

CERTIFICATION OF ENROLLMENT
ENGROSSED SUBSTITUTE HOUSE BILL 1341

Chapter 314, Laws of 1991

52nd Legislature
1991 Regular Session

TIMBER IMPACT AREAS--ECONOMIC GROWTH AND DEVELOPMENT PROGRAMS

EFFECTIVE DATE: 7/28/91 - Except Section 25 which becomes effective on 7/1/93; & Section 20 which becomes effective on 5/21/91.

Passed by the House April 28, 1991
Yeas 97 Nays 0

JOE KING
Speaker of the
House of Representatives

Passed by the Senate April 28, 1991
Yeas 48 Nays 0

JOEL PRITCHARD
President of the Senate

Approved May 21, 1991

CERTIFICATE

I, Alan Thompson, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **ENGROSSED SUBSTITUTE HOUSE BILL 1341** as passed by the House of Representatives and the Senate on the dates hereon set forth.

ALAN THOMPSON
Chief Clerk

FILED

May 21, 1991 - 10:06 a.m.

BOOTH GARDNER
Governor of the State of Washington

Secretary of State
State of Washington

ENGROSSED SUBSTITUTE HOUSE BILL 1341

AS RECOMMENDED BY THE CONFERENCE COMMITTEE

Passed Legislature - 1991 Regular Session

State of Washington

52nd Legislature

1991 Regular Session

By House Committee on Trade & Economic Development (originally sponsored by Representatives Sheldon, Hargrove, Jones, Inslee, Riley, Rayburn, P. Johnson, Bowman, Haugen, Paris, Brumsickle, Wynne, Beck, Fuhrman, Ferguson, Basich, Morton, Padden, Roland, Heavey, H. Myers, Peery, Ebersole, May, Lisk, Zellinsky, Nealey, Edmondson, Cooper, Betrozoff, Miller, Mitchell, Jacobsen, R. King, Wineberry, Franklin and R. Johnson). Read first time March 6, 1991.

1 AN ACT Relating to economic development; amending RCW 43.210.030,
2 43.168.020, 43.160.010, 43.160.020, 43.160.076, 43.17.065, and
3 53.36.030; reenacting and amending RCW 43.210.050; adding new sections
4 to chapter 43.31 RCW; adding new sections to chapter 43.210 RCW; adding
5 new sections to chapter 43.131 RCW; adding new sections to chapter
6 43.160 RCW; adding a new section to chapter 43.168 RCW; creating new
7 sections; repealing RCW 43.160.076; providing an effective date;
8 providing an expiration date; and declaring an emergency.

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

10 NEW SECTION. **Sec. 1.** The legislature finds that:

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

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

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

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

12 The legislature further finds that if a special state effort does
13 not take place the decline in allowable timber sales may result in a
14 loss of six thousand logging and milling jobs; two hundred million
15 dollars in direct wages and benefits; twelve thousand indirect jobs;
16 and three hundred million dollars in indirect wages and benefits.

17 It is the intent of the legislature to develop comprehensive
18 programs to provide diversified economic development and promote job
19 creation and employment opportunities for the citizens of the timber
20 impact areas.

21 NEW SECTION. **Sec. 2.** For the purposes of sections 2 through 10
22 of this act:

23 (1) "Board" means the economic recovery coordination board;

24 (2) "Timber impact area" means a county having a population of less
25 than five hundred thousand, or a city or town located within a county
26 having a population of less than five hundred thousand, and meeting two
27 of the following three criteria, as determined by the employment
28 security department, for the most recent year such data is available:

29 (a) A lumber and wood products employment location quotient at or above

1 the state average; (b) projected or actual direct lumber and wood
2 products job losses of one hundred positions or more, except counties
3 having a population greater than two hundred thousand but less than
4 five hundred thousand must have direct lumber and wood products job
5 losses of one thousand positions or more; or (c) an annual unemployment
6 rate twenty percent or more above the state average.

7 NEW SECTION. **Sec. 3.** (1) The governor shall appoint a timber
8 recovery coordinator. The coordinator shall coordinate the state and
9 federal economic and social programs targeted to timber impact areas.

10 (2) The coordinator's responsibilities shall include but not be
11 limited to:

12 (a) Serving as executive secretary of the economic recovery
13 coordination board and directing staff associated with the board.

14 (b) Chairing the agency timber task force and directing staff
15 associated with the task force.

16 (c) Coordinating and maximizing the impact of state and federal
17 assistance to timber impact areas.

18 (d) Coordinating and expediting programs to assist timber impact
19 areas.

20 (e) Providing the legislature with a status and impact report on
21 the timber recovery program in January 1992.

22 (3) This section shall expire June 30, 1993.

23 NEW SECTION. **Sec. 4.** (1) There is established the agency timber
24 task force. The task force shall be chaired by the timber recovery
25 coordinator. It shall be the responsibility of the coordinator that
26 all directives of this act are carried out expeditiously by the
27 agencies represented in the task force. The task force shall consist
28 of the directors, or representatives of the directors, of the following

1 agencies: The department of trade and economic development, department
2 of community development, employment security department, department of
3 social and health services, state board for community college
4 education, state board for vocational education, or its replacement
5 entity, department of natural resources, department of transportation,
6 state energy office, department of wildlife, University of Washington
7 center for international trade in forest products, and department of
8 ecology. The task force may consult and enlist the assistance of the
9 following: The higher education coordinating board, University of
10 Washington college of forest resources, Washington State University
11 school of forestry, Northwest policy center, state superintendent of
12 public instruction, the Evergreen partnership, Washington association
13 of counties, and rural development council.

14 (2) This section shall expire June 30, 1993.

15 NEW SECTION. **Sec. 5.** The Washington state institute for public
16 policy at The Evergreen State College shall design an evaluation
17 mechanism for the timber recovery act and undertake an evaluation of
18 the act's effectiveness by November 1, 1993. The agencies implementing
19 the timber recovery programs under this act shall assist the institute
20 for public policy in this evaluation.

21 NEW SECTION. **Sec. 6.** (1) There is established the economic
22 recovery coordination board consisting of one representative, appointed
23 by the governor, from each county that is a timber impact area. The
24 timber recovery coordinator shall also be a member of the board. Each
25 associate development organization from counties that are timber impact
26 areas, in consultation with the county legislative authority, shall
27 submit to the governor the names of three nominees representing
28 different interests in each county. Within sixty days after the

1 effective date of this section, the governor shall select one nominee
2 from each list submitted by associate development organizations. In
3 making the appointments, the governor shall endeavor to ensure that the
4 board represents a diversity of backgrounds. Vacancies shall be filled
5 in the same manner as the original appointment.

6 (2) The board shall:

7 (a) Advise the timber recovery coordinator and the agency timber
8 task force on issues relating to timber impact area economic and social
9 development, and review and provide recommendations on proposals for
10 the diversification of the timber impact areas presented to it by the
11 timber recovery coordinator.

12 (b) Respond to the needs and concerns of citizens at the local
13 level.

14 (c) Develop strategies for the economic recovery of timber impact
15 areas.

16 (d) Provide recommendations to the governor, the legislature, and
17 congress on land management and economic and regulatory policies that
18 affect timber impact areas.

19 (e) Recommend to the legislature any changes or improvements in
20 existing programs designed to benefit timber impact areas.

21 (3) Members of the board and committees shall receive no
22 compensation but shall be reimbursed for travel expenses under RCW
23 43.03.050 and 43.03.060.

24 (4) This section shall expire June 30, 1993.

25 NEW SECTION. **Sec. 7.** The department of trade and economic
26 development, as a member of the agency timber task force and in
27 consultation with the board, shall:

28 (1) Implement an expanded value-added forest products development
29 industrial extension program. The department shall provide technical

1 assistance to small and medium-sized forest products companies to
2 include:

3 (a) Secondary manufacturing product development;

4 (b) Plant and equipment maintenance;

5 (c) Identification and development of domestic market
6 opportunities;

7 (d) Building products export development assistance;

8 (e) At-risk business development assistance;

9 (f) Business network development; and

10 (g) Timber impact area industrial diversification.

11 (2) Provide local contracts for small and medium-sized forest
12 product companies, start-ups, and business organizations for business
13 feasibility, market development, and business network contracts that
14 will benefit value-added production efforts in the industry.

15 (3) Contract with local business organizations in timber impact
16 areas for development of programs to promote industrial
17 diversification. In addition, the department shall develop an
18 interagency agreement with the department of community development for
19 local capacity-building grants to local governments and community-based
20 organizations in timber impact areas, which may include long-range
21 planning and needs assessments.

22 For the 1991-93 biennium, the department of trade and economic
23 development shall use funds appropriated for this section for contracts
24 and for no more than two additional staff positions.

25 NEW SECTION. **Sec. 8.** The department of trade and economic
26 development shall increase the resources available to associate
27 development organizations in counties meeting the following criteria,
28 as determined by the employment security department: (1) A lumber and
29 wood products employment location quotient at or above the state

1 average; (2) a direct lumber and wood products job loss of one hundred
2 positions or more; and (3) an annual unemployment rate twenty percent
3 above the state average. These resources are for the purpose of
4 providing economic and community development services in timber impact
5 areas and providing resource and referral services to the community
6 regarding state and local economic and community development services.

7 NEW SECTION. **Sec. 9.** The department of community development as
8 a part of the agency timber task force and in consultation with the
9 board, shall implement a community assistance program to enable
10 communities to build local capacity for sustainable economic
11 development efforts. The program shall provide resources and technical
12 assistance to timber impact areas.

13 In addition, the department shall develop an interagency agreement
14 with the department of trade and economic development for local
15 capacity-building grants to local governments and community-based
16 organizations in timber impact areas.

17 NEW SECTION. **Sec. 10.** In order to explore economic
18 diversification options in timber impact areas and address urban
19 congestion, the Washington state air transportation commission study
20 shall consider the possibility of locating an airport facility designed
21 to relieve air traffic overflow from Seattle-Tacoma international
22 airport in Grays Harbor county.

23 The commission shall consider airport facilities currently in use
24 in Grays Harbor county, the property set aside at the uncompleted
25 Satsop nuclear site, the distance from operating port facilities, the
26 desires of the community, and linkage with the Interstate 5 corridor by
27 rapid transit rail service.

NEW SECTION. **Sec. 11.**

(1) The Pacific Northwest export assistance project is hereby created for the following purposes:

(a) To assist manufacturers relatively new to exporting with gross annual revenues less than twenty-five million dollars with comprehensive services for designing and managing introductory export strategies and in securing financing and credit guarantees for export transactions;

(b) To provide, in cooperation with the export promotion services offered by the department of trade and economic development and the Washington state department of agriculture, information and assistance to manufacturers with gross annual revenues less than twenty-five million dollars about the methods and procedures of structuring company specific export financing and credit guarantee alternatives; or

(c) To provide information to their clients about opportunities in organizing cooperative export networks, foreign sales corporations, or export trading companies under the United States export trading company act of 1982, for the purpose of increasing their comparative sales volume and ability to export their products to foreign markets.

(2) The Pacific Northwest export assistance project is a separate branch of the small business export finance assistance center for accounting and auditing purposes.

(3) The Pacific Northwest export assistance project is subject to the authority of the small business export finance assistance center, under RCW 43.210.020, and shall be governed and managed by the board of directors, under RCW 43.210.030.

NEW SECTION. **Sec. 12.**

(1) The small business export finance assistance center has the following powers and duties when exercising its authority under section 11(3) of this act:

1 (a) Solicit and accept grants, contributions, and any other
2 financial assistance from the federal government, federal agencies, and
3 any other public or private sources to carry out its purposes;

4 (b) Offer comprehensive export assistance and counseling to
5 manufacturers relatively new to exporting with gross annual revenues
6 less than twenty-five million dollars. As close to ninety percent as
7 possible of each year's new cadre of clients must have gross annual
8 revenues of less than five million dollars at the time of their initial
9 contract. At least fifty percent of each year's new cadre of clients
10 shall be from timber impact areas as defined in section 2 of this act.
11 Counseling may include, but not be limited to, helping clients obtain
12 debt or equity financing, in constructing competent proposals, and
13 assessing federal guarantee and/or insurance programs that underwrite
14 exporting risk; assisting clients in evaluating their international
15 marketplace by developing marketing materials, assessing and selecting
16 targeted markets; assisting firms in finding foreign customers by
17 conducting foreign market research, evaluating distribution systems,
18 selecting and assisting in identification of and/or negotiations with
19 foreign agents, distributors, retailers, and by promoting products
20 through attending trade shows abroad; advising companies on their
21 products, guarantees, and after sales service requirements necessary to
22 compete effectively in a foreign market; designing a competitive
23 strategy for a firm's products in targeted markets and methods of
24 minimizing their commercial and political risks; securing for clients
25 specific assistance as needed, outside the center's field of expertise,
26 by referrals to other public or private organizations. The Pacific
27 Northwest export assistance project shall focus its efforts on
28 facilitating export transactions for its clients, and in doing so,
29 provide such technical services as are appropriate to accomplish its
30 mission either with staff or outside consultants;

1 (c) Sign three-year counseling agreements with its clients that
2 provide for termination if adequate funding for the Pacific Northwest
3 export assistance project is not provided in future appropriations.
4 Counseling agreements shall not be renewed unless there are compelling
5 reasons to do so, and under no circumstances shall they be renewed for
6 more than two additional years. A counseling agreement may not be
7 renewed more than once. The counseling agreements shall have mutual
8 performance clauses, that if not met, will be grounds for releasing
9 each party, without penalty, from the provisions of the agreement.
10 Clients shall be immediately released from a counseling agreement with
11 the Pacific Northwest export assistance project, without penalty, if a
12 client wishes to switch to a private export management service and
13 produces a valid contract signed with a private export management
14 service, or if the president of the small business export finance
15 assistance center determines there are compelling reasons to release a
16 client from the provisions of the counseling agreement;

17 (d) May contract with private or public international trade
18 education services to provide Pacific Northwest export assistance
19 project clients with training in international business. The president
20 and board of directors shall decide the amount of funding allocated for
21 educational services based on the availability of resources in the
22 operating budget of the Pacific Northwest export assistance project;

23 (e) May contract with the Washington state international trade fair
24 to provide services for Pacific Northwest export assistance project
25 clients to participate in one trade show annually. The president and
26 board of directors shall decide the amount of funding allocated for
27 trade fair assistance based on the availability of resources in the
28 operating budget of the Pacific Northwest export assistance project;

29 (f) Provide biennial assessments of its performance. Project
30 personnel shall work with the department of revenue and employment

1 security department to confidentially track the performance of the
2 project's clients in increasing tax revenues to the state, increasing
3 gross sales revenues and volume of products destined to foreign
4 clients, and in creating new jobs for Washington citizens. A biennial
5 report shall be prepared for the governor and legislature to assess the
6 costs and benefits to the state from creating the project. The
7 president of the small business export finance assistance center shall
8 design an appropriate methodology for biennial assessments in
9 consultation with the director of the department of trade and economic
10 development and the director of the Washington state department of
11 agriculture. The department of revenue and the employment security
12 department shall provide data necessary to complete this biennial
13 evaluation, if the data being requested is available from existing data
14 bases. Client-specific information generated from the files of the
15 department of revenue and the employment security department for the
16 purposes of this evaluation shall be kept strictly confidential by each
17 department and the small business export finance assistance center;

18 (g) Take whatever action may be necessary to accomplish the
19 purposes set forth in sections 11 through 14 of this act; and

20 (h) Limit its assistance to promoting the exportation of value-
21 added manufactured goods. The project shall not provide counseling or
22 assistance, under any circumstances, for the importation of foreign
23 made goods into the United States.

24 (2) The Pacific Northwest export assistance project shall not,
25 under any circumstances, assume ownership or take title to the goods of
26 its clients.

27 (3) The Pacific Northwest export assistance project may not use any
28 Washington state funds which come from the public treasury of the state
29 of Washington to make loans or to make any payment under a loan
30 guarantee agreement. Under no circumstances may the center use any

1 funds received under RCW 43.210.050 to make or assist in making any
2 loan or to pay or assist in paying any amount under a loan guarantee
3 agreement. Debts of the center shall be center debts only and may be
4 satisfied only from the resources of the center. The state of
5 Washington shall not in any way be liable for such debts.

6 (4) The Pacific Northwest export assistance project shall make
7 every effort to seek nonstate funds to supplement its operations.

8 (5) The Pacific Northwest export assistance project shall take
9 whatever steps are necessary to provide its services, if requested, to
10 the states of Oregon, Idaho, Montana, Alaska, and the Canadian
11 provinces of British Columbia and Alberta. Interstate services shall
12 not be provided by the Pacific Northwest export assistance project
13 during its first biennium of operation. The provision of services may
14 be temporary and subject to the payment of fees, or each state may
15 request permanent services contingent upon a level of permanent funding
16 adequate for services provided. Temporary services and fees may be
17 negotiated by the small business export finance assistance center's
18 president subject to approval of the board of directors. The president
19 of the small business export finance assistance center may enter into
20 negotiations with neighboring states to contract for delivery of the
21 project's services. Final contracts for providing the project's
22 counseling and services outside of the state of Washington on a
23 permanent basis shall be subject to approval of the governor,
24 appropriate legislative oversight committees, and the small business
25 export finance assistance center's board of directors.

26 (6) The small business export finance assistance center may receive
27 such gifts, grants, and endowments from public or private sources as
28 may be made from time to time, in trust or otherwise, for the use and
29 benefit of the purposes of the Pacific Northwest export assistance

1 project and expend the same or any income therefrom according to the
2 terms of the gifts, grants, or endowments.

3 (7) The president of the small business export finance assistance
4 center, in consultation with the board of directors, may use the
5 following formula in determining the number of clients that can be
6 reasonably served by the Pacific Northwest export assistance project
7 relative to its appropriation. Divide the amount appropriated for
8 administration of the Pacific Northwest export assistance project by
9 the marginal cost of adding each additional Pacific Northwest export
10 assistance project client. For the purposes of this calculation, and
11 only for the first biennium of operation, the biennial marginal cost of
12 adding each additional Pacific Northwest export assistance project
13 client shall be fifty-seven thousand ninety-five dollars. The biennial
14 marginal cost of adding each additional client after the first biennium
15 of operation shall be established from the actual operating experience
16 of the Pacific Northwest export assistance project.

17 (8) All receipts from the Pacific Northwest export assistance
18 project shall be deposited into the general fund.

19 NEW SECTION. **Sec. 13.** The department of trade and economic
20 development shall adopt rules under chapter 34.05 RCW as necessary to
21 carry out the purposes of sections 11 through 14 of this act.

22 NEW SECTION. **Sec. 14.** The small business export finance
23 assistance center fund is created in the custody of the state
24 treasurer. Expenditures from the fund may be used only for the
25 purposes of funding the services of the small business export finance
26 assistance center and its projects under this chapter. Only the
27 director of the department of trade and economic development or the
28 director's designee may authorize expenditures from the fund. The

1 director of the department of trade and economic development shall not
2 withhold funds appropriated for the administration of the small
3 business export finance assistance center and its projects, if the
4 small business export finance assistance center complies with the
5 provisions of its contract under RCW 43.210.050 and section 11 of this
6 act. Funding appropriated by the state of Washington shall not be used
7 to provide services to other states or provinces. The fund is subject
8 to allotment procedures under chapter 43.88 RCW, but no appropriation
9 is required for expenditures.

10 **Sec. 15.** RCW 43.210.030 and 1985 c 231 s 3 are each amended to
11 read as follows:

12 The small business export finance assistance center and its
13 branches shall be governed and managed by a board of ~~((seventeen))~~
14 nineteen directors appointed by the governor and confirmed by the
15 senate. The directors shall serve terms of six years except that two
16 of the original directors shall serve for two years and two of the
17 original directors shall serve for four years. The directors may
18 provide for the payment of their expenses. The directors shall include
19 a representative of a not-for-profit corporation formed for the purpose
20 of facilitating economic development, at least two representatives of
21 state financial institutions engaged in the financing of export
22 transactions, a representative of a port district, and a representative
23 of organized labor. Of the remaining board members, there shall be ~~((a~~
24 ~~representative of the governor,))~~ one representative of business from
25 the area west of Puget Sound, one representative of business from the
26 area east of Puget Sound and west of the Cascade range, one
27 representative of business from the area east of the Cascade range and
28 west of the Columbia river, ~~((and))~~ one representative of business from
29 the area east of the Columbia river, the director of the department of

1 trade and economic development, and the director of the department of
2 agriculture. One of the directors shall be a representative of the
3 public selected from the area in the state west of the Cascade mountain
4 range and one director shall be a representative of the public selected
5 from that area of the state east of the Cascade mountain range. One
6 director shall be a representative of the public at large. The
7 directors shall be broadly representative of geographic areas of the
8 state, and the representatives of businesses shall represent at least
9 four different industries in different sized businesses as follows:
10 (a) One representative of a company employing fewer than one hundred
11 persons; (b) one representative of a company employing between one
12 hundred and five hundred persons; ~~((and))~~ (c) ~~((two))~~ one
13 representative~~((s))~~ of ~~((companies))~~ a company employing more than five
14 hundred persons; (d) one representative from an export management
15 company; and (e) one representative from an agricultural or food
16 processing company. Any vacancies on the board due to the expiration
17 of a term or for any other reason shall be filled by appointment by the
18 governor for the unexpired term.

19 **Sec. 16.** RCW 43.210.050 and 1985 c 466 s 64 and 1985 c 231 s 5 are
20 each reenacted and amended to read as follows:

21 The small business export finance assistance center formed under
22 RCW 43.210.020 and 43.210.030 ~~((is eligible to receive consideration~~
23 ~~for))~~ shall enter into a contract under this chapter ~~((from the))~~ with
24 the department of trade and economic development or its statutory
25 successor. The contract shall require the center to provide export
26 assistance services, ~~((may not have a duration of longer than two~~
27 ~~years,))~~ consistent with sections 11 through 14 of this act, shall have
28 a duration of two years, and shall require the center to aggressively
29 seek to fund its continued operation from nonstate funds. The contract

1 shall also require the center to report ~~((at least twice))~~ annually to
2 the department on its success in obtaining nonstate funding. Upon
3 expiration of the contract, any provisions within the contract
4 applicable to the Pacific Northwest export assistance project shall be
5 automatically renewed without change provided the legislature
6 appropriates funds for administration of the small business export
7 assistance center and the Pacific Northwest export assistance project.
8 The provisions of the contract related to the Pacific Northwest export
9 assistance project may be changed at any time if the director of the
10 department of trade and economic development or the president of the
11 small business export finance assistance center present compelling
12 reasons supporting the need for a contract change to the board of
13 directors and a majority of the board of directors agrees to the
14 changes. The department of agriculture shall be included in the
15 contracting negotiations with the department of trade and economic
16 development and the small business export finance assistance center
17 when the Pacific Northwest export assistance project provides export
18 services to industrial sectors within the administrative domain of the
19 Washington state department of agriculture. The department of trade
20 and economic development, the small business export finance assistance
21 center, and, if appropriate, the department of agriculture, shall
22 report annually, as one group, to the appropriate legislative oversight
23 committees on the progress of the Pacific Northwest export assistance
24 project.

25 NEW SECTION. Sec. 17. A new section is added to chapter 43.131
26 RCW to read as follows:

27 The Pacific Northwest export assistance project shall be terminated
28 on June 30, 1996, as provided in section 18 of this act.

1 NEW SECTION. **Sec. 18.** A new section is added to chapter 43.131
2 RCW to read as follows:

3 The following acts or parts of acts, as now existing or hereafter
4 amended, are each repealed, effective June 30, 1997:

5 (1) RCW 43.210.--- and 1991 c -- s 11 (section 11 of this act);

6 (2) RCW 43.210.--- and 1991 c -- s 12 (section 12 of this act);

7 (3) RCW 43.210.--- and 1991 c -- s 13 (section 13 of this act); and

8 (4) RCW 43.210.--- and 1991 c -- s 14 (section 14 of this act).

9 **Sec. 19.** RCW 43.168.020 and 1988 c 42 s 18 are each amended to
10 read as follows:

11 Unless the context clearly requires otherwise, the definitions in
12 this section apply throughout this chapter.

13 (1) "Committee" means the Washington state development loan fund
14 committee.

15 (2) "Department" means the department of community development.

16 (3) "Director" means the director of the department of community
17 development.

18 (4) "Distressed area" means: (a) A county which has an
19 unemployment rate which is twenty percent above the state average for
20 the immediately previous three years; (b) a metropolitan statistical
21 area, as defined by the office of federal statistical policy and
22 standards, United States department of commerce, in which the average
23 level of unemployment for the calendar year immediately preceding the
24 year in which an application is filed under this chapter exceeds the
25 average state unemployment for such calendar year by twenty percent.

26 Applications under this subsection (4)(b) shall be filed by April 30,
27 1989; ((or)) (c) an area within a county, which area: (i) Is composed
28 of contiguous census tracts; (ii) has a minimum population of five
29 thousand persons; (iii) has at least seventy percent of its families

1 and unrelated individuals with incomes below eighty percent of the
2 county's median income for families and unrelated individuals; and (iv)
3 has an unemployment rate which is at least forty percent higher than
4 the county's unemployment rate; or (d) a county designated as a timber
5 impact area under section 2 of this act if an application is filed by
6 July 1, 1993. For purposes of this definition, "families and unrelated
7 individuals" has the same meaning that is ascribed to that term by the
8 federal department of housing and urban development in its regulations
9 authorizing action grants for economic development and neighborhood
10 revitalization projects.

11 (5) "Fund" means the Washington state development loan fund.

12 (6) "Local development organization" means a nonprofit organization
13 which is organized to operate within an area, demonstrates a commitment
14 to a long-standing effort for an economic development program, and
15 makes a demonstrable effort to assist in the employment of unemployed
16 or underemployed residents in an area.

17 (7) "Project" means the establishment of a new or expanded business
18 in an area which when completed will provide employment opportunities.
19 "Project" also means the retention of an existing business in an area
20 which when completed will provide employment opportunities.

21 NEW SECTION. **Sec. 20.** A new section is added to chapter 43.168
22 RCW to read as follows:

23 Any funds appropriated by the legislature to the development loan
24 fund for purposes of the timber recovery act shall be used for
25 development loans in timber impact areas as defined in section 2 of
26 this act.

27 **Sec. 21.** RCW 43.160.010 and 1989 c 431 s 61 are each amended to
28 read as follows:

1 (1) The legislature finds that it is the public policy of the state
2 of Washington to direct financial resources toward the fostering of
3 economic development through the stimulation of investment and job
4 opportunities and the retention of sustainable existing employment for
5 the general welfare of the inhabitants of the state. Reducing
6 unemployment and reducing the time citizens remain jobless is important
7 for the economic welfare of the state. A valuable means of fostering
8 economic development is the construction of public facilities which
9 contribute to the stability and growth of the state's economic base.
10 Strengthening the economic base through issuance of industrial
11 development bonds, whether single or umbrella, further serves to reduce
12 unemployment. Consolidating issues of industrial development bonds
13 when feasible to reduce costs additionally advances the state's purpose
14 to improve economic vitality. Expenditures made for these purposes as
15 authorized in this chapter are declared to be in the public interest,
16 and constitute a proper use of public funds. A community economic
17 revitalization board is needed which shall aid the development of
18 economic opportunities. The general objectives of the board should
19 include:

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

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

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

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

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

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

6 (2) The legislature also finds that the state's economic
7 development efforts can be enhanced by, in certain instances, providing
8 funds to improve state highways in the vicinity of new industries
9 considering locating in this state or existing industries that are
10 considering significant expansion.

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

15 (b) It is the intent of the legislature to create an economic
16 development account within the motor vehicle fund from which
17 expenditures can be made by the department of transportation for state
18 highway improvements necessitated by planned economic development. All
19 such improvements must first be approved by the state transportation
20 commission and the community economic revitalization board in
21 accordance with the procedures established by RCW 43.160.074 and
22 47.01.280. It is further the intent of the legislature that such
23 improvements not jeopardize any other planned highway construction
24 projects. The improvements are intended to be of limited size and
25 cost, and to include such items as additional turn lanes,
26 signalization, illumination, and safety improvements.

27 (3) The legislature also finds that the state's economic
28 development efforts can be enhanced by providing funds to improve
29 markets for those recyclable materials representing a large fraction of
30 the waste stream. The legislature finds that public facilities which

1 result in private construction of processing or remanufacturing
2 facilities for recyclable materials are eligible for consideration from
3 the board.

4 (4) The legislature finds that sharing economic growth state-wide
5 is important to the welfare of the state. Timber impact areas do not
6 share in the economic vitality of the Puget Sound region.
7 Infrastructure is one of several ingredients that are critical for
8 economic development. Timber impact areas generally lack the
9 infrastructure necessary to diversify and revitalize their economies.
10 It is, therefore, the intent of the legislature to increase the
11 availability of funds to help provide infrastructure to timber impact
12 areas.

13 **Sec. 22.** RCW 43.160.020 and 1985 c 466 s 58 are each amended to
14 read as follows:

15 Unless the context clearly requires otherwise, the definitions in
16 this section apply throughout this chapter.

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

18 (2) "Bond" means any bond, note, debenture, interim certificate, or
19 other evidence of financial indebtedness issued by the board pursuant
20 to this chapter.

21 (3) "Department" means the department of trade and economic
22 development or its successor with respect to the powers granted by this
23 chapter.

24 (4) "Financial institution" means any bank, savings and loan
25 association, credit union, development credit corporation, insurance
26 company, investment company, trust company, savings institution, or
27 other financial institution approved by the board and maintaining an
28 office in the state.

(5) "Industrial development facilities" means "industrial development facilities" as defined in RCW 39.84.020.

(6) "Industrial development revenue bonds" means tax-exempt revenue bonds used to fund industrial development facilities.

(7) "Local government" means any port district, county, city, or town.

(8) "Sponsor" means any of the following entities which customarily provide service or otherwise aid in industrial or other financing and are approved as a sponsor by the board: A bank, trust company, savings bank, investment bank, national banking association, savings and loan association, building and loan association, credit union, insurance company, or any other financial institution, governmental agency, or holding company of any entity specified in this subsection.

(9) "Umbrella bonds" means industrial development revenue bonds from which the proceeds are loaned, transferred, or otherwise made available to two or more users under this chapter.

(10) "User" means one or more persons acting as lessee, purchaser, mortgagor, or borrower under a financing document and receiving or applying to receive revenues from bonds issued under this chapter.

(11) "Timber impact area" means a county having a population of less than five hundred thousand, or a city or town located within a county having a population of less than five hundred thousand, and meeting two of the following three criteria, as determined by the employment security department, for the most recent year such data is available: (a) A lumber and wood products employment location quotient at or above the state average; (b) projected or actual direct lumber and wood products job losses of one hundred positions or more, except counties having a population greater than two hundred thousand but less than five hundred thousand must have direct lumber and wood products

1 job losses of one thousand positions or more; or (c) an annual
2 unemployment rate twenty percent or more above the state average.

3 NEW SECTION. **Sec. 23.** A new section is added to chapter 43.160
4 RCW to read as follows:

5 (1) The economic development account is created within the public
6 facilities construction loan revolving fund under RCW 43.160.080.
7 Moneys in the account may be spent only after appropriation.
8 Expenditures from the account may be used only for the purposes of RCW
9 43.160.010(4) and this section. The account is subject to allotment
10 procedures under chapter 43.88 RCW.

11 (2) Applications under this section for assistance from the
12 economic development account are subject to all of the applicable
13 criteria set forth under this chapter, as well as procedures and
14 criteria established by the board, except as otherwise provided.

15 (3) Eligible applicants under this section are limited to political
16 subdivisions of the state in timber impact areas that demonstrate, to
17 the satisfaction of the board, the local economy's dependence on the
18 forest products industry.

19 (4) Applicants must demonstrate that their request is part of an
20 economic development plan consistent with applicable state planning
21 requirements. Applicants must demonstrate that tourism projects have
22 been approved by the local government and are part of a regional
23 tourism plan approved by the local and regional tourism organizations.
24 Industrial projects must be approved by the local government and the
25 associate development organization.

26 (5) Publicly owned projects may be financed under this section upon
27 proof by the applicant that the public project is a necessary component
28 of, or constitutes in whole, a tourism project.

1 (6) Applications must demonstrate local match and participation.
2 Such match may include: Land donation, other public or private funds
3 or both, or other means of local commitment to the project.

4 (7) Board financing for feasibility studies shall not exceed
5 twenty-five thousand dollars per study. Board funds for feasibility
6 studies may be provided as a grant and require a dollar for dollar
7 match with up to one-half in-kind match allowed.

8 (8) Board financing for tourism projects shall not exceed two
9 hundred fifty thousand dollars. Other public facility projects under
10 this section shall not exceed five hundred thousand dollars. Loans
11 with flexible terms and conditions to meet the needs of the applicants
12 shall be provided. Grants may also be authorized, but only when, and to
13 the extent that, a loan is not reasonably possible, given the limited
14 resources of the political subdivision.

15 (9) The board shall develop guidelines for allowable local match
16 and feasibility studies.

17 (10) Applications under this section need not demonstrate evidence
18 that specific private development or expansion is ready to occur or
19 will occur if funds are provided.

20 (11) The board shall establish guidelines for making grants and
21 loans under this section to ensure that the requirements of this
22 chapter are complied with. The guidelines shall include:

23 (a) A process to equitably compare and evaluate applications from
24 competing communities.

25 (b) Criteria to ensure that approved projects will have a high
26 probability of success and are likely to provide long-term economic
27 benefits to the community. The criteria shall include: (i) A minimum
28 amount of local participation, determined by the board per application,
29 to verify community support for the project; (ii) an analysis that
30 establishes the project is feasible using standard economic principles;

1 and (iii) an explanation from the applicant regarding how the project
2 is consistent with the communities' economic strategy and goals.

3 (c) A method of evaluating the impact of the loans or grants on the
4 economy of the community and whether the loans or grants achieved their
5 purpose.

6 **Sec. 24.** RCW 43.160.076 and 1985 c 446 s 6 are each amended to
7 read as follows:

8 (1) Except as authorized to the contrary under subsection (2) of
9 this section, from all funds available to the board for loans and
10 grants, the board shall spend at least ~~((twenty))~~ fifty percent for
11 grants and loans for projects in distressed counties or timber impact
12 areas. For purposes of this section, the term "distressed counties"
13 includes any county, in which the average level of unemployment for the
14 three years before the year in which an application for a loan or grant
15 is filed, exceeds the average state employment for those years by
16 twenty percent.

17 (2) If at any time during the last six months of a biennium the
18 board finds that the actual and anticipated applications for qualified
19 projects in distressed counties or timber impact areas are clearly
20 insufficient to use up the ~~((twenty))~~ fifty percent allocation, then
21 the board shall estimate the amount of the insufficiency and during the
22 remainder of the biennium may use that amount of the allocation for
23 loans and grants for projects not located in distressed counties or
24 timber impact areas.

25 NEW SECTION. **Sec. 25.** A new section is added to chapter 43.160
26 RCW to read as follows:

27 (1) Except as authorized to the contrary under subsection (2) of
28 this section, from all funds available to the board for loans and

1 grants, the board shall spend at least twenty percent for grants and
2 loans for projects in distressed counties. For purposes of this
3 section, the term "distressed counties" includes any county, in which
4 the average level of unemployment for the three years before the year
5 in which an application for a loan or grant is filed, exceeds the
6 average state employment for those years by twenty percent.

7 (2) If at any time during the last six months of a biennium the
8 board finds that the actual and anticipated applications for qualified
9 projects in distressed counties are clearly insufficient to use up the
10 twenty percent allocation, then the board shall estimate the amount of
11 the insufficiency and during the remainder of the biennium may use that
12 amount of the allocation for loans and grants for projects not located
13 in distressed counties.

14 NEW SECTION. Sec. 26. (1) For the period beginning July 1,
15 1991, and ending June 30, 1993, in timber impact areas the public works
16 board may award low-interest or interest-free loans to local
17 governments for construction of new public works facilities that
18 stimulate economic growth or diversification.

19 (2) For the purposes of this section and section 27 of this act:

20 (a) "Public facilities" means bridge, road and street, domestic
21 water, sanitary sewer, and storm sewer systems.

22 (b) "Timber impact area" means a county having a population of less
23 than five hundred thousand, or a city or town located within a county
24 having a population of less than five hundred thousand, and meeting two
25 of the following three criteria, as determined by the employment
26 security department, for the most recent year such data is available:

27 (i) A lumber and wood products employment location quotient at or above
28 the state average; (ii) projected or actual direct lumber and wood
29 products job losses of one hundred positions or more, except counties

1 having a population greater than two hundred thousand but less than
2 five hundred thousand must have direct lumber and wood products job
3 losses of one thousand positions or more; or (iii) an annual
4 unemployment rate twenty percent or more above the state average.

5 (3) The loans may have a deferred payment of up to five years but
6 shall be repaid within twenty years. The public works board may
7 require other terms and conditions and may charge such rates of
8 interest on its loans as it deems appropriate to carry out the purposes
9 of this section. Repayments shall be made to the public works
10 assistance account.

11 (4) The board may make such loans irrespective of the annual loan
12 cycle and reporting required in RCW 43.155.070.

13 NEW SECTION. **Sec. 27.** (1) As authorized by section 26 of this
14 act, the board shall establish criteria for awarding loans to local
15 governments in timber impact areas including, but not limited to, the
16 following:

17 (a) If a county or city, the local government must be imposing the
18 tax authorized by chapter 82.46 RCW at a rate of at least one-quarter
19 of one percent;

20 (b) The local government must have in place a capital improvement
21 plan meeting standards established by the board and an economic
22 development plan meeting standards established by the department;

23 (c) The local economy must have experienced or be about to
24 experience employment losses due to the timber economy;

25 (d) The proposed project must provide an opportunity to create or
26 retain jobs within the local economy. Priority may be given to those
27 projects that provide an opportunity to retain or create jobs for the
28 pool of local workers affected by the timber economy;

1 (e) The local government must provide reasonable assurances of its
2 ability to repay the debt; and

3 (f) The local government must meet any additional guidelines and
4 criteria established by the board for awarding loan funds.

5 (2) Existing debt or other financial obligations of the local
6 government shall not be refinanced under this section and section 26 of
7 this act.

8 (3) The board shall award loans only to those projects that meet
9 the criteria and will fulfill the purpose of this section and section
10 26 of this act. Any funds not obligated at the close of the biennium
11 shall be returned to the public works assistance account.

12 **Sec. 28.** RCW 43.17.065 and 1990 1st ex.s. c 17 s 77 are each
13 amended to read as follows:

14 (1) Where power is vested in a department to issue permits,
15 licenses, certifications, contracts, grants, or otherwise authorize
16 action on the part of individuals, businesses, local governments, or
17 public or private organizations, such power shall be exercised in an
18 expeditious manner. All departments with such power shall cooperate
19 with officials of the business assistance center of the department of
20 trade and economic development, and any other state officials, when
21 such officials request timely action on the part of the issuing
22 department.

23 (2) After August 1, 1991, any agency to which subsection (1) of
24 this section applies shall, with regard to any permits or other actions
25 that are necessary for economic development in timber impact areas, as
26 defined in section 2 of this act, respond to any completed application
27 within forty-five days of its receipt; any response, at a minimum,
28 shall include:

1 (a) The specific steps that the applicant needs to take in order to
2 have the application approved; and

3 (b) The assistance that will be made available to the applicant by
4 the agency to expedite the application process.

5 (3) The agency timber task force established in section 4 of this
6 act shall oversee implementation of this section.

7 (4) Each agency shall define what constitutes a completed
8 application and make this definition available to applicants.

9 **Sec. 29.** RCW 53.36.030 and 1990 c 254 s 1 are each amended to read
10 as follows:

11 ~~((A))~~ (1)(a) Except as provided in (b) of this subsection, a port
12 district may at any time contract indebtedness or borrow money for
13 district purposes and may issue general obligation bonds therefor not
14 exceeding an amount, together with any existing indebtedness of the
15 district not authorized by the voters, of one-fourth of one percent of
16 the value of the taxable property in the district~~((÷and,)).~~

17 (b) Port districts having less than eight hundred million dollars
18 in value of taxable property may at any time contract indebtedness or
19 borrow money for port district purposes and may issue general
20 obligation bonds therefor not exceeding an amount, combined with
21 existing indebtedness of the district not authorized by the voters, of
22 three-eighths of one percent of the value of the taxable property in
23 the district. Prior to contracting for any indebtedness authorized by
24 this subsection (1)(b), the port district must have a comprehensive
25 plan for harbor improvements or industrial development and a long-term
26 financial plan approved by the department of community development.
27 The department of community development is immune from any liability
28 for its part in reviewing or approving port district's improvement or
29 development plans, or financial plans. Any indebtedness authorized by

1 this subsection (1)(b) may be used only to acquire or construct a
2 facility, and, prior to contracting for such indebtedness, the port
3 district must have a lease contract for a minimum of five years for the
4 facility to be acquired or constructed by the debt.

5 (2) With the assent of three-fifths of the voters voting thereon at
6 a general or special port election called for that purpose, a port
7 district may contract indebtedness or borrow money for district
8 purposes and may issue general obligation bonds therefor provided the
9 total indebtedness of the district at any such time shall not exceed
10 three-fourths of one percent of the value of the taxable property in
11 the district((:—PROVIDED FURTHER,—That)).

12 (3) In addition to the indebtedness authorized under subsections
13 (1) and (2) of this section, port districts having less than two
14 hundred million dollars in value of taxable property and operating a
15 municipal airport may at any time contract indebtedness or borrow money
16 for airport capital improvement purposes and may issue general
17 obligation bonds therefor not exceeding an additional one-eighth of one
18 percent of the value of the taxable property in the district without
19 authorization by the voters; and, with the assent of three-fifths of
20 the voters voting thereon at a general or special port election called
21 for that purpose, may contract indebtedness or borrow money for airport
22 capital improvement purposes and may issue general obligation bonds
23 therefor for an additional three-eighths of one percent provided the
24 total indebtedness of the district for all port purposes at any such
25 time shall not exceed one and one-fourth percent of the value of the
26 taxable property in the district.

27 (4) Any port district may issue general district bonds evidencing
28 any indebtedness, payable at any time not exceeding fifty years from
29 the date of the bonds. ((Such)) Any contract for indebtedness or
30 borrowed money authorized by RCW 53.36.030(1)(b) shall not exceed

1 twenty-five years. The bonds shall be issued and sold in accordance
2 with chapter 39.46 RCW.

3 (5) Elections required under this section shall be held as provided
4 in RCW 39.36.050.

5 (6) For the purpose of this section, "indebtedness of the district"
6 shall not include any debt of a county-wide district with a population
7 less than twenty-five hundred people when the debt is secured by a
8 mortgage on property leased to the federal government; and the term
9 "value of the taxable property" shall have the meaning set forth in RCW
10 39.36.015.

11 ~~((Such bonds shall be issued and sold in accordance with chapter~~
12 ~~39.46 RCW.))~~

13 NEW SECTION. Sec. 30. A new section is added to chapter 43.31 RCW
14 to read as follows:

15 (1)(a) Subject to funding for this subsection, the department shall
16 contract with the small business export finance assistance center,
17 created in chapter 43.210 RCW, to assist businesses in timber impact
18 areas obtain financing for the export of their products. The
19 department shall assist the small business export finance assistance
20 center to ensure the services available under this subsection are
21 understood and accessible in timber impact areas.

22 (b) Subject to funding for the necessary reserve funds, the
23 Washington economic development finance authority, created in chapter
24 43.163 RCW, shall provide financing for export transactions where the
25 product being exported is produced in a timber impact area.

26 (2) The department may make rules that are necessary to carry out
27 this section and to coordinate the service described in this section
28 and to prioritize the services based on greatest negative impact from
29 the harvest reductions.

(3) For purposes of this section, the definitions of "timber impact area" is the same as section 2 of this act.

NEW SECTION. **Sec. 31.** (1) Sections 2 through 10 of this act are each added to chapter 43.31 RCW.

(2) Sections 11 through 14 of this act are each added to chapter 43.210 RCW.

NEW SECTION. **Sec. 32.** RCW 43.160.076 and 1991 c -- s 24 (section 24 of this act) & 1985 c 446 s 6 are each repealed effective June 30, 1993.

NEW SECTION. **Sec. 33.** Section 23 of this act expires June 30, 1993.

NEW SECTION. **Sec. 34.** Section 25 of this act shall take effect July 1, 1993.

NEW SECTION. **Sec. 35.** Section 20 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.

NEW SECTION. **Sec. 36.** If specific funding for the purposes of section 5 of this act, referencing this act by section and bill number, is not provided by June 30, 1991, in the omnibus appropriations act, section 5 of this act shall be null and void.

NEW SECTION. **Sec. 37.** If specific funding for the purposes of section 7 of this act, referencing this act by section and bill number,

1 is not provided by June 30, 1991, in the omnibus appropriations act,
2 section 7 of this act shall be null and void.

3 NEW SECTION. **Sec. 38.** If specific funding for the purposes of
4 section 8 of this act, referencing this act by section and bill number,
5 is not provided by June 30, 1991, in the omnibus appropriations act,
6 section 8 of this act shall be null and void.

7 NEW SECTION. **Sec. 39.** If specific funding for the purposes of
8 section 9 of this act, referencing this act by section and bill number,
9 is not provided by June 30, 1991, in the omnibus appropriations act,
10 section 9 of this act shall be null and void.

11 NEW SECTION. **Sec. 40.** If specific funding for the purposes of
12 sections 11 through 18 of this act, referencing this act by section and
13 bill numbers, is not provided by June 30, 1991, in the omnibus
14 appropriations act, sections 11 through 18 of this act shall be null
15 and void.

16 NEW SECTION. **Sec. 41.** If specific funding for the purposes of
17 section 30 of this act, referencing this act by section and bill
18 number, is not provided by June 30, 1991, in the omnibus appropriations
19 act, section 30 of this act shall be null and void.

Passed the House April 28, 1991.

Passed the Senate April 28, 1991.

Approved by the Governor May 21, 1991.

Filed in Office of Secretary of State May 21, 1991.