

Chapter 43.83 RCW
CAPITAL IMPROVEMENTS

Sections

- 43.83.020 State building construction account.
- 43.83.330 State and local improvements revolving account—
Definitions.
- 43.83.340 State and local improvements revolving account—water
supply facilities—Definition.
- 43.83.350 State and local improvements revolving account, Waste
Disposal Facilities, 1980—Definitions.
- 43.83.360 State social and health services construction account—
Definition.
- 43.83.400 Transfers of real property and facilities to nonprofit
corporations.
- 43.83.410 Transfers of real property and facilities to nonprofit
corporations.

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 § 7031; 2015 1st sp.s. c 4 § 33; 2004 c 276 § 907; 1991 sp.s. c 13 § 46; 1987 1st ex.s. c 3 § 9; 1985 c 57 § 43; 1965 c 8 § 43.83.020. Prior: 1959 ex.s. c 9 § 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 43.83.330 State and local improvements revolving account—Definitions. (1) The state and local improvements revolving account is hereby created in the state treasury and shall be used exclusively for the purpose of providing funds for the planning, acquisition, construction, and improvement of public waste disposal facilities in this state.

(2) As used in this section the phrase "public waste disposal facilities" shall not include the acquisition of equipment used to collect, carry, and transport garbage.

(3) As used in this section, the term "waste disposal facilities" shall mean any facilities or systems owned or operated by a public body for the collection, storage, treatment, disposal, recycling, control, or recovery of liquid wastes or solid wastes, including, but not limited to, sanitary sewage, stormwater, residential, industrial,

and commercial wastes, material segregated into recyclables and nonrecyclables, and any combination of such wastes; and all equipment, utilities, structures, real property, and interests in and improvements on real property, necessary for or incidental to such purpose.

(4) 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 § 34; 1991 sp.s. c 13 § 43; 1985 c 57 § 44; 1972 ex.s. c 127 § 3. Formerly RCW 43.83A.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 43.83.340 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 § 39; 1979 ex.s. c 234 § 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 § 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 § 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 43.83.350 State and local improvements revolving account, Waste Disposal Facilities, 1980—Definitions. (1) The state and local improvements revolving account, Waste Disposal Facilities, 1980 is

hereby created in the state treasury and shall be used exclusively for the purpose of providing funds to public bodies for the planning, design, acquisition, construction, and improvement of public waste disposal and management facilities, or for purposes of assisting a public body to obtain an ownership interest in waste disposal and management facilities and/or to defray a part of the payments made by a public body to a service provider under a service agreement entered into pursuant to RCW 70A.140.060, in this state.

(2) "Waste disposal and management facilities" means any facilities or systems for the control, collection, storage, treatment, disposal, recycling, or recovery of nonradioactive liquid wastes or nonradioactive solid wastes, or a combination thereof, including, but not limited to, sanitary sewage, stormwater, residential, industrial, commercial, and agricultural wastes, and concentrations of organic sediments waste, inorganic nutrients, and toxic materials which are causing environmental degradation and loss of the beneficial use of the environment, and material segregated into recyclables and nonrecyclables. Waste disposal and management facilities may include all equipment, utilities, structures, real property, and interest in and improvements on real property necessary for or incidental to such purpose. As used in this chapter, the phrase "waste disposal and management facilities" shall not include the acquisition of equipment used to collect residential or commercial garbage.

(3) "Public body" means the state of Washington or any agency, political subdivision, taxing district, or municipal corporation thereof, an agency of the federal government, and those Indian tribes now or hereafter recognized as such by the federal government.

(4) "Control" means those measures necessary to maintain and/or restore the beneficial uses of polluted land and water resources including, but not limited to, the diversion, sedimentation, flocculation, dredge and disposal, or containment or treatment of nutrients, organic waste, and toxic material to restore the beneficial use of the state's land and water resources and prevent the continued pollution of these resources.

(5) "Planning" means the development of comprehensive plans for the purpose of identifying statewide or regional needs for specific waste disposal facilities as well as the development of plans specific to a particular project. [2021 c 65 § 46; 2015 1st sp.s. c 4 § 40; 1991 sp.s. c 13 § 44; 1985 c 57 § 56; 1980 c 159 § 3. Formerly RCW 43.99F.030.]

Explanatory statement—2021 c 65: See note following RCW 53.54.030.

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 43.83.360 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 § 36; 1991 sp.s. c 13 § 56; 1985 c 57 § 49; 1975-'76 2nd ex.s. c 125 § 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 § 38; 2006 c 35 § 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 § 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 § 35; 2006 c 35 § 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.