible project applications from a political subdivision of the state for financial assistance for such projects, the board from available funds shall give priority consideration to such projects. [2011 c 180 s 301; 2008 c 327 s 8. Prior: 1999 c 164 s 105; prior: 1998 c 321 s 28 (Referendum Bill No. 49, approved November 3, 1998); 1998 c 55 s 4; 1997 c 367 s 9; 1996 c 51 s 7; 1995 c 226 s 15; 1993 c 320 s 5; 1991 c 314 s 24; 1985 c 446 s 6.]

Findings—Purpose—2011 c 180: See note following RCW 80.80.010.

Effective date—2008 c 327 ss 1, 2, 4-11, 17: See note following RCW 43.160.010.

Findings—Intent—Part headings and subheadings not law—Effective date—Severability—1999 c 164: See notes following RCW 43.160.010.

Purpose—Severability—1998 c 321: See notes following RCW 82.14.045.

Contingent effective dates—1998 c 321 ss 23-42: See note following RCW 35.58.410.

Severability—Conflict with federal requirements—Effective date—1997 c 367: See notes following RCW 43.160.020.

Severability—Effective dates—1996 c 51: See notes following RCW 43.160.010.

Repeal—1991 c 314: "RCW 43.160.076 and 1998 c 321 § 28, 1997 c 367 § 9, 1996 c 51 § 7, 1995 c 226 § 15, 1993 c 320 § 5, 1991 c 314 § 24, & 1985 c 446 § 6 are each repealed effective June 30, 2000." [1998 c 321 s 29 (Referendum Bill No. 49, approved November 3, 1998); 1997 c 367 s 10; 1995 c 226 s 7; 1993 c 320 s 10; 1991 c 314 s 32.]

Severability—Conflict with federal requirements—Effective date—1995 c 226: See notes following RCW 43.160.020.

Findings—1991 c 314: See note following RCW 43.160.020.

RCW 43.160.077 Applications—Processing of recyclable materials—Department of ecology notice. (1) When the board receives an application from a political subdivision that includes a request for assistance in financing the cost of public facilities to encourage the development of a private facility to process recyclable materials, a copy of the application shall be sent by the board to the department of ecology.

(2) The board shall notify the department of ecology of its decision regarding any application made under this section. [1993 c 320 s 6; 1989 c 431 s 63.]

RCW 43.160.078 Board to familiarize government officials and public with chapter provisions. In order to enhance competition for grants and loans and the quality of projects for which loans and grants are sought, the board shall take such reasonable measures as are necessary to familiarize government officials and members of the public with the provisions of this chapter, particularly the board's authority to make grants and loans. [1985 c 446 s 5.]

RCW 43.160.080 Public facilities construction loan revolving account. There shall be a fund in the state treasury known as the public facilities construction loan revolving account, which shall consist of all moneys collected under this chapter and any moneys appropriated to it by law. Disbursements from the revolving account shall be on authorization of the board. In order to maintain an effective expenditure and revenue control, the public facilities construction loan revolving account shall be subject in all respects

to chapter 43.88 RCW. During the 2013-2015 biennium, amounts in the public facilities construction loan revolving account may be used for the animal disease traceability project in section 3247, chapter 19, Laws of 2013 2nd sp. sess., administered by the department of agriculture. During the 2013-2015 biennium, sums in the public facilities construction loan revolving account may be used for the clean energy partnership project in section 1038, chapter 19, Laws of 2013 2nd sp. sess. During the 2015-2017 biennium, sums in the public facilities construction loan revolving account may be used to continue and enhance the animal disease traceability project in section 3247, chapter 19, Laws of 2013 2nd sp. sess., administered by the department of agriculture. During the 2015-2017 biennium, sums in the public facilities construction loan revolving account may be used for the clean energy partnership project in section 1038, chapter 19, Laws of 2013 2nd sp. sess. [2015 3rd sp.s. c 3 s 7034; 2015 3rd sp.s. c 3 s 6029; 2010 1st sp.s. c 36 s 6011; 2008 c 327 s 11; 1998 c 321 s 30 (Referendum Bill No. 49, approved November 3, 1998); 1992 c 235 s 10; 1991 sp.s. c 13 s 115; 1987 c 422 s 6; 1984 c 257 s 12; 1983 1st ex.s. c 60 s 6; 1982 1st ex.s. c 40 s 8.]

Reviser's note: This section was amended by 2015 3rd sp.s. c 3 s 6029 and by 2015 3rd sp.s. c 3 s 7034, each without reference to the other. Both amendments are incorporated in the publication of this section under RCW 1.12.025(2). For rule of construction, see RCW 1.12.025(1).

Effective date—2015 3rd sp.s. c 3: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately [June 30, 2015]." [2015 3rd sp.s. c 3 s 7045.]

Effective date—2010 1st sp.s. c 36: See note following RCW 43.155.050.

Effective date—2008 c 327 ss 1, 2, 4-11, 17: See note following RCW 43.160.010.

Purpose—Severability—1998 c 321: See notes following RCW 82.14.045.

Contingent effective dates—1998 c 321 ss 23-42: See note following RCW 35.58.410.

Effective dates—Severability—1991 sp.s. c 13: See notes following RCW 18.08.240.

RCW 43.160.090 Records—Audits. The board and the department shall keep proper records of accounts and shall be subject to audit by the state auditor. [1996 c 51 s 8; 1987 c 505 s 42; 1982 1st ex.s. c 40 s 9.]

Severability—Effective dates—1996 c 51: See notes following RCW 43.160.010.

RCW 43.160.900 Community economic revitalization board—

Evaluations of financial assistance—Reporting of evaluations. (1)

The community economic revitalization board shall conduct biennial outcome-based evaluations of the financial assistance provided under this chapter. The evaluations shall include the following:

- (a) Information on the number of applications for community economic revitalization board assistance;
- (b) The number and types of projects approved;
- (c) The grant or loan amount awarded each project;
- (d) The projected number of jobs created or retained by each project;
- (e) The actual number and cost of jobs created or retained by each project;
- (f) The wages and health benefits associated with the jobs;
- (g) The amount of state funds and total capital invested in projects;
- (h) The number and types of businesses assisted by funded projects;
- (i) The location of funded projects;
- (j) The transportation infrastructure available for completed projects;
- (k) The local match and local participation obtained;
- (l) The number of delinquent loans;
- (m) The number of project terminations; and
- (n) Certain information identifying the biennial total number, percentage, and dollar amount of projects' use of: Businesses certified by the office of minority and women's business enterprises under chapter 39.19 RCW and department of veterans affairs under chapter 43.60A RCW, and businesses not yet certified with these organizations but that self-report as meeting the requirements of certification.

(2) The evaluations may also include additional performance measures and recommendations for programmatic changes.

(3) The evaluation must be presented to the governor and appropriate committees of the legislature by December 31st of each even-numbered year. [2023 c 93 s 3; 2014 c 112 s 109; 2008 c 327 s 9; 1993 c 320 s 8; 1987 c 422 s 10; 1985 c 446 s 25; 1982 1st ex.s. c 40 s 10.]

Findings—Intent—2023 c 93: See note following RCW 43.160.060.

Effective date—2008 c 327 ss 1, 2, 4-11, 17: See note following RCW 43.160.010.

Effective date—1993 c 320 s 8: "Section 8 of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately [May 12, 1993]." [1993 c 320 s 12.]

RCW 43.160.902 Captions not part of law—1984 c 257. As used in this act, captions constitute no part of the law. [1984 c 257 s 14.]