

CHAPTER 1

[Senate Bill No. 4025]

SMITH'S COVE WATERWAY—VACATION, SALE

AN ACT Relating to waterways; and creating new sections.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. Section 1. All of that portion of the Smith's Cove waterway in the city of Seattle, not previously vacated by chapter 59, Laws of 1913, as the same appears upon the plat of said city, is vacated as a waterway of the state of Washington.

NEW SECTION. Sec. 2. Upon vacation of the Smith's Cove waterway under section 1 of this act, the fair market value of those tidelands lying landward of the inner harbor line shall be determined by the department of natural resources at an amount not less than the average of at least two independent appraisals. Such lands shall be offered for sale to the Port of Seattle at fair market value. When the entire sale price is received the deed shall be issued in accordance with RCW 79.01.220 or section 32, chapter ___, Laws of 1982 ex. sess. (SSB 4824). Proceeds from sale shall first be used to reimburse the resource management cost account for appraisal costs and the remainder shall be deposited in the state general fund.

Passed the Senate March 16, 1982.

Passed the House March 15, 1982.

Approved by the Governor March 25, 1982.

Filed in Office of Secretary of State March 25, 1982.

CHAPTER 2

[Engrossed Senate Bill No. 3394]

COGENERATION FACILITIES—TAX CREDITS—CERTIFICATE LIMITATION

AN ACT Relating to cogeneration facilities; amending section 5, chapter 191, Laws of 1979 ex. sess. and RCW 82.35.050; amending section 3, chapter 191, Laws of 1979 ex. sess. and RCW 82.35.030; amending section 4, chapter 191, Laws of 1979 ex. sess. and RCW 82.35.040; providing an expiration date; and declaring an emergency.

Be it enacted by the Legislature of the State of Washington:

Section 1. Section 5, chapter 191, Laws of 1979 ex. sess. and RCW 82.35.050 are each amended to read as follows:

When a cogeneration facility is operational and a certificate pertaining thereto has been issued, a credit may be claimed against taxes imposed under chapter 82.04 RCW, if the due date for payment of the taxes is after the effective date of the certificate: PROVIDED, That the date on which

the facility is operational is no more than four years after the date of issuance of the certificate. The amount of the credit shall be ~~((two))~~ three percent of the cost of a facility covered by the certificate for each year the certificate remains in force. The credits shall be cumulative and shall be subject only to the following limitations:

(1) The tax credit shall apply to capital costs only and shall not apply to operating costs.

(2) A person, firm, corporation, or organization which acquires a cogeneration facility shall be entitled to the credit only to the extent that it has previously not been taken. Under no circumstances may a credit be taken more than once against any cost or portion thereof of a cogeneration facility.

(3) No credit exceeding fifty percent of the taxes payable under chapter 82.04 RCW shall be allowed in any reporting period.

(4) The total cumulative amount of the credits allowed for any cogeneration facility covered by a certificate shall not exceed fifty percent of the cost of the cogeneration facility less the total amount of federal investment credit or other federal tax credits applicable to the cogeneration facility.

~~(5) ((The total cumulative amount of credits against state taxes authorized by this chapter shall be reduced by the total amount of any federal investment credit or other federal tax credit actually received by the certificate holder applicable to the cogeneration facility. This reduction shall be made as an offset against the credit claimed in the first reporting period following the allowance of the investment credit, or other credit, and thereafter as an offset against any credit balance as it shall become available to the certificate holder))~~ State credits shall not become available until one year after final cost verification by the department.

Sec. 2. Section 3, chapter 191, Laws of 1979 ex. sess. and RCW 82.35-.030 are each amended to read as follows:

(1) An application for a certificate shall be filed with the department. The application shall contain the estimated or actual cost, plans, and specifications of the cogeneration facility, including all materials incorporated or to be incorporated therein, and a list describing and showing all expenditures made by the applicant for the purpose of cogeneration, together with the operating procedure for the facility, and if the facility has not been constructed, a time schedule for the acquisition and installation or attachment of the cogeneration facility and the proposed operating procedure for the cogeneration facility.

(2) The department shall provide a copy of the application to the energy office within ten days after receipt thereof. Within sixty days after receipt of the application from the department, the office shall approve the application but only if it first determines that construction of the cogeneration facility began or will begin after September 1, ~~((+1979))~~ 1978, that the cogeneration

facility is designed and is operated or will be operated primarily for cogeneration, and that the cogeneration facility is suitable, reasonably adequate, and meets the intent and purposes of this chapter.

(3) Within ten days after approval of the application, the office shall provide a copy thereof to the department. Within thirty days after receipt thereof the department shall issue the certificate but only if it finds that the cost data in the application is accurate.

If the application contains estimated cost data, the certificate shall be conditioned upon the applicant providing sufficient information for the department to determine the actual cost of the cogeneration facility on the date it becomes operational. Within sixty days after the cogeneration facility is operational the department shall review the certificate. If the actual cost of the cogeneration facility is less than the cost shown in the certificate, the department shall issue a modified certificate or a supplement to the original certificate, showing the actual cost of the cogeneration facility.

(4) The department, with the approval of the office, may adopt rules specifying the administrative procedures applicable to applications for certification, the form and manner in which the applications shall be filed and additional information to be contained therein. The rules shall apply to administrative procedures before both the office and the department. An applicant shall have the opportunity for a hearing before the office and the department in respect to their respective decisions granting or denying approval or certification.

This section shall expire on December 31, 1984.

Sec. 3. Section 4, chapter 191, Laws of 1979 ex. sess. and RCW 82.35-.040 are each amended to read as follows:

(1) No certificate or supplement may be issued after December 31, 1984. No certificate including a supplement thereto may be issued for cogeneration facility costs in excess of ten million dollars for any application submitted under this chapter.

(2) The department shall keep a running tabulation of the total cogeneration facility costs incurred or planned to be incurred pursuant to certificates or supplements issued under this chapter. The department may not issue any new certificate or any supplement if the certificate or supplement would result in the tabulation exceeding one hundred million dollars. Nothing in this section shall be deemed to bar any certificate holder from amending the certificate or obtaining a supplement thereto so long as the amendment or supplement is issued prior to December 1, 1984, and does not increase the total amount of cogeneration facility costs incurred or planned to be incurred under the original certificate.

(3) The department may adopt any rules under chapter 34.04 RCW it considers necessary for the administration of this chapter.

NEW SECTION. Sec. 4. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state

government and its existing public institutions, and shall take effect immediately.

Passed the Senate March 20, 1982.

Passed the House March 17, 1982.

Approved by the Governor March 27, 1982.

Filed in Office of Secretary of State March 27, 1982.

CHAPTER 3

[Engrossed Substitute Senate Bill No. 4963]

PORT DISTRICTS—INDUSTRIAL DEVELOPMENT LEVIES

AN ACT Relating to port districts; amending section 1, chapter 265, Laws of 1957 as last amended by section 1, chapter 76, Laws of 1979 and RCW 53.36.100; adding a new section to chapter 84.55 RCW; providing an effective date; and declaring an emergency.

Be it enacted by the Legislature of the State of Washington:

Section 1. Section 1, chapter 265, Laws of 1957 as last amended by section 1, chapter 76, Laws of 1979 and RCW 53.36.100 are each amended to read as follows:

A port district having adopted a comprehensive scheme of harbor improvements and industrial developments may thereafter raise revenue, for ~~((six))~~ twelve years only, in addition to all other revenues now authorized by law, by an annual levy not to exceed forty-five cents per thousand dollars of assessed value against the assessed valuation of the taxable property in such port district. Said levy shall be used exclusively for the exercise of the powers granted to port districts under chapter 53.25 RCW except as provided in RCW 53.36.110. The levy of such taxes is herein authorized notwithstanding the provisions of RCW 84.52.050 and 84.52.043. The revenues derived from levies made under RCW 53.36.100 and 53.36.110 not expended in the year in which the levies are made may be paid into a fund for future use in carrying out the powers granted under chapter 53.25 RCW, which fund may be accumulated and carried over from year to year, with the right to continue to levy the taxes provided for in RCW 53.36.100 and 53.36.110 for the purposes herein authorized.

If a port district intends to levy a tax under this section for one or more years after the first six years authorized in this section, the port commission shall publish notice of this intention, in one or more newspapers of general circulation within the district, by June 1 of the year in which the first levy of the seventh through twelfth year period is to be made. If within ninety days of the date of publication a petition is filed with the county auditor containing the signatures of eight percent of the number of voters registered and voting in the port district for the office of the governor at the last preceding gubernatorial election, the county auditor shall canvass the signatures in the same manner as prescribed in RCW 29.79.200 and certify their sufficiency to the port commission within two weeks. The proposition to