

**Chapter 43.83 RCW
CAPITAL IMPROVEMENTS**

Sections

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RCW 43.83.020 State building construction account. (1) The state building construction account is hereby established in the state treasury and shall be used exclusively for the purposes of carrying out the provisions of the capital appropriation acts.

(2) During the 2019-2021 fiscal biennium, the legislature may direct the state treasurer to make transfers of moneys from the state building construction account to the advanced environmental mitigation revolving account. [2019 c 413 s 7031; 2015 1st sp.s. c 4 s 33; 2004 c 276 s 907; 1991 sp.s. c 13 s 46; 1987 1st ex.s. c 3 s 9; 1985 c 57 s 43; 1965 c 8 s 43.83.020. Prior: 1959 ex.s. c 9 s 2.]

Effective date—2019 c 413: See note following RCW 28B.15.210.

Severability—Effective date—2004 c 276: See notes following RCW 43.330.167.

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

Effective date—1985 c 57: See note following RCW 18.04.105.

RCW 43.83.340 State and local improvements revolving account—water supply facilities—Definition. (1) The state and local improvements revolving account—water supply facilities is hereby created in the general fund and shall be used exclusively for the purpose of providing funds for the planning, acquisition, construction, and improvement of water supply facilities within the state.

(2) As used in this section, the term "water supply facilities" means domestic, municipal, industrial, and agricultural (and any associated fishery, recreational, or other beneficial use) water supply or distribution systems including, but not limited to, all equipment, utilities, structures, real property, and interests in and improvements on real property necessary for or incidental to the acquisition, construction, installation, or use of any such water supply or distribution system. [2015 1st sp.s. c 4 s 39; 1979 ex.s. c 234 s 3. Formerly RCW 43.99E.020.]

Referral to electorate—1979 ex.s. c 234: "This act shall be submitted to the people for their adoption and ratification, or rejection, at the general election to be held in this state on the Tuesday next succeeding the first Monday in November, 1980, in accordance with Article VIII, section 3 of the state Constitution, in accordance with Article II, section 1 of the state Constitution, and the laws adopted to facilitate the operation thereof." [1979 ex.s. c 234 s 12.]

Reviser's note: "This act," chapter 43.99E RCW (1979 ex.s. c 234), was adopted and ratified by the people at the November 4, 1980, general election (Referendum Bill No. 38). State Constitution Art. 2 s 1(d) provides: ". . . Such measure [initiatives and referendums] shall be in operation on and after the thirtieth day after the election at which it is approved"

RCW 43.83.360 State social and health services construction account—Definition. (1) The state social and health services construction account is hereby created in the state treasury and shall be used exclusively for the purpose of providing needed capital improvements consisting of the planning, acquisition, construction, remodeling, improving, and equipping of social and health services facilities.

(2) As used in this section, the term "social and health services facilities" shall include, without limitation, facilities for use in veterans' service programs, adult correction programs, juvenile rehabilitation programs, mental health programs, and developmental disabilities programs for which an appropriation is made from the social and health services construction account in the general fund by chapter 276, Laws of 1975 1st ex. sess., the capital appropriations act, or subsequent capital appropriations acts. [2015 1st sp.s. c 4 s 36; 1991 sp.s. c 13 s 56; 1985 c 57 s 49; 1975-'76 2nd ex.s. c 125 s 3. Formerly RCW 43.83H.030.]

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

Effective date—1985 c 57: See note following RCW 18.04.105.

RCW 43.83.400 Transfers of real property and facilities to nonprofit corporations. (1) Public bodies may transfer without further consideration real property and facilities acquired, constructed, or otherwise improved under the handicapped facilities 1979 bond issue to nonprofit corporations organized to provide services for individuals with physical or mental disabilities, in exchange for the promise to continually operate services benefiting the public on the site, subject to all the conditions in this section. For purposes of this section, "transfer" may include lease renewals. The nonprofit corporation shall use the real property and facilities for the purpose of providing the following limited programs as designated by the department of social and health services: Nonprofit community centers, close-to-home living units, employment and independent living training centers, vocational rehabilitation centers, developmental disabilities training centers, and community homes for individuals with mental illness.

(2) The deed transferring the property in subsection (1) of this section must provide for immediate reversion back to the public body if the nonprofit corporation ceases to use the property for the purposes described in subsection (1) of this section.

(3) The nonprofit corporation is authorized to sell the property transferred to it pursuant to subsection (1) of this section only if all of the following conditions are satisfied: (a) Any such sale must have the prior written approval by the department of social and health services; (b) all proceeds from such a sale must be applied to the purchase price of a different property or properties of equal or greater value than the original property; (c) any new property or properties must be used for the purposes stated in subsection (1) of this section; (d) the new property or properties must be available for use within one year of sale; and (e) the nonprofit corporation must enter into an agreement with the public entity to reimburse the public entity for the value of the original property at the time of the sale if the nonprofit corporation ceases to use the new property for the purposes described in subsection (1) of this section.

(4) If the nonprofit corporation ceases to use the property for the purposes described in subsection (1) of this section, the property and facilities revert immediately to the public body. The public body shall then determine if the property, or the reimbursed amount in the case of a reimbursement under subsection (3)(e) of this section, may be used by another program as designated by the department of social and health services. These programs have priority in obtaining the property to ensure that the purposes specified in the handicapped facilities 1979 bond issue are carried out.

(5) As used in this section, the term "public body" means the state of Washington, or any agency, political subdivision, taxing district, or municipal corporation thereof, and those Indian tribes now or hereafter recognized as such by the federal government for participation in the federal land and water conservation program and which may constitutionally receive grants or loans from the state of Washington. [2015 1st sp.s. c 4 s 38; 2006 c 35 s 2. Formerly RCW 43.99C.070.]

Reviser's note: This section has been recodified pursuant to RCW 1.08.015(2)(h).

Findings—2006 c 35: "The legislature finds that protecting the public health, safety, and welfare by providing services to needy or vulnerable persons is a fundamental purpose of government. The legislature further finds that private nonprofit corporations fill an important public purpose in providing these types of health, safety, and welfare services to our state's residents. Acting through partnerships with governmental entities, these private sector providers are able to increase the amount and quality of these services available to state residents. The legislature finds that ensuring continued provision of these services in the private sector confers a valuable benefit on the public that constitutes consideration for transfer of certain public property and facilities to eligible private nonprofit corporations, subject to restrictions that provide continued protection of the public interest." [2006 c 35 s 1.]

RCW 43.83.410 Transfers of real property and facilities to nonprofit corporations. (1) Public bodies may transfer without further consideration real property and facilities acquired, constructed, or otherwise improved under the social and health services facilities 1972 bond issue to nonprofit corporations organized to provide individuals with social and health services, in exchange for the promise to continually operate services benefiting the public on the site, subject to all the conditions in this section. For purposes of this section, "transfer" may include lease renewals. The nonprofit corporation shall use the real property and facilities for the purpose of providing the following programs as designated by the department of social and health services: Facilities for social services, adult and juvenile correction or detention, child welfare, day care, drug abuse and alcoholism treatment, mental health, public health, developmental disabilities, and vocational rehabilitation.

(2) The deed transferring the property in subsection (1) of this section must provide for immediate reversion back to the public body if the nonprofit corporation ceases to use the property for the purposes described in subsection (1) of this section.

(3) The nonprofit corporation is authorized to sell the property transferred to it pursuant to subsection (1) of this section only if all of the following conditions are satisfied: (a) Any such sale must be subject to prior written approval by the department of social and health services; (b) all proceeds from such a sale must be applied to the purchase price of a different property or properties of equal or greater value than the original property; (c) any new property or properties must be used for the purposes stated in subsection (1) of this section; (d) the new property or properties must be available for use within one year of sale; and (e) the nonprofit corporation must enter into an agreement with the public entity to reimburse the public entity for the value of the original property at the time of the sale if the nonprofit corporation ceases to use the new property for the purposes described in subsection (1) of this section.

(4) If the nonprofit corporation ceases to use the property for the purposes described in subsection (1) of this section, the property and facilities revert immediately to the public body. The public body shall then determine if the property, or the reimbursed amount in the case of a reimbursement under subsection (3)(e) of this section, may be used by another program as designated by the department of social and health services. These programs have priority in obtaining the property to ensure that the purposes specified in the social and health services facilities 1972 bond issue are carried out.

(5) As used in this section, the term "public body" means the state of Washington, or any agency, political subdivision, taxing district, or municipal corporation thereof, and those Indian tribes now or hereafter recognized as such by the federal government for participation in the federal land and water conservation program and which may constitutionally receive grants or loans from the state of Washington. [2015 1st sp.s. c 4 s 35; 2006 c 35 s 3. Formerly RCW 43.83D.120.]

Reviser's note: This section has been recodified pursuant to RCW 1.08.015(2)(h).

Findings—2006 c 35: See note following RCW 43.83.400.